

## insights

TYPES NOT MAPPED YET March 17, 2021 | TTR not mapped yet | Robert H. Lang, Caroline Pritikin

# Fighting for every foot: Chicago restaurant Cochon Volant wins commercial lease dispute, recoups hundreds of thousands of dollars in overpaid rent

A Chicago judge has sided with Thompson Coburn client Cochon Volant in a long-running dispute with the Chicago Loop restaurant's landlord over the square footage used to calculate rent.

After a Zoom trial in the fall of 2020, Cook County Circuit Judge Pamela McLean Meyerson issued [a final judgment](#) in favor of Cochon Volant on March 11, 2021, that determined, along with Thompson Coburn's prior summary judgment win in the case, that the actual usable square footage leased by landlord 100 Monroe Restaurant LLC was 932 square feet less than the landlord claimed to calculate rent for the restaurant under a 10-year lease that runs to 2024, but with an option that runs to 2034. As a result, the landlord owes Cochon Volant (whose name means "Flying Pig" in French) hundreds of thousands of dollars in rent that it paid under protest since the dispute began in 2015, and saving Cochon Volant hundreds of thousands more in future rent.

"This is an important victory for a much-admired Chicago restaurant group in a time when the hospitality industry is struggling," said [Rob Lang](#), a Chicago partner with Thompson Coburn who represented Cochon Volant with associate [Caroline Pritikin](#). "It was also interesting to try a case via Zoom, with each side calling several fact witnesses and experts, and the judge efficiently hearing the evidence with no technical difficulty."

In 2019, Cochon Volant Brasserie, which is temporarily closed until Spring 2021, was named one of the 10 best French restaurants in Chicago by the Michelin Guide, which noted the restaurant "is a favorite with Loop locals and sightseers alike for its timeless warmth." The restaurant is managed by Well Done Hospitality, which operates a number of popular Chicago restaurants including Mixed Greens, Dough Bros. and Francois Frankie.

The landlord was represented by DLA Piper.

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