

Commercial and Financial Services Litigation with DO&CB

d'Arcambal Ousley & Cuyler Burk, LLP ("DO&CB") specializes in commercial and financial services litigation of all types throughout New York, New Jersey and Pennsylvania.

Here's what we do...

- We represent servicing companies, banks and MERS in quiet title actions and counterclaims.
- We represent banks and servicing companies in contested foreclosure actions.
- We represent banks in mortgage fraud actions against brokers, title insurers, appraisers & settlement agents.
- We represent credit unions and governmental agencies in preparing and litigating Fidelity Bond claims.
- We prepare title insurance claims and home mortgage indemnity claims and actions.
- We represent life insurers in connection with variable life and annuity product litigation.
- We represent banks to recover unpaid claims pursuant to mortgage indemnity insurance.
- We represent companies with respect to commercial contract and real estate litigation.

...and here are the successes we've had:

- We litigate sophisticated work product and other evidentiary issues pertaining to third party subpoenas.
- New York State Court granted motion to dismiss action against a financial institution brought by an investor alleging fraud.
- New Jersey District Court enforced multi-state class action settlement against a non-opt out litigant.
- New York State Court denied class certification of claims alleging that improper charges were assessed by a national bank.
- New York State Court granted summary judgment dismissing a complaint alleging improper sale of annuities, including an allegation that monies should have been invested in the stock market, and that the agent exercised undue influence and recommended annuities solely to obtain commissions.
- We represented a major hotel in connection with resolving a class action brought seeking payment of penalties due to alleged ATM notice defects.
- We obtained dismissal of an action alleging unjust enrichment and quantum meruit in connection with identifying a potential real estate development for a hospitality corporation.
- We successfully defended breach of duty of good faith and fair dealing case arising from a major food manufacturer's termination of a licensing agreement with a hospitality corporation.



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About d’Arcambal, Ousley & Cuyler Burk LLP

For over twenty years, d’Arcambal Ousley & Cuyler Burk, LLP (DO&CB) has provided exceptional legal counsel to Fortune 500 companies and large financial institutions. For each client engagement, DO&CB emphasizes cost-effective approaches, early case assessments, and strategic planning and expertise. Our lawyers previously practiced in corporate legal departments and large law firms, so we understand the voice of the customer and its business and legal objectives. DO&CB is women-owned with offices in New York City, New Jersey and Philadelphia.

Featured Partners, Associates, and Of Counsel Handling Financial Services Litigation

Michelle J. d’Arcambal (Partner)

Ms. d’Arcambal has more than 25 years of experience defending companies in all aspects of commercial litigation, including class actions, mediations, arbitrations, appeals, and trial. She provides strategic advice regarding achieving litigation goals, including resolution. Based on her experience as an in-house litigator at MetLife, Ms. d’Arcambal focuses on achieving the business and legal objectives of her corporate clients. Ms. d’Arcambal manages DO&CB’s mortgage fraud affirmative actions, contested foreclosures, quiet title actions and other matters representing banking clients. Ms. d’Arcambal was previously a commercial litigation partner in the New York City office of Ross & Hardies, now known as McGuire Woods LLP, where she represented brokers/dealers in various matters before the NASD, now FINRA. Ms. d’Arcambal has also represented a national bank in all aspects of its lending transactions, including promissory notes, letters of credit and defending the bank in securities fraud litigation. Ms. d’Arcambal began her legal career in the litigation department of Brown & Wood, LLP, now known as Sidley Austin, LLP, where she concentrated on securities, surety and real estate litigation. She is a graduate of the University of Wisconsin Law School and Smith College.



Kimberly A. O’Toole (Partner)

Ms. O’Toole defends companies in matters against allegations of bad faith and has sought recoveries on behalf of companies in agent debt cases. She defends contested foreclosure and lien priority actions. Ms. O’Toole also manages e-discovery in response to third party subpoenas and primary actions with respect to securities class action matters. In addition, Ms. O’Toole manages litigation for the State of New York’s Housing Trust Fund Corporation to recover government funds paid to ineligible applicants who fraudulently applied for benefits. Ms. O’Toole previously practiced law for more than six years as a litigator with Shearman & Sterling, representing financial institutions in complex civil litigations, and for two years as a transactional real estate attorney in solo practice. At Shearman and Sterling Ms. O’Toole counseled banking clients on various issues, including the credit risks associated with lending to corporations with potential litigation exposure to large class action claims, and defended an international bank in an action arising out of the management of an insurance trust. She graduated cum laude from Georgetown’s Law Center in 1991, and graduated summa cum laude from Georgetown University, McDonough School of Business, in 1988.



Edward V. Collins (Of Counsel)

Mr. Collins has devoted his practice primarily to the areas of banking, corporate, real estate and land use, including acting as general counsel to a small bank, where he represented it in a variety of matters, including contested and uncontested foreclosures. He has represented clients in the purchase, sale, leasing, financing and development of commercial, industrial and residential properties as well as representing both borrowers and lending institutions relating to multi-million dollar real estate projects involving commercial, industrial and residential properties. Mr. Collins has also represented both lending institutions and borrowers in loan workout transactions and residential, construction and commercial loans. Mr. Collins graduated from St. Peter’s College and from Fordham University School of Law. Prior to entering private practice, Mr. Collins served as the Financial and Legal Liaison Officer for the Commanding General, United States Army Special Forces at Fort Bragg, North Carolina.



Aimee L. Creed (Senior Associate)

Ms. Creed is an experienced litigator who has handled a wide array of corporate matters involving securities and product liability litigation, employment, contracts, white collar, and construction defect litigation. She now focuses on financial services and insurance product litigation. Before joining DO&CB, Ms. Creed was an associate at Dechert LLP. She began her career with Greenbaum, Rowe, Smith & Davis LLP, practicing general commercial litigation. Ms. Creed received her J.D. from Columbia University School of Law in 2003. Ms. Creed graduated cum laude from California State University at Fullerton.

