



For decades, Duane Morris has provided leading financial institutions with a full range of legal services for every facet of their business. From commercial loan documentation and workouts to commercial litigation, intellectual property, bankruptcy and employment law, Duane Morris offers experienced and comprehensive business and legal guidance for clients in the banking and finance industry. Guiding our service to bank clients is a simple, unwavering focus on thoroughly understanding their business and providing the legal solutions that enable them to reach their goals. By practicing law this way, we've built strong relationships with 70 percent of the top 75 U.S. bank holding companies and more than 100 banks and financial services companies.

## A SINGLE SOURCE FOR YOUR LEGAL NEEDS

Our comprehensive services include representation in matters involving:

- ▶ Acquisition and disposition of distressed loans
- ▶ ADA litigation and compliance counseling
- ▶ Asset recovery
- ▶ Bankruptcy and reorganization
- ▶ Commercial and class action litigation, including lender liability claims
- ▶ Corporate, private equity and M&A transactions
- ▶ Commercial finance – CRE and C&I
- ▶ Employment
- ▶ Healthcare finance
- ▶ Intellectual property
- ▶ New Markets Tax Credit transactions
- ▶ Opportunity Zones
- ▶ Regulatory compliance
- ▶ Renewable energy project finance
- ▶ Residential mortgage litigation and related matters

## Chambers AND PARTNERS

The 2024 edition of *Chambers USA: America's Leading Lawyers for Business* writes that Duane

Morris is "widely recognized for its representation of major banks and other financial services entities. Frequently engaged in an array of sophisticated matters, including mortgage lending and restructuring, and also noted for its strength in project finance, particularly in the renewable energy space. Additionally recognized for its strength in banking and finance disputes, bond offerings and loan sales. Has developed a niche advising on financial matters within the healthcare sector."

*"Duane Morris' team has a great reputation in the area."*

## EXAMPLES OF OUR RECENT LITIGATION AND TRANSACTIONAL WORK

### Commercial Finance and Other Transactions

- ▶ Represented a top 15 U.S. bank as lead arranger and administrative agent in a \$90 million senior secured credit facility with two top five money center banks as co-syndication agents and another top 25 bank as participant lender.
- ▶ Represented Byline Bank as agent and lender to private equity sponsor, Benford Capital, in its acquisition of BSC Industries, a distribution company for bearings, power transmission components and motion control products.
- ▶ Represented BankUnited as agent and lead lender in an \$87.5 million syndicated senior-secured healthcare financing unitranche transaction.
- ▶ Represented a top five money-center bank in a \$450 million credit facility to a health insurer.
- ▶ Representing a top 50 U.S. bank, as agent, in a \$300 million refinancing involving multiple term loans, revolvers and mortgages to a family-owned, Massachusetts-based company and one of the largest automotive dealers in New England.
- ▶ Represented Popular Bank in a \$75 million acquisition and revolving credit facility to Comprehensive Care Capital of Montreal, Canada, and Altitude Health Services of Chicago, Illinois, on its joint venture acquisition of three nursing homes in Delaware.
- ▶ Represented a major international bank, as administrative agent, collateral agent, joint lead arranger and a lender, in an \$850 million syndicated satellite procurement financing facility, whereby a major commercial satellite operator agreed to acquire communications satellites from the Boeing Company.
- ▶ Represented a Southeastern U.S. bank in a \$60 million increase to an existing \$65 million loan to the owner of a resort project property located in Florida, secured by many forms of collateral and marketable securities.
- ▶ Acted as U.S. counsel for Danske Bank, a Danish bank, as agent for a syndicate of lenders in connection with a \$125 million increase in commitments under a multicurrency revolving credit facility for a Norwegian public company.
- ▶ Represented a fast-growing midsize bank in extending a construction-to-permanent loan to, and making its first historic tax credit investment in, Lansdowne Theater LLC, restored to operate as a music venue in Lansdowne, Pennsylvania.

