

Andrew C. Spillane

Associate

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Areas of Focus

Bankruptcy, Creditors' Rights + Finance |
Bankruptcy | Insolvency and Financial
Products Litigation | Litigation + Dispute
Resolution

Overview

Andrew Spillane represents financial institutions in securities and commercial real estate litigation. His creative and vigorous defenses to asset-backed securities litigation, including RMBS and contract disputes, help clients identify and pursue efficient outcomes aimed at avoiding trial whenever possible.

While representing financial institutions, including investment banks and bank subsidiaries, Andrew keeps their needs and objectives at the forefront during every stage of a dispute. Quick to adapt to new facts and collaborative by nature, he synthesizes complex claims to help clients weigh cost-effective strategies.

Andrew plays an active role in all phases of litigation, from early memoranda drafting to coordinating experts, preparing clients for depositions, and supporting motions and appeals. His work often involves complex discovery, including managing teams of discovery attorneys during document production involving hundreds of thousands of documents and producing privilege logs.

While handling matters involving thousands of disputed representation and warranty breaches, Andrew developed considerable experience coordinating reports between experts. He also has a keen ability to distill large-scale document productions into salient and pertinent facts and insights needed for compelling briefs and motion practice.

Representative Experience

- Prevailed in breach of contract claims against commercial real estate borrowers and warded off counterclaims against commercial real estate lenders in deals gone bad. Argued that borrowers were obligated to pay contractually agreed fees and client's costs and expenses, despite deals not closing, creating favorable precedent and sending a strong signal to other borrowers who might consider not paying agreed costs.
- Achieved numerous victories, including multiple dismissals and favorable resolutions for one of the largest residential mortgage-backed securities (RMBS) sponsors in cases brought by investors and securitization trusts for fraud and repurchase, leading to the dismissal of over \$1 billion in claims. These litigation victories created precedent that cut off future claims against our client and other defendants in the RMBS space and benefit ABS sponsors in all credit markets with similar deal structures.
- Pursuing over \$300 million in recoveries from Wells Fargo as the master servicer of securitization trust for breach of contract and failing to comply with servicing standards, through a detailed analysis and proprietary calculation of losses caused by servicing failures, including delays in foreclosure, failures to modify loans and unreasonably low-priced collateral sales, all of which contributed to the client-sponsor's legal exposure for repurchases of loans.

Insights + Events

Publication

Westlaw Today | Knowledge Is Power: Accessing Loan Information in Troubled CMBS
March 11, 2024

Credentials

Education

Georgetown University Law Center (LL.M. (Taxation), with distinction, 2010)

Brooklyn Law School (J.D., 2009)

- Articles Editor, *Brooklyn Journal of Corporate, Financial & Commercial Law*

Boston College (B.A., 2005)

Bar Admissions

New York

Connecticut