

LEGAL AND PRIVACY

## Saks Fifth Avenue, in countersuit, takes Bal Harbour Shops to court for defamation, break of contract and fiduciary duty

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*Saks Fifth Avenue at Bal Harbour Shops. Image credit: Bal Harbour Shops*

By LUXURY DAILY NEWS SERVICE

U.S. department store chain Saks Fifth Avenue has sued Florida shopping center Bal Harbour Shops and Matthew Whitman Lazenby, president/CEO of Whitman Family Development, LLC, owner of Bal Harbour.

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The lawsuit, in the 11<sup>th</sup> Judicial Circuit Court of Florida, follows statements made by Mr. Lazenby that breached the parties' contract and Bal Harbour's fiduciary duty, claims Saks, which is owned by Toronto-based Hudson's Bay Co. The countersuit comes as Bal Harbour Shops commenced eviction proceedings for Saks Fifth Avenue's failure to pay rent during the pandemic period.

"We are disappointed that Mr. Lazenby chose to breach our longstanding agreement and disparage Saks Fifth Avenue, an iconic luxury retailer that has been vital to Bal Harbour's success for 45 years," Ian Putnam, president/CEO of HBC Properties and Investments, which is HBC L.P.'s real estate operating company, said in a statement.

"Over the past few months, we have been working with our landlord partners across North America to amicably and logically share the burden of losses stemming from the ongoing global pandemic," he said.

"Unlike others, this landlord has resorted to providing denigrating statements and confidential information to the media for the sole purpose of coercing Saks into settling a disagreement.

"Nonetheless, we have remained eager to reach a fair resolution, just as we have done with other landlord partners. Unfortunately, instead of coming to an agreement, Saks has been forced to grapple with the damage to its business and reputation among customers, associates and partners."

Vent on rent

U.S. department stores such as [Saks Fifth Avenue](#), Neiman Marcus, Nordstrom and Bloomingdale's were battered by pandemic-enforced closures over the spring and summer, left with rent bills and no walk-in customers.

**Bal Harbour Shops** near Miami is one of the most prestigious shopping centers in the United States, with leading luxury brands as tenants. The complex had to comply with federal and state restrictions on store openings and dining during the spring and summer hard-lockdowns.

The Saks suit asserts that in an effort to increase pressure on Saks Fifth Avenue to resolve a dispute related to lease payments during the COVID-19 pandemic, Mr. Lazenby disclosed confidential information provided by Saks Fifth Avenue to Bal Harbour in accordance with its lease agreement, per Saks.

The suit also alleges that Bal Harbour and Mr. Lazenby caused damage to **Saks Fifth Avenue's** business and reputation by making public defamatory statements to the media that omitted facts relating to the dispute.

[Please click here to download the PDF of the Saks Fifth Avenue lawsuit against Bal Harbour Shops](#)

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