## Workouts and Restructurings

- ▶ Represented underwriters of an insurance company in the Chapter 11 case filed by the Diocese of Camden, New Jersey, the first Catholic diocese in New Jersey to file for Chapter 11 bankruptcy.
- ▶ Represented lender to a continuing care retirement community in default of its loan obligations, including assisting client in negotiating toward a temporary forbearance agreement to allow the borrower to restructure its indebtedness without going through a bankruptcy proceeding.
- ▶ Representing a senior lender and largest creditor in the pre-packaged bankruptcy case of Triangle Petroleum Corporation.
- ▶ Represented a national bank in the financial restructuring and workout of a \$125 million real estate construction facility.
- ▶ Represented a secured lender in negotiating and documenting the strict foreclosure of all assets of a fashion and jewelry retail chain and sale of substantially all assets to a third-party buyer.
- ▶ Counsel to the administrative and collateral agent for pre-petition secured lenders and debtor-in-possession lenders in the Chapter 11 bankruptcy of Global Cloud Exchange (GCX) in the U.S. Bankruptcy Court for the District of Delaware.
- ▶ Counsel to the administrative and collateral agent for debtor-in-possession lenders in the Chapter 11 bankruptcy cases of Southcross Energy Partners, L.P., et al. in the U.S. Bankruptcy Court for the District of Delaware.
- ▶ Representing a secured creditor in financial restructuring of obligations in excess of \$50 million owed by a national transportation company.
- ▶ Obtained receiverships with respect to a defaulted borrower's business and real estate holdings on behalf of a national bank.
- ▶ Represented a lender in a consensual foreclosure of a mixed-use condominium project that included a hotel, requiring the negotiation of a new franchise agreement with an international hotel franchisor.

## Litigation

- ▶ Represented Deutsche Bank as lead counsel in a Third Circuit appeal that is part of a multi-year, multi-jurisdiction effort to collect on a judgment. This appeal involved Deutsche Bank's effort to prevent the transfer of partnership interests and a partnership distribution that provided an opportunity for partial recovery.
- ▶ Won summary judgment for a major bank in the U.S. District Court for the Eastern District of Pennsylvania in a multimillion-dollar account embezzlement action involving allegations of breach of contract, negligence and violations of the Uniform Commercial Code.
- ▶ Represented a bank in multiparty consolidated litigation stemming from the data processor security breach of credit card holder information.
- ▶ Represented a top five money-center bank in an application for emergency injunctive relief when a software vendor wrongfully threatened to withhold access codes essential to preventing software from automatically shutting down; helped obtain successful financial resolution in ensuing mediation, with no disruption of software use.
- ▶ Represented a New Jersey bank in defense of contract and tort claims of credit card processors arising from the bank's service as depository agent for a defunct airline shown to have committed criminal frauds.
- ▶ Represented First American Bank in obtaining complete dismissal of all claims against it in its largest piece of commercial litigation; the dispute ran for six years in Illinois state court over claims of fraud and breach of fiduciary duty concerning construction-defect and board-management issues with respect to a development that involuntarily came into the bank's possession after the 2008 recession.

- ▶ Defended a major bank in SEC investigation concerning investments in commercial mortgage-backed securities.
- ▶ Represented a financial holding company in a fraudulent transfer claim in Chicago, with significant effect on the equipment leasing industry because of the potential extension of fraudulent transfer law to commercial lessors and lenders.
- ▶ Represented a national bank in voidable transfer litigation with a bankruptcy trustee in Nevada, wherein the trustee sought to void \$27 million in loan payments made to the bank.

## CONNECTING OUR CLIENTS THROUGH REFERRALS

Duane Morris understands that our bank clients appreciate our referrals of business. We continually seek opportunities to refer and recommend our bank clients to our other clients who need bank services and products.

## ABOUT DUANE MORRIS

Duane Morris LLP, a law firm with more than 900 attorneys in offices across the United States and internationally, provides a broad array of clients with innovative solutions to today's legal and business challenges.

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