

Attorney General for the Commonwealth v. Deutsche Bank – a Receivership Case:

Just prior to a foreclosure on an abandoned property involving our client's ownership interest, the Attorney General for the Commonwealth attempted to take control of the property, make \$180,000 in repairs, place a lien on property and sell it at auction pursuant to the Massachusetts Receivership Statute. After taking various defensive steps for the client to avoid receivership including having it appointed as the property manager pending the foreclosure, the Attorney General would not agree to drop the case and eventually filed suit. A day before hearing on Commonwealth's motion to appoint a receiver, we successfully removed the case to Federal District Court based on a complex diversity jurisdiction argument which automatically stayed the case pending Federal Court action. The Attorney General filed a motion to remand the case back to State Court and we opposed. In the interim, the client was able to take ownership of the property and market and sell it, thereby avoiding receivership all together. The Attorney General subsequently agreed to an outright dismissal of the entire case.