

David V. Mignardi

Senior Real Estate Finance Attorney

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Services

Appellate Litigation

Business & Finance

Complex Commercial Litigation

Distressed Debt & Workouts

Litigation

Real Estate Capital Markets

Real Estate Finance

Real Estate Finance & Capital
Markets

Industries

Financial Services

David V. Mignardi focuses his practice in the area of real estate finance and capital markets, with a particular emphasis on litigation and loan servicing matters related to commercial mortgage-backed securities. He has extensive experience in the representation of nationally prominent financial institutions, mortgage servicers, hedge funds, and distressed investors in connection with non-performing loans and the exercise of remedies such as judicial foreclosures, receiverships, workouts, litigation, and contested bankruptcy matters. David's experience spans numerous types of claims and all types of commercial properties, including office buildings and parks, apartment complexes, hotels, senior living facilities, health care facilities, construction projects and shopping centers.

David is also well-versed in the defense of lender liability claims arising under the full range of laws and statutes regulating the consumer finance industry such as the Truth in Lending Act (TILA), the Real Estate Settlement Procedures Act (RESPA), the Home Ownership and Equity Protection Act (HOEPA), Federal Regulation Z (Reg Z), the Fair Credit Reporting Act (FCRA), the Fair Debt Collections Practices Act (FDCPA), and the Federal Housing Act (FHA) as well as claims involving the civil Racketeer Influenced and Corrupt Organizations (RICO) statute, business torts, title disputes, and predatory lending.

David has considerable appellate experience, having written briefs and/or orally argued approximately nineteen (19) appeals in three of the four Judicial Departments of the New York State Supreme Court, Appellate Division,



the New Jersey Superior Court, Appellate Division, and the United States District Court for the Eastern District of New York.

David practices in the state and federal forums of New York, New Jersey, and Connecticut. Prior to joining the firm, he was an associate in the financial services litigation group of the New York office of an Am Law 200 national law firm.

David was recognized as a New York Metro “Rising Star” in 2017 and 2018 for Business Litigation by Super Lawyers magazine.

Experience

Represent CMBS trust and its special servicer in the foreclosure and receivership of a \$75,000,000.00 loan secured by a 114-acre luxury resort, conference center and golf course located in Westchester County, New York.

Second-chaired federal jury trial – drafted motions in limine, jury charges, and voir dire questions; prepared corporate and expert witnesses for testimony – that resulted in a unanimous defense verdict on all seven counts of various lender liability claims.

Represented CMBS trust and its special servicer in contentious litigation involving a failed payoff of a \$47,000,000.00 A/B structured loan secured by retail property located in Bronx County, New York.

Secured affirmance of the bankruptcy court’s denial of the debtor’s objection to a proof of claim on theories that the RMBS trust lacks authority to enforce the negotiable instrument and violated the governing pooling and servicing agreement, and dismissal of the debtor’s due process violation claim.

Obtained dismissal with prejudice of all causes of action asserted against the trustee of a RMBS trust, including a cause of action seeking damages under the civil RICO statute, at the pleadings stage.

Prosecuted bankruptcy adversary proceeding on behalf of a food product manufacturing and technological company seeking non-dischargeability of a judgment based upon theories of fiduciary fraud and infliction of willful and malicious injury.

As part of a team of three attorneys, obtained dismissal of all claims (including causes of action for quiet title, declaratory judgment, negligence, and violation of the marital right of joint possession) made against a mortgagee partially on summary judgment and partially after trial.

In specialized omnibus proceedings commenced by orders to show cause, obtained leave for three mortgage



servicers to issue corrective predicate notices, thereby preserving large populations of foreclosure matters in danger of dismissal.

Education

Benjamin N. Cardozo School of Law, J.D., Concentration in Corporate Law (2010)

Manhattan College, B.S., Economics (2007) *magna cum laude*

Admissions

New York (2011)

New Jersey (2010)

Connecticut (2017)

Court Admissions

U.S. Court of Appeals for the Second Circuit

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

U.S. District Court for the District of New Jersey

U.S. District Court for the District of Connecticut

Professional & Community Activities

Manhattan College Mentorship Program, Volunteer Mentor

CRE Finance Council, Servicers Forum, Member

Insights

[News Releases](#)

Twenty Kilpatrick Townsend Attorneys Named 2018 New York Super Lawyers
September 28, 2018