

**PRINCETON, NEW JERSEY**

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**PRACTICE AREAS:**

[Financial Services Litigation](#)

[Litigation](#)

[Automotive Industry & Dealership](#)

[Commercial Litigation](#)

**STATE ADMISSIONS:**

New Jersey

Pennsylvania

New York

**COURT ADMISSIONS:**

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

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

U.S. District Court for the Eastern  
District of Pennsylvania

U.S. Bankruptcy Court for the  
Eastern District of Pennsylvania

U.S. District Court for the Eastern  
District of New York

U.S. District Court for the Middle  
District of Pennsylvania

U.S. District Court for the  
Southern District of New York

U.S. District Court for the  
Northern District of New York

U.S. District Court for the Eastern  
District of Michigan

U.S. District Court for the  
Northern District of Illinois

U.S. Court of Appeals for the Third  
Circuit

U.S. Court of Appeals for the  
Seventh Circuit

**EDUCATION:**

J.D., with High Distinction, Ohio  
Northern University, Claude W.  
Pettit College of Law, 2007; Ohio

## Nicholas M. Gaunce

### MEMBER

Nick Gaunce is a member of Eckert Seamans' litigation and financial services groups. Nick is an experienced litigator whose practice revolves around serving two distinct types of institutional clients: banks and financial institutions and insurance carriers and self-insured entities.

In his role as counsel for banks and financial institutions, Nick handles all aspects of the litigation process for troubled loans, including foreclosures, bankruptcies, workouts, and collection actions. In this area, he handles the matter from inception to conclusion, whether that includes negotiating the restructuring of a particular loan, obtaining possession of a lender's collateral, such as real estate, filing a claim or special proceeding in bankruptcy court, pursuing a collection action, or enforcing an existing judgment of record. Nick currently acts as lead litigation counsel for a regional bank in multiple jurisdictions. Because of this experience, he can quickly and effectively pursue debtors on troubled loans and bring matters to a satisfactory conclusion, either by obtaining the appropriate settlement or procuring the proper judgment to protect his client's interests. In addition, Nick has extensive experience assisting banks and financial institutions with loan sales for assets that may become troubled in the near future.

Nick also litigates matters on behalf of insurance carriers and self-insured entities. When serving clients in this industry, he handles a wide variety of matters, including premises liability claims, broker malpractice claims, automobile accident claims, legal and medical malpractice claims, and general liability matters.

### REPRESENTATIVE MATTERS

- Acts as general and litigation counsel for a commercial condominium association located in Mercer County, New Jersey, including providing advice on issues of corporate governance and handling lien foreclosure matters.
- On behalf of a national lender, obtained two confessions of judgment in the aggregate amount of nearly one million dollars in related proceedings pending in the Court of Common Pleas, Lehigh County, Pennsylvania.
- After a bench trial, obtained a judgment in excess of \$2,000,000.00 against a personal guarantor on a commercial loan claiming that he was no longer liable on the underlying debt because of alleged fraud with the loan documents involved.
- Serves as lead litigation counsel for a national lender who is

currently owed in excess of \$7 million dollars on two loans in New Jersey and handles the collection of funds due under these loans, along with collateral proceedings involving allegations of substantial fraudulent transfers.

- Serves as lead litigation counsel for a religious entity client confronting numerous lawsuits in New York raising allegations of abuse with an estimated exposure of over ten million dollars.
- Serves as lead litigation counsel for multiple lenders seeking an exception to discharge of their multi-million-dollar debts in relation to debtors and guarantors who have filed for bankruptcy protection in New Jersey and Eastern Pennsylvania.
- Serves as lead litigation counsel for a regional bank helping to enforce its rights in relation to a portfolio of over 4,000 judgments of record in multiple jurisdictions on both secured and unsecured loans where his client is owed a total of \$68 million dollars.
- Documented, directed due diligence on, and successfully handled the closing on a loan sale involving three properties in two states where the purchase price was over \$2,800,000.00, the completion of which resulted in a profit to the client on significant balloon loans that were near maturity and represented five percent of that client's managed assets.
- Assisted a local bank with numerous loan sales ranging in value from \$100,000.00 to in excess of \$2,000,000.00 as part of a potential merger with another financial institution.
- Secured a settlement that eliminated a \$110,000 third-party claim for approximately 10 percent of its value in a contested foreclosure action following a bench trial in which the adversary disputed that an agreement was reached to bring the loan at issue current.
- Obtained summary judgment in the United States Bankruptcy Court for the Northern District of Georgia in relation to a \$1.9 million judgment debt based upon a willful and malicious injury exception to discharge.
- Obtained a dismissal, on appeal, of a six-figure claim raised against a national financing company in a bankruptcy adversary proceeding based upon the fact that the plaintiff had failed to properly secure appellate jurisdiction over the pending claims; Acted as regional counsel for a national housekeeping company, handling various actions, including premises liability claims and property damage matters.

*Northern University Law Review.*

B.A., University of New Hampshire,  
Student-Athlete of the Year Award  
Winner, 2003

## COMMUNITY INVOLVEMENT

- Robert Wood Johnson University Hospital, Foundation Board Member
- Attorney Member, Mercer County, New Jersey District Ethics Committee
- Public Relations Officer, Robbinsville Seventh-Day Adventist Community Church

## NEWS AND INSIGHTS

### PUBLICATIONS

- “Can Home Equity Lenders Finally Breathe a Sigh of Relief?” , Thompson Reuters, April 2016.
- “[NJ Court Fails to Clarify Payroll Account Levy Rules](#),” Law360, May 2015.
- “[NJ Courts Hand Financial Cos. 2 Bonuses in 2014](#),” part of Law 360’s end of year series, December 2014.
- “Good Faith in Mortgage Modifications: Can a lender rely exclusively on its own internal standards in making decisions on loan modifications?” New Jersey Mortgage Industry Alert, May 2013.
- “Deliver Us From Evil: Why Bankruptcy Judges May Properly Rely on the Free Exercise Clause & RFRA to Protect Church Property from the Grasps of Tort-Creditors” 43 Valparaiso University Law Review 641, 2009, with Luther.
- “Comment, Homeowners’ Associations And Free Speech: Are They Subject to the Constitution and What Test Do We Apply?” 34 Ohio Northern University Law Review 243, 2008.

### SPEAKING ENGAGEMENTS

- “Contract Litigation: Fish or Cut Bait-Settle or Defend,” Defense Research Institute, Fall 2013.