



Patrick C. Lannen

PARTNER

38505 Woodward Ave., Suite 100

Bloomfield Hills, MI 48304

T: (248) 901-4027 | F: (248) 901-4040

plannen@plunkettcooney.com

Practice Areas

Banking, Bankruptcy & Creditors' Rights Law

Class Action, Mass Tort & Multi-District Litigation

Commercial Litigation

Crisis Response Team

Intellectual Property

Clerkships

Justice Maura D. Corrigan,
Michigan Supreme Court

Education

- University of Detroit Mercy School of Law, J.D., magna cum laude, 2009
- Kalamazoo College, B.A., 2006

Admissions

Michigan, 2009

U.S. District Court, Eastern District of Michigan, 2009

U.S. District Court, Western District of Michigan, 2009

U.S. Court of Appeals, Sixth Circuit, 2010

U.S. District Court, Southern District of Indiana, 2017

The leader of Plunkett Cooney's Commercial Litigation Practice Group and a member of the firm's Banking, Bankruptcy & Creditors' Rights Practice Group, Patrick Lannen has been integral to the growth and success of the firm's high stakes and bet-the-company commercial practice that has flourished for more than a decade.

Mr. Lannen, who is a member of the firm's Board of Directors, is widely recognized for his success in all aspects of banking, bankruptcy and commercial litigation. He has particular expertise involving UCC Articles 2 and 9, and real estate cross-border contract disputes.

Representative Matters

- *Presidio, Inc. v. People Driven Tech., Inc.*, --- F. Supp. 3d ---, No. 2:21-CV-05779, 2023 WL 5178345, at *15 (S.D. Ohio Aug. 11, 2023). Prevailed on summary judgment for 10 employees of value-added reseller in a \$100 million claim arising out of a \$250 million acquisition of "Netech" corporation by Presidio.
- *Dicastal N. Am., Inc. v. Markowitz Metals Grp., LLC*, --- F. Supp. 3d --- (W.D. Mich. Sept. 30, 2022). Prevailed on summary judgment for major aluminum trader against world's largest wheel maker for tens of millions of pounds of scrap aluminum.
- *Taieb v. Pharmaco, Inc.*, Oakland County, Michigan Case No. 20-181736-CB. First chaired a seven-day jury trial in April 2022 to a no cause of action for publicly traded Canadian cannabis company against claims of breach of contract, economic duress, and promissory estoppel arising from a business sale.
- *Amir v. AmGuard Ins. Co.*, --- F. Supp. 3d --- (E.D. Mich. June 8, 2022). Prevailed on summary judgment and denial of certification

PATRICK C. LANNEN Cont.

U.S. District Court, District
of Maryland, 2020

Various *pro hac vice*
admissions

for insurer in putative class action against civil RICO claim from sales of thousands of insurance policies.

- *Attitude Wellness, LLC v. Vill. of Pinckney*, --- F. Supp. 3d --- (E.D. Mich. Apr. 7, 2022). Prevailed in evidentiary hearing for the exclusive cannabis licenses in Livingston County, Michigan. Decision cited by federal courts in Illinois, California, Washington and by the Michigan Court of Appeals as a landmark ruling for establishing discretionary limitations for municipalities when awarding cannabis licenses.
- *Polymark Holdings Limited v. Therma Seal, Inc.*, Oakland County, Michigan Case No. 20-184485-CB. First chaired bench trial in August 2022 to judgment for the plaintiff, obtaining full damages requested, no cause of third-party complaint, and attorneys' fees.
- *PNC Bank, Nat'l Ass'n v. Legal Advocacy, P.C.*, 2019 WL 4746810 (E.D. Mich. Sept. 30, 2019). Obtained \$2.1 million judgment on issue of first impression regarding accrual and restarting of limitations period, affirmed in *PNC Bank, Nat'l Ass'n v. Legal Advoc., P.C.*, 841 F. App'x 755, 756 (6th Cir. 2020). Collected entire balance and legal fees, including dismissal of Chapter 11 cases in California and Michigan and obtained appointment of a receiver over operating debtor law firm and all assets of guarantor. 2022 WL 4096866 (E.D. Mich. Sept. 7, 2022) and 2022 WL 10447611 (E.D. Mich. Oct. 18, 2022).
- *Michigan Interlock, LLC v. Alcohol Detection Sys., LLC*, 360 F. Supp. 3d 671, 674 (E.D. Mich. 2018), affirmed, 802 F. App'x 993 (6th Cir. 2020). Reversed "Order of Immediate Suspension" by State of Michigan in emergency appeal for manufacturer of breath ignition interlock devices and companion litigation the United States District for the District of Maryland.
- *Lea Graham v. Word Enterprises Perry, LLC*, No. 18-CV-10167, 2019 WL 2959169 (E.D. Mich. June 18, 2019). Prevailed in dismissal of 100 of 102 claims for the leading franchisee of Hungry Howie's on interplay of Federal Arbitration Act and the Fair Labor Standards Act. Cited by the Harvard Law Review, "Collective Actions-Fair Labor Standards Act – Seventh Circuit Holds That Arbitration-Bound Employees Cannot Be Given Notice of Collective Action Proceeding Under the Fair Labor Standards Act. *Bigger v. Facebook, Inc.*," 947, 133 Harv. L. Rev. 2601, 2610 (2020).

