

Banking & Financial Services Litigation

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Related Services

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Litigation

Fredrikson's Banking & Financial Services Litigation Group represents plaintiffs and defendants in matters relating to the financial services industry. Our clients include community, regional, national, and global organizations engaged in lending, direct investment, and investment advice. Members of the group have expertise in a wide variety of areas including real estate, securities, regulatory issues, tax, and the Uniform Commercial Code. They appear regularly in state courts, federal courts (including bankruptcy court), and before regulatory bodies representing parties in connection with:

- Lender liability claims
- Troubled credit transactions, which may include receivership, workout, foreclosure or bankruptcy
- Disputes between loan participants
- Contract disputes
- Claims for breach of fiduciary duty and negligence
- The sale of mortgage products
- State and federal regulatory issues
- Shareholder disputes
- Insurance coverage issues
- Disputes regarding new charters

Experience

Representative Cases

- Representing a global bank in the largest receivership action in Minnesota. The bank loaned a borrower several hundred million dollars. The borrower defaulted. Fredrikson commenced an action against the borrower and successfully moved to establish a receivership to provide for the orderly liquidation of borrower's assets.
- Representing a regional bank in foreclosing on 100 town home units. The matter included obtaining approval from the bankruptcy court to proceed with the foreclosures.
- Defending a local bank against claims for negligent representation in connection with a business loan. We obtained a dismissal of all claims against the bank.
- Representing a local bank in connection with losses sustained as a result of an officer's lending practices. A claim was asserted against the bank's insurer. The

case was favorably resolved before trial.

- Representing a group of banks in a Chapter 11 bankruptcy case involving a large real estate developer. We successfully negotiated the voluntary surrender of the properties in which the banks held mortgages.
- Representing a regional bank in a Chapter 11 bankruptcy involving a debtor that owned and managed several commercial shopping centers around the country. We successfully asserted the bank's position as a fully secured lender. The bank will receive full payment under the plan of reorganization.
- Representing investment bankers around the country in matters involving their employment and payment of fees in Chapter 11 cases.
- Representing a Minnesota mortgage company in a non-compete/misappropriation of trade secrets case. The mortgage company sued a competitor and former employees. The matter was successfully resolved before trial.
- Representing a commercial lender in a fraudulent transfer action brought in federal court. The plaintiff sought damages from our client for allegedly participating in a debtor's scheme to fraudulently transfer assets to avoid payment of a judgment. After obtaining a favorable ruling from the Court, the case was successfully resolved for less than the cost of defense.
- Representing a commercial lender in an effort to recover amounts loaned to facilitate an international sale of luxury goods. The borrowers refused to re-pay the loans, claiming that a manufacturer located in Hong Kong had possession of the funds. Using international discovery procedures under the Hague Convention, we established that the loan proceeds wired to a Hong Kong bank were subsequently funneled back to the borrowers in the United States. The borrowers conceded liability and agreed to repay the loans in full.
- Representing a regional bank in a negligent lending lawsuit initiated by a commercial borrower. The borrower also asserted claims for fraud, breach of fiduciary duty, tortious interference with contract, consumer fraud, and violation of the Deceptive Trade Practices Act. We successfully moved to dismiss all claims asserted against the bank and obtained judgment against the borrower on the bank's counterclaims, including payment of attorneys' fees.
- Representing a national bank/trustee in a lawsuit brought by the beneficiary of a trust for breach of fiduciary duty. After a trial, the Court entered judgment in favor of the bank and dismissed all claims.

Appeals

- *Acrometal Cos. Inc. v. First American Bank of Brainerd*, 475 N.W.2d 487 (Minn. Ct. App. 1991).
- *Minnesota Hotel Co., Inc. v. ROSA Development*, 495 N.W.2d 888 (Minn. Ct. App. 1993).
- *Aratex Services, Inc. v. Blue Horse, Inc.*, 497 N.W.2d 283 (Minn. Ct. App. 1993).

- Broken Aero Services, Inc. v. Marquette Bank Monticello, 33 UCC Rep. 2d 930 (Minn. Ct. App. 1996).
- Ash v. Marquette Bank, WL 423559 (Minn. Ct. App. 1997).
- Union Bank and Trust Co. v. SUPERVALU, Inc., WL 672762 (Minn. Ct. App. 1999).
- Bradley v. First Nat'l Bank of Walker, N.A., 711 N.W.2d 121 (Minn. Ct. App. 2006).