



## Roger R. Gottilla

Senior Counsel

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Roger Gottilla is a real estate and commercial financing attorney whose commercial law practice spans more than 35 years and encompasses the areas of commercial financing and banking law and all facets of related commercial litigation. He has extensive experience in representing all types of creditors and lending institutions in the financial services sector with respect to commercial loan workouts, restructurings and enforcement actions involving loan recoveries.

In addition, Roger counsels lenders in all aspects of commercial financing and construction lending transactions, including negotiating, documenting and closing all types of real estate transactions related to office buildings, apartment complexes, condominiums, hotel conference centers and other types of commercial property.

### **Creditors' Rights**

Roger has advised and provided guidance to lenders with devalued or distressed assets in terms of troubled loan negotiations, including drafting and implementation of loan restructurings and modifications of non-performing loans, forbearance agreements and deed-in-lieu transactions. Roger regularly counsels creditors in workouts and enforcement actions, including foreclosure proceedings, rent receiverships, replevin actions and disposition of recovered assets.

### **Commercial Litigation**

With his ability to quickly grasp the subject matter of a case, Roger can precisely focus on the core issues in formulating a practical resolution strategy, whether through motion practice, litigation, settlement or trial. He counsels clients on pre-litigation strategies to trials and to post-judgment proceedings in federal and state courts. These matters include breach of contract claims, uniform commercial code actions, creditors' rights, secured transactions and real estate matters. He is experienced in all aspects of state and federal court litigation, including defensive litigation and lender liability claims.

### **Services**

- Bankruptcy
- Commercial Litigation
- Commercial Contracts & Agreements
- Financial Services

## **Financial Services**

Roger represents lenders with respect to all forms of secured and unsecured commercial loan transactions involving mortgage term loans or offering lines of credit, including negotiating and preparing all documentation and handling loan closings.

## **Real Estate & Development**

Throughout his many years of practice, Roger has counseled both buyers and sellers across the full spectrum of legal issues. This experience includes the negotiation and preparation of contracts and agreements, due diligence, title issues, bulk sales and other real estate issues. Roger's experience includes the negotiation, structuring and closing of real estate loans for the acquisition of real estate and construction loan financing relating to office buildings, warehouse and storage facilities, retail properties and shopping centers, apartment buildings and mixed use properties. He brings exceptional negotiation and drafting skills to the tasks of structuring and closing deals and excels at overcoming obstacles that routinely arise and impede real estate transactions.

## **Education**

- Rutgers School of Law (J.D., 1973)
  - Constitutional Law Award
- New York University (B.A., 1970)

## **Bar Admissions**

- New Jersey

## **Court Admissions**

- Supreme Court of the United States
- Supreme Court of New Jersey
- U.S. District Court, District of New Jersey

## **Professional Affiliations**

- New Jersey State Bar Association
- American Bar Association

## **Awards & Honors**

- Selected for inclusion in *The Best Lawyers in America*®, 2024-2026
- 2021 Lawyer of the Year, Banking & Finance Law, *The Best Lawyers in America*®
- Selected as one of *The Best Lawyers in America*® in the Banking and Finance Law area, 2013-2023
- AV® Rated by Martindale-Hubbell
- New York Area's Top Rated Lawyers, 2012

## Representative Matters

Represented financial institution in connection with negotiating, documenting and closing the purchase of a loan portfolio consisting of more than 2,100 mortgage loans secured by real estate in 25 states, valued in excess of \$10 million, together with a commercial loan portfolio secured by tangible collateral valued in excess of \$18 million.

Represented lender in connection with negotiating, documenting and closing a \$35 million construction loan with respect to development of 1.1 million square feet of office and warehouse space.

Represented lender in connection with negotiating, documenting and closing an \$18.4 million construction loan with respect to development of a 120-unit townhouse project.

Represented lender in connection with negotiating, documenting and closing an \$18.2 million construction loan with respect to development of 46 single-family homes.

Served as local counsel for borrower relative to a \$782 million mortgage loan transaction involving a group of lenders and numerous real estate properties located in retail malls.

Served as local counsel for a group of lenders relative to a \$175 million construction loan for a condominium development with respect to documentation, land use and environmental issues.

Represented financial institution in connection with negotiating, documenting and closing a \$34 million acquisition financing of hotel conference center.

Represented an insurance company with respect to foreclosing and obtaining rent receiver in connection with a \$40 million mortgage loan secured by an office building.

Represented a financial institution with respect to foreclosing and obtaining rent receiver in connection with a \$1.4 million mortgage loan secured by mixed use retail and apartment complex.

Represented an insurance company with respect to foreclosing a \$12 million mortgage loan secured by a hotel.

Represented a financial institution in a workout and loan recovery involving several term loans totaling \$18 million secured by numerous real estate properties.

Represented a financial institution in a workout and loan recovery involving several loans totaling \$12 million in connection with the financing of automobile dealerships.

Successfully prevailed in the appellate division against a borrower seeking to overturn a foreclosure judgment based on lender liability claims, recovering in excess of \$2 million for

client.

Successfully prevailed in the appellate division against a subordinate lien holder with respect to claims of lender liability in connection with a \$3.1 million residential construction development.