

Financial Services

There can be no question, the legal challenges that arise in the financial services industry are manifold and often labyrinthine. Disputes can be bruising for all parties involved. Confronting these challenges takes confidence and strategic thinking. 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 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**
- 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

In addition to the typical financial services litigation claims, our firm also has handled a number of nontraditional banking litigation 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 the matter was set to go to trial.

Lawyers at our firm also have experience with banking matters at trial. For example, our team litigated a case in which a bank was accused of

Team



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wrongfully handling a letter of credit. Willenken obtained a complete defense judgment after a bench trial and our client subsequently recovered its attorneys' fees.

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.