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# Retirement Ends Early for Litigator Who Bought Unit in Millennium Tower

Ben Hancock, The Recorder

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SAN FRANCISCO — Gerald "Jerry" Dodson, a longtime fixture in the Bay Area patent bar known for taking on giants like Monsanto Co. and Genentech Inc., is coming out of retirement to sue the developer of the building where he now lives: San Francisco's sinking Millennium Tower.

"I was looking for something else to do," Dodson said Thursday. "This wasn't it."

Speaking to reporters in City Hall, Dodson said he has filed a pre-litigation complaint for fraud with Millennium Partners I Inc. and affiliated entities. If they don't agree to fix the building or give home buyers their money back—and he doesn't expect they will—he plans to file a lawsuit in state court.

He won't exactly be alone. Since news broke in August that the building has sunk 16 inches and is tilting to the northwest, there have been at least two suits lobbed against the developers on behalf of current and former owners.

On Thursday, San Francisco City Attorney Dennis Herrera entered the fray with an announcement that the city had filed a cross-complaint alleging that Mission Street Development, an affiliate of Millennium Partners that actually sold the units, violated civil laws requiring disclosure of the building's condition to prospective home buyers.

Herrera said he had no evidence the concealment was criminal, although he said the absence of any reference to the sinking in the disclosure packets given to homeowners was stunning. "These disclosure documents discussed everything from the color and veining of marble, to noting that the size and types of plants in the common areas could change," he said. "But they left out the most important detail."

Millennium Partners, which is based in New York, did not respond to messages seeking comment.

Dodson retired in 2014 after practicing at a variety of major firms in the Bay Area, including Howard Rice Nemerovski Canady Falk & Rabkin; Arnold White & Durkee; Morrison & Foerster; Goodwin Procter and Carr & Ferrell. He says he has signed up 14 current homeowners to join his lawsuit but is being selective about who he takes on board. He wants to make sure that all of them have strong claims that they were unaware of the building's true condition when they entered into purchasing contracts. Dodson bought his unit in October 2009.

Millennium has gone to extreme lengths to mask the defects in the building, Dodson added. He said management laid down new flooring in parts of the building, claiming it was being done to comply with the Americans with Disabilities Act. He later came to realize they were doing it to repair cracks appearing because of the building's uneven settlement, he said.

Dodson said he's planning on litigating the case himself until it becomes unmanageable. Touting his [victories](#) in big patent and fraud cases—he extracted two \$200 million settlements against corporate giants on behalf of the University of California—Dodson was unabashedly bullish about his prospects in the litigation. "I know this shit," he said.

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