



Brian Rich

He | Him | His
Partner

New Haven

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Education

- Syracuse University College of Law, JD
- Boston College, BA

Practices & Industries

- Commercial Litigation
- Restructuring, Bankruptcy & Creditors' Rights

Admitted to Practice

- Connecticut
- Massachusetts
- New York

Court Admissions

- US District Court for the District of Connecticut

Biography

Brian regularly represents some of the world's largest banks and financial institutions as well as local and regional clients. He handles a variety of business and commercial disputes, including contract claims, real estate litigation, contested commercial and residential foreclosure actions, mortgage resolution, unfair business practices actions, and fraud and lender liability claims.

He has tried dozens of bench and jury trials to conclusion in both state and federal courts. Brian also regularly appears in the Connecticut Appellate Court, Connecticut Supreme Court, and United States Court of Appeals for the Second Circuit as well as in arbitration and mediation proceedings.

Bar Associations

- Connecticut Bar Association

Selected Memberships & Affiliations

- Thomson Reuters Practical Law, Contributor

Representative Experience

- Successfully obtained a defense verdict in favor of a bank client in Stamford Superior Court. The jury ultimately rejected the plaintiff's claim for damages related to purported breaches of settlement agreement and found a substantial offset in favor of the bank.
- Successfully secured summary judgment in favor of a bank client before the Connecticut Appellate Court in the foreclosure of a commercial mortgage note in the original principal amount of \$3 million. The real property securing the note and mortgage comprises an indoor sports facility of

significant economic and social interest to the surrounding community.

- Managed a matter related to a pending state foreclosure case for an international financial services firm in which a borrower appealed a district court order sua sponte ordering remand of federal litigation to state court to the United States Court of Appeals for the Second Circuit.
- Obtained summary judgment in a case where the plaintiff sued JP Morgan Chase Bank for violations of the Connecticut Unfair Trade Practices Act (CUTPA) relating to attempts to collect on a home equity line of credit account. After extensive litigation, including depositions across the country and a multimillion-dollar demand, the district court dismissed the plaintiff's slander of title count and granted the bank's summary judgment motion.
- Successfully received the Second Circuit's affirmation of the federal district court's ruling, dismissing the petition in a state foreclosure action with a complex and detailed procedural history involving multiple bankruptcy filings, state court appeals, and federal removal actions.
- Successfully argued the appeal of a trial court ruling ordering the payment of property tax and insurance payments from the borrowers during the pendency of the appeal of a foreclosure action before the Connecticut Appellate Court.
- Successfully obtained a defense verdict in an action arising out of the alleged rendering of preservation services to a premises in delinquency.
- Handled a matter in trial court regarding a judgment of foreclosure by sale secured on behalf of the plaintiff. The judgment of foreclosure was affirmed by the Connecticut Appellate Court on appeal.

Prior Experience

- Halloran & Sage LLP, Partner

Selected Community Activities

- Mercy Shelter and Housing, Former Trustee and Board Chair

Selected Honors

- *The Best Lawyers in America*®: Commercial Litigation, 2022; Commercial Litigation, Litigation – Securities, and Mortgage Banking Foreclosure Law, 2023
- Selected to *Super Lawyers* Connecticut Rising Stars: Business Litigation, 2014–2018
- *Hartford Business Journal*, 40 Under 40, 2014
- *Connecticut Law Tribune*, New Leaders in the Law, 2013

Selected Speaking Engagements

- Connecticut Bankers Association, “A Primer to Connecticut Banking Foreclosure and Bankruptcy Litigation and the Effects of COVID-19” Webinar
- Pennsylvania Continuing Legal Education Board, “Creative Defense Strategies: The Best Defense Is a Good Offense” CLE
- New England Mortgage Expo, “Financial Institution and Lender Liability Litigation in the Face of the Foreclosure Epidemic; Should We Bank on a Better 2015?”
- Connecticut Mortgage Bankers Association, “Mortgage Fraud: Common Schemes and Potential Red Flags” Seminar
- New England Mortgage Expo, “Banking Litigation: One Step Forward, Two Steps Back”

Selected Media

- *Scotsman Guide Residential Edition*, "Flexing Its Might: Get Ready for the CFPB to Play an Even Larger Role in Housing Finance"
- Law360, "Barclay Damon Keeps Growing With Conn. Litigation Partner"
- *Scotsman Guide Residential Edition*, "The Post-Pandemic World of Foreclosure Litigation"
- *Hartford Business Journal*, "COVID-19 Foreclosure Moratorium Creates Challenges for Lenders"
- New England Mortgage Expo Live Podcast, "How Banks Can Effectively Manage the Foreclosure Process"



Robert Wonneberger

Partner

New Haven

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Education

- University of Pennsylvania School of Law, *Law Review*, Associate Editor, JD
- University of Connecticut, *Magna Cum Laude*, BA

