

# Commercial, Financial & Banking Litigation

Our litigation group is skilled in handling complex civil and commercial litigation matters from the initiation of the case through motion practice, trial, and appeal, including class actions, mediations, and arbitrations. d'QM counsels a wide variety of clients from start-ups to Fortune 500 life and annuity and finance companies, federal and state government agencies, and businesses across many industry sectors, including retailers, hospitality, manufacturing concerns, oil and gas companies, real estate entities, and entertainment industry organizations.

We litigate contractual disputes including master services agreements, digital advertising agreements, mortgage services agreements, commercial and hospitality contracts, franchise agreements, mortgage contracts, real estate, complicated mortgage foreclosures, product liability malpractice, white collar defense cases, corporate and business disputes, commercial leases, business torts, consumer claims, and unfair and deceptive trade practices.

## REPRESENTATIVE MATTERS

- Representation of party to a mortgage servicing contract in an international arbitration regarding high-dollar claims resulting from the termination of the contract.
- Representation of financial services company regarding a challenge by a mortgage broker to the existence of a web-based advertising agreement executed through a click through process.
- Representation of a digital advertising company in a federal action against a nationwide seller of home safety systems for unilaterally amending the commission structure under the advertising contract.
- Representation of major hotel chain in a class action seeking payment of penalties due to alleged ATM notice defects.
- Representation of a hospitality corporation in an action where plaintiff claimed unjust enrichment and quantum meruit in connection with identifying a potential real estate development for the company.
- Representation of a hospitality company related to alleged breach of duty of good faith and fair dealing arising from termination of licensing agreement with a major food vendor.
- Obtained dismissal of a federal court action alleging RICO, breach of contract, and fraud claims brought against the originating mortgage lender, MERS, and the trustee.
- Successfully litigated matters where defendants alleged that a mortgage was invalid due to improper securitization or assignment, faulty lapses or defaults due to alleged failure to follow recording and notice requirements.
- Defended the appeal of a successful motion to dismiss on behalf of a bank based on claims that a reverse mortgage was issued improperly, and a second appeal of a successful trial verdict, also concerning a reverse mortgage.
- Successfully opposed class certification of claims that improper charges were assessed by a national bank in connection with providing a mortgage payoff statement. The plaintiff's subsequent motion to amend the putative class action complaint to include claims relating to the alleged over-charging of interest also was successfully opposed and upheld on appeal.
- Representation of banks in mortgage fraud actions against brokers, title insurers, appraisers and settlement agents.
- Representation of state government entity in complex contested foreclosure actions.
- Representation of banks and MERS in quiet title actions and counterclaims brought by borrowers based on securitization and assignment of mortgages.
- Representation of financial institutions in actions brought by investor alleging fraud.



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