

Thomas M. Pinney

Partner

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Having represented clients on both sides of a transaction at origination and in enforcement, Tom has faced matters and situations that many of his peers have not, providing him uncommon perspective and non-replicable experience.

OVERVIEW

After more than 30 years practicing law, Tom has developed a wealth of experience representing banks, insurance companies, private equity and other non-bank lenders of all sizes in loan originations, foreclosures and collection matters in state and federal courts, out-of-court workouts and bankruptcy litigation. He has represented mortgagees in more than 200 real estate foreclosure actions in various state and federal courts. Additionally, Tom has represented clients in real estate loans, general commercial and industrial including asset-based loans, and technology companies, banks and investors in FinTech business arrangements.

Tom's extensive experience drafting and negotiating loan documents provides him with significant insight into the actual enforcement of the documents, whether in or out of court. Conversely, his experience litigating collection and bankruptcy matters lends a unique perspective when negotiating and drafting transactional documentation because he has a firsthand understanding of the rigors of enforcement. His goal is to not only fix the problems facing his clients, but to look to the future and use creative and effective solutions to help prevent future issues. As Tom often says, "if you can put a lien on it, I've probably not only secured a loan with it, but I've also probably foreclosed on it."

Having represented clients on both sides of transactions both at origination and in enforcement, Tom understands the related issues and the processes thoroughly. He has faced matters and situations that many of his peers have not, providing him an uncommon perspective and non-replicable experience. Tom's clients appreciate his pragmatic and efficient approach to his work and solutions.

PRACTICES

Finance
Financial Restructuring and Bankruptcy
Real Estate

BAR AND COURT ADMISSIONS

Pennsylvania
New Jersey

EDUCATION

University of Dayton School of Law, JD, *magna cum laude*, 1989
Ohio University, BA, with honors, 1986

Outside of the office, Tom enjoys skiing and spending time with his wife and teenage daughter. It's a great day when he is presented with the opportunity to do both simultaneously.

RECOGNITION AND INVOLVEMENT

Tom was recently selected by his peers for inclusion in *The Best Lawyers in America 2021* list in the practice area of Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law.

REPRESENTATIVE MATTERS

White and Williams Represents Investment Fund in \$68 Million Bridge Financing Mortgage Loan
5.10.21

White and Williams Represents CRP Industries
10.8.19

Real Estate Finance Team Secures Junior Mezzanine Financing for American Dream Meadowlands
8.3.19

Finance Team Executes Roll-Up of Multi-Entity Business into SPE
4.17.19

Represented the Lender in the restructuring of a \$57 million defaulted syndicated construction loan secured by a mixed-use historic property in Pittsburgh, PA

Regularly represents a bank and its subsidiaries in their ongoing relationships with leading fintech lenders, including one of the leading educational loan lenders

Represented a bank in the purchase of a \$15 million franchise restaurant loan portfolio

Represented CRP Industries, a leading supplier to the automotive and industrial service, in the sale of its automotive belt business to Continental A.G., a developer of technologies and services for vehicles, machines, traffic and transportation

Represented the lender in the UCC foreclosure of \$25 million mezzanine loan related to a commercial office building

Represented a non-bank lender in a \$5 million loan secured by a second lien on assets of a manufacturing company

Represented a national bank, as servicer, in the foreclosure of a portfolio of multi-family properties in Boston, MA, including the defense of condemnation and receivership actions brought by the Boston Inspectional Services Division

Represented a national bank, as servicer, in the foreclosure of a multi-family property in Worcester, MA, including the successful defense of a lender liability action brought by the borrower

Represented the lender in the out-of-court resolution of a \$130 million mortgage loan secured by twenty-nine commercial office buildings located in three counties in suburban Philadelphia

Represented the purchaser in the purchase of a \$60 million portfolio of consumer energy efficiency loans

Represented the lender in the resolution of a \$70 million mortgage loan secured by six industrial properties in three states through a federal foreclosure and receivership

Represented Guest-Tek Interactive Entertainment Ltd. in its acquisition of the assets of iBAHN International Inc. through a sale under Section 363 of the Bankruptcy Code

Represented an investor in the purchase of a \$50 million portfolio of "peer to peer" originated consumer loans

Represented a developer in the refinance of a multi-family property including \$27 million mortgage loan and a \$4 million "preferred equity" component

Represented a developer in the restructuring and refinance of a portfolio of multi-family and mixed-use properties and partially developed land

Represented a lender in the sale of a \$135 million portfolio of performing and non-performing loans

Represented the Agent in the restructure of a syndicated \$202 million defaulted construction loan with a \$35 million mezzanine component

Represented the Agent in the out-of-court resolution of a syndicated \$45 million defaulted mortgage loan secured by partially improved land

Represented the lender in the foreclosure and sale of six operating continuing care facilities through a state court receivership

Represented the Agent in the resolution and sale of a syndicated \$46 million defaulted construction loan with a \$4 million mezzanine component

Represented an international consulting and manufacturing company as the borrower in a \$250 million syndicated credit facility

Represented a judgment creditor in the foreclosure and sale of pharmaceutical patents

Represented a judgment creditor in the foreclosure and sale of aircraft engines

Represented the lender in the origination of a multi-borrower working capital and term loan financing secured by manufacturing facilities in three states

Represented the borrower in the origination of a \$50 million credit facility secured by retail auto finance contracts

Represented the credit enhancer in the structuring and origination of a \$150 million export secured term loan facility

IN THE NEWS

Best Lawyers® Recognizes 40 White And Williams Lawyers
Firm News, 8.18.22

Best Lawyers® Recognizes 38 White and Williams Lawyers
8.19.21

Best Lawyers® Recognizes 43 White and Williams Lawyers
8.20.20

Best Lawyers® Recognizes 29 White and Williams Lawyers
8.15.19

EVENTS

Finance Forum: Intercreditor and Subordination Agreements in Real Estate & Commercial Finance
Philadelphia, PA, 4.23.15

PUBLICATIONS

District Court Overturns Purdue Pharma's Chapter 11 Plan and Related Releases of Sackler Family from Opioid Liability Claims
Journal of Bankruptcy Law, February/March 2022

New York State Enacts Small Business Truth in Lending Law
Finance Alert, 1.12.21

Looming Hotel Bankruptcies Impact Loan Workouts
Part One of a Two-Part Series Covering Hospitality Industry Bankruptcy Considerations
Financial Restructuring and Bankruptcy Alert, 4.24.20

Termination of Buyback Option Not a Fraudulent Transfer
Taking Care of Business, 5.30.19

Recent Bankruptcy Court Decision Reminds Lenders That Perfection of a Security Interest May Not Be Enough to Protect Funds in a Bank Account
Taking Care of Business, 1.3.18

Legalized Marijuana Sector Reaches New Highs: Safeguards for Investors and Creditors
Financial Restructuring and Bankruptcy Alert, 8.15.17

Involuntary Bankruptcy Petitions - Use With Caution
Financial Restructuring and Bankruptcy Alert, 10.29.15