Practices & Industries

- Financial Institutions & Lending
- Real Estate
- Restructuring, Bankruptcy & Creditors' Rights

Admitted to Practice

- Connecticut
- New York

Biography

Robert primarily concentrates his practice on commercial law and financing, including loan origination, debt restructures, and workouts, and real estate. He routinely represents financial institutions and borrowers in originating commercial and asset-based loans involving numerous businesses and industries, loans to high-net-worth individuals, mortgage loans secured by various types of real estate, leasehold mortgages, and equipment leases. Robert has extensive experience in problem loan resolution, including debt restructures and workouts, loan sales, Article 9 sales, and voluntary and involuntary liquidations. He also represents owners and tenants in acquisitions, sales, leasing, and other real estate transactions.

Bar Associations

- American Bar Association
- Connecticut Bar Association

Selected Memberships & Affiliations

- Turnaround Management Association, Director, Vice President of Programming

Representative Experience

Restructures and Workouts

- Represented a secured lender in the foreclosure and subsequent sale of a TX hotel, including obtaining a deficiency judgment against the guarantor and successfully defending against lender liability claims.

- Represented a secured lender to a munitions manufacturer, including the foreclosure and sale of all business assets and resolving competing claims to the collateral and claims against the lender.
- Represented the lead lender in a global resolution of the obligations of a high-net-worth individual to 18 creditors.
- Represented the secured lender in the foreclosure and sale of the assets of a manufacturing company with facilities in three states and successfully defended against lender liability counterclaims.
- Represented a three-member steering committee in a multi-lender workout of the obligations of two major New York and Connecticut real estate developers.
- Represented a mortgage lender in the restructuring of 18 separate loans to two real estate development companies and a related construction company providing for the payoff from the orderly sale of single-family houses, approved residential lots, and raw land.
- Represented the secured lender in the restructuring of existing obligations and the extension of additional credit to a greeting card manufacturer and the subsequent sale of the company to a European competitor, resulting in payment in full of all loans.
- Represented a mortgage lender in restructuring mortgage loans on four contiguous retail, office, and manufacturing properties, including the granting of numerous cross easements to allow each property to be independently viable, the restructuring of the existing debts, and the provision of additional financing for the tenant fit-up and building improvements.
- Represented a secured creditor in connection with the workout of the obligations of a related age-restricted residential project, assisted-living facility, and nursing home.
- Represented various lenders in connection with defaulted SBA Loans.
- Represented lenders in connection with the sale of individual defaulted loans and defaulted loan portfolios.

Loan Origination

- Represented a lender in a \$46 million floorplan facility to five related auto dealerships and an \$11 million mortgage loan to eight affiliated borrowers.
- Represented a lender in connection with the extension of asset-based revolving and term loan facilities totaling \$55 million to an art gallery and a private art investment fund secured by, among other things, fine art and investment interests in the fund.
- Represented a lender in extending \$19 million in asset-based loans to related mineral mining, processing, and sales companies.

- Represented a residential mortgage lender in connection with a \$1 billion repurchase arrangement to serve as a warehouse facility pending sales or securitizations of portfolios of loans and an associated \$50 million credit facility.
- Represented a lender in a \$45 million revolving loan facility initially secured by interests in 16 hedge funds and providing for the substitution of fund interests as the borrower's investments change.
- Represented a lender in a \$75 million short-term loan to a private equity fund to bridge an investor capital call. Collateral for the loan included the capital call itself, with investors delivering payments directly to the lender, and the investment made with the capital call.
- Represented lenders and borrowers in the origination of SBA Loans.
- Represented a furniture manufacturer in refinancing its mortgage, equipment and revolving loans.
- Represented a specialty medical supply manufacturer in obtaining replacement and additional financing.
- Represented a manufacturing company in obtaining senior and junior loans to fund a business acquisition.

Prior Experience

- LeClairRyan
- Pepe and Hazard, LLP
- Shipman & Goodwin LLP
- Pullman & Comley, LLC

Selected Media

- *ABL Advisor*, "Strict Foreclosure Under Article 9: The Born Legacy"
- *ABL Advisor*, "In Default: Forbearance Agreements Can Be a Valuable Tool"
- *The Secured Lender - TSL Express*, "Perfection and Priority Issues With Artwork Collateral: Consignment, Artist Protection, and Secret Liens"
- *The RMA Journal*, "Lending Against Hedge Fund Interests: Structural and Legal Issues"
- *Connecticut Banking*, "Secured Party vs. Judgment Creditor"

Selected Alerts & Blog Posts

- Red Flags That a Company May Be in Financial Trouble, Part 3: Real Estate

- Red Flags That a Company May Be in Financial Trouble, Part 2
- Red Flags That a Company May Be in Financial Trouble, Part 1
- SBA Restrictions on Sale of a Non-SBA Loan
- Late Fees After Acceleration or Maturity