PATRICK C. LANNEN Cont.

- *Smith Living Tr. v. Erickson Ret. Communities*, 326 Mich. App. 366, 370, 928 N.W.2d 227, 232 (2018). Prevailed on summary judgment and affirmed on appeal in putative class action for thousands of alleged fraudulent real estate transactions for senior care living facility.
- *Melton et al, v. Belle Tire Distributors, Inc.*, Wayne County, Michigan Case No. 16-009952-CZ. Represented supplier in \$135 million bet-the-company putative class action for alleged fraudulent sales of over 300,000 tires, obtaining denial of certification.
- *Berkadia Commercial Mortgage, LLC v. Kings Lane Limited Dividend Housing Limited Association*, No. 11-CV-15251(E.D. Mich. April 27, 2015). Reversed denial by HUD of \$14 million government loan guaranty and related tax credits.
- *Res-MI Co., LLC v. Woodward Place and Brush Park II Association*, Case 16-CV-11393 (E.D. Mich. April 18, 2019). Reversed attempted “conversion” of unimproved mortgaged land into common elements by condominium association and prior related lien foreclosure by material supplier for Rialto Capital Management, LLC on theory of lien claimant’s failure to observe FDIC notice requirements for debt acquisition from FDIC.
- *Huntington Nat. Bank v. Afr Enterprises, Inc.*, 2014 WL 1509575, at *1 (E.D. Mich. Apr. 16, 2014). Represented lender in federal receivership restructure and liquidation of \$15 million relationship secured by retail and industrial properties across Michigan, recovering more than 90% of indebtedness.
- *In Re Burst Sound & Lighting Systems, L.L.C.*, Case No. 16-42293 (Bankr. E.D. Mich. July 20, 2016). Prevailed in evidentiary hearing for secured creditor on conversion claim of collateral, obtaining turnover, sanctions, and order of five-day incarceration of debtor’s principal.
- *Blackward Properties, LLC v. Sower*, No. 313282, 2014 WL 5690380, at *1 (Mich. Ct. App. Nov. 4, 2014). Prevailed on summary judgment for lender against claims of fraud, aiding and abetting fraud, tortious interference and negligent supervision, arising out of foreclosure of \$5 million multi-tenant retail building in downtown Birmingham, Michigan and affirmed on appeal.
- Closed \$150 million loan in 2019 for cannabis company from foreign lender for the acquisition of 14 cannabis dispensaries in convertible debenture.

Professional Affiliations

- Leadership Oakland, Class XXII
- State Bar of Michigan
- Federal Bar Association (RISE Committee)
- Lawyers for Civil Justice
- DRI (Commercial Litigation Committee)

PATRICK C. LANNEN Cont.

Publications and Lectures

- "Class Action Reform, Proposed Comment to Rule 23 of the Federal Rules Advisory Committee for 2020," Panelist, Lawyers for Civil Justice, National Meeting, December 2019
- "Compendium of Commercial Finance Law, Michigan," Co-Author, the Secured Finance Network, October 2019
- "Fraudulent Transfers," Speaker, American Bankruptcy Institute Central States Workshop, Acme, Michigan, June 8-9, 2017
- "Under Water: Diving into the Legal Issues Surrounding Troubled Mortgages in Michigan," Speaker, Lakeshore Bar Association, March 29, 2012
- "Mortgage Rights and Remedies," Oakland County Bar Association Workshop, March 27, 2012

Honors & Recognitions

- Michigan Rising Star in Banking, Michigan Super Lawyers, 2013 - 2023
- Go To Lawyer for Business Litigation, Michigan Lawyers Weekly, 2023
- Leadership Oakland 2011-2012 Cornerstone Program, Member
- Top Lawyer in Banking/Finance Litigation, dbusiness Magazine, 2014
- Samuel L. Westerman Honors Scholarship
- Justice Frank Murphy Honor Society
- University of Detroit Mercy Law Review, Senior Member, 2008-2009
- Moot Court Board of Advocates, Ruby R. Vale Corporate Team, 2007-2008
- Kalamazoo College Soccer, Captain, 2003-2006