



Brian J. McLaughlin

Senior Counsel

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Brian J. McLaughlin is a principal attorney who concentrates his practice on commercial transactions, real estate, bankruptcy, and creditor rights. He is a certified mediator of the Delaware Superior Court, a member of the panel of mediators serving the United States Bankruptcy Court for the District of Delaware and a certified commercial law arbitrator.

Brian works with clients in structuring and negotiating commercial real estate and business transactions. His work includes counseling clients in their review and negotiation of office, shopping center and warehouse leases, and he frequently advises clients regarding zoning and land use issues. Brian has extensive experience in commercial lending, work-out and debt restructuring, having represented national and local lenders as well as borrowers for over 30 years. His work-out and litigation experience provides additional insight when developing successful strategies in drafting transactional documents.

Additionally, Brian represents secured and unsecured creditors, including landlords, trade creditors and utility services providers in middle market and mega Chapter 11 bankruptcy cases. He has served as counsel to liquidating trustees in pursuing adversary actions and regularly represents clients defending preference litigation. In his civil litigation practice, Brian represents clients in all aspects of business litigation, including general contract disputes, creditor rights, asset recovery, mortgage foreclosures and landlord-tenant disputes. His role as a mediator adds a unique perspective in resolving disputes without the additional expense of litigation.

Brian was named to *Delaware Today Magazine's* Top Attorneys list for 2021 and 2024 for Bankruptcy Law & Businesses. He is also an active member of Offit Kurman's attorney mentorship program.

Education

- University of Dayton (J.D.)
- University of Delaware (B.A.)

State Bar Admissions

Services

- Corporate Finance
- Creditors' Rights
- Distressed Real Estate
- Real Estate Law and Transactions
- Real Estate Disputes and Litigation
- Alternative Dispute Resolution

- Delaware

Court Admissions

- Supreme Court of the United States
- United States District Court for the District of Delaware
- United States Bankruptcy Court for the District of Delaware

Professional Affiliations

- Delaware State Bar Association, Member
 - Commercial Law Section
 - Real & Personal Property Law Section
 - Bankruptcy Section
- American Bar Association, Member
 - Business Law Section
 - Real Property Section
 - Litigation Section
 - Law Practice Management Section
- American Bankruptcy Institute
- Certified Delaware Superior Court Mediator
- Certified U.S. Bankruptcy Court for the District of Delaware Mediator
- Certified Commercial Law Arbitrator
- Commercial Law and Creditor Rights, Wesley College, Instructor
- Offit Kurman Attorney Mentorship Program, Mentor

Representative Matters

- Represented a borrower in the refinancing of a multimillion-dollar obligation insured by the U.S. Department of Housing and Urban Development in connection with a low-income apartment complex in Wilmington, DE
- Represented a regional lender in connection with a direct purchase tax-exempt bond issue to refinance a multimillion-dollar obligation of a volunteer fire company
- Counsel to several regional lenders in documenting, closing, and funding their commercial real estate and SBA loans in DE
- Counsel to a regional Commercial Landlord in negotiating and documenting its leases of multiple mixed-use properties
- Represented a Fortune 500 company in negotiating a long-term ground lease and a purchase and sales contract with the Delaware River and Bay Authority for the company's corporate jet hanger in New Castle County, DE
- Developed template documentation and pleadings for a regional lender concerning recent revisions to Title 10 of the Delaware Code relating to foreclosures involving

owner-occupied residