

Alan S. Fellheimer

Alan is often called upon to testify as a Banking Expert Witness on behalf of clients in a range of sophisticated litigation matters, including corporate workouts and debt restructuring.

- *Bushkill Preserve LLC, et al. v. Lafayette Ambassador Bank, et al.* Court of Common Pleas of Northampton County, Pennsylvania, No. C-48-CV-2018-4528 – Expert Report – Active Case – bank’s liability for violating a loan agreement by refusing to fund without proper cause and course of dealing evidence versus language in loan documents.
- *In re: Capital Trust Holdings, Inc.*, U.S. Bankruptcy Court, District of Maryland, No. 14-11952 – Consulting expert. Reviewed potential claim against a bank for creditors and a Trustee. Submitted recommendation.
- *Eckerd Corporation v. Rhodes Avenue Newtown Square, L.P., et. al.*, U.S.D.C. EDPA, 13-cv-04752 – Wrote an Expert Report and a Rebuttal Report which were admitted in the case, which concerned the priorities of numerous liens on certain parcels of real estate which were the collateral for the many obligations underlying the liens.
- *Grande Village, LLC, et al. v. CIBC, Inc. and CIBC, Inc. v. Grande Village, LLC, et al.*, U.S.D.C. DNJ, 14-3495 (Consolidated). Analysis of bank’s decision-making process in connection with a complete reversal of position with respect to agreed-upon funding of the fit out of new AAA tenants in a developing shopping center which resulted in loss of the new tenants’ center and a resulting monetary strain on the project. Action against bank.
- *United Storage Partners LP v. Santander Bank, Successor In Interest to Sovereign Bank*, Court of Common Pleas, Montgomery County, PA, No. 2013-27073 - Review of the propriety of a bank’s actions in dealing with the customer’s collateral as a result of a final payment default. Bank dealt with the collateral by ignoring the UCC, taking possession through “self-help,” maintaining possession for years and just operating the mobile home park indefinitely, keeping all of the proceeds. Submitted an Expert Report, Rebuttal Report and testified.
- *Green v. Green*, Court of Common Pleas, Philadelphia, PA, March Term, 2016, C.A. No.2832. Expert Report on propriety of bank’s freezing an account of the wife of the CEO because of a non-financial family dispute.
- *HIS of New York, Inc. and TRC of New York, Inc. v. Citizen’s Bank of Pennsylvania and Citizen’s Financial Group, Inc.*, Court of Common Pleas of Philadelphia County, October Term 2004, No. 3909. Wrote Expert Report on the duty of a depository bank with regard to the payment of a check where the indorsement is not the same or similar to the name of the payee of the face of the check and the application of PA UCC 3-405 and 3-406.