



Samit G. Patel

Partner

SPatel@cullenllp.com

Newark Office

Phone: 973.849.9006

Fax: 973.849.2020

Samit G. Patel is a partner in the firm's Banking and Financial Services department. He represents banking and corporate clients in state and federal litigation involving a broad range of matters, and he regularly advises officers and executives on litigation and transactional strategies. His experience includes litigating claims involving mortgage and mechanic's lien foreclosures, commercial and business loan defaults, Fair Debt Collection Practices Act (FDCPA), Truth in Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), mortgage priority and real property zoning disputes, title and property (including loss payee) insurance claims, breach of contract, fraud, conversion, forfeiture, and unfair and deceptive business practices.

Samit also has extensive appellate experience and has successfully litigated numerous high-profile appeals involving mortgage foreclosures. He has also represented lenders in post-foreclosure litigation, state and federal governmental investigations and inquiries, and subpoena compliance matters.

Areas of Concentration:

- Lender liability
- Wrongful foreclosure litigation
- Loan enforcement and workouts
- Subpoena compliance
- Real estate litigation
- Technical defaults on commercial loans
- Civil Rights and Internal Investigations Unit
- Construction
- Banking and Financial Services
- Litigation

Practices

- Banking and Financial Services
- Banking and Financial Services Litigation
- Commercial Litigation
- Commercial Foreclosures/ Total Debt Restructuring

Industries

- Financial Institutions
- Insurance
- Real Estate
- Business Reorganization and Financial Restructuring

Bar Admissions

- New Jersey
- New York
- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Bankruptcy Court for the District of New Jersey
- U.S. Bankruptcy Court for the Eastern District of New York
- U.S. Bankruptcy Court for the Northern District of New York
- U.S. Bankruptcy Court for the Southern District of New York
- U.S. Bankruptcy Court for the Western District of New York
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

Education

- J.D., Boston University School of Law, 2003
- B.A., Cornell University, 1999

Representative Experience

- Successfully handled proceedings before the U.S. Supreme Court in an action alleging violation of the Equal Credit Opportunity Act (ECOA) and tortious interference with prospective business.
- Obtained dismissal of claims alleging fraud and civil Racketeer Influenced and Corrupt Organizations Act (RICO) violations in federal district court in New York.
- Obtained dismissal of claims alleging breach of fiduciary duty, unjust enrichment and fraudulent misrepresentation in federal district court in New York.
- Obtained dismissal of loan purchaser's claims for breach of contract, fraudulent inducement, fraud, negligent misrepresentation and unjust enrichment in the New York State Supreme Court.
- Obtained dismissals of multiple wrongful foreclosure actions in federal district court in New York.
- Obtained dismissal of multiple RESPA claims alleging improper loss mitigation procedures under 12 C.F.R. § 1024.41, including dual tracking and failure to respond to facially complete loss mitigation application, Requests for Information (RFIs) and Notices of Error (NOEs) in federal district court in New York.
- Successfully litigated an appeal involving the Uniform Commercial Code and the issue of standing to commence a foreclosure action in the Supreme Court of the State of New York, Appellate Division, Second Department.
- Successfully litigated numerous contested actions for breach of line of credit agreements and contested mortgage foreclosures, including at the appellate level.
- Successfully negotiated numerous complex commercial loan purchase and sale, modification and workout agreements.
- Obtained an Order quashing multiple subpoenas at a pre-motion conference without the necessity of filing a formal motion in the U.S. Bankruptcy Court for the Southern District of New York.
- Prepared lending officer in connection with a trial subpoena issued in New York State Supreme Court.
- Coordinated a large-scale document production in response to a subpoena issued by the U.S. Bankruptcy Court for the Northern District of New York.
- Successfully resolved federal tax lien enforcement action brought by U.S. Department of Justice in federal district court in New York.
- Obtained dismissal of a public adjuster's claims for equitable lien, unjust enrichment, breach of fiduciary duty and conversion in the Superior Court of New Jersey.
- Advised commercial lenders on technical loan defaults concerning financial reporting requirements, debt service coverage ratio (DSCR) requirements, prohibited transfers, and violations and litigation affecting mortgaged commercial real estate.

Professional and Community Activities

- Member, New York State Bar Association