

Financial Services Litigation

There can be no question, the legal challenges that arise in the financial services industry are manifold and often complex. Disputes can be bruising for all parties involved. Successfully confronting these challenges takes confidence, strategic thinking, and tenacity. Willenken brings to its financial services practice the experience, skill, and creativity for which the firm is known. Through unflinching advocacy and commercially sound advice, we help our clients navigate the markets.

Willenken regularly represents leading banks—including KeyBank and Chase—and other financial services entities in a wide variety of commercial litigation. Our financial services clients turn to us for both plaintiff-side and defense-side representation because our attorneys have experience with all manner of lender and finance-related claims, including:

- Claims based upon alleged breaches of contracts
- Sizable lender liability claims filed by distressed commercial borrowers
- Letter of credit disputes
- **Fraud disputes and investigations**
- Fraud and other claims arising under the Securities Act, Exchange Act, and state Blue Sky laws
- Negligence
- Breach of fiduciary duty
- Consumer claims, including for violations of California Business & Professions Code §17200 *et. seq.*, and violations of the Fair Debt Collections Practices Act

Our lawyers have experience handling banking matters at trial. For example, our team tried a case in which a bank was accused of wrongfully handling a letter of credit. After a bench trial, Willenken obtained a complete defense judgment, and our client recovered its attorneys' fees.

Our firm also has handled a number of nontraditional banking litigation

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issues. For example, on behalf of a banking client, we brought an action alleging that another lender wrongfully impaired collateral, subject to our client's security interest. After protracted litigation, we secured a sizeable settlement for our client just before trial.

Our lawyers have also represented individuals and companies in SEC investigations.

other recent victories include:

- Obtaining summary judgment on behalf of a major national bank on claims for alleged violations of the Song-Beverly Consumer Warranty Act.
- A complete victory on demurrer on behalf of a major national bank on claims of fraud, breach of contract, and negligence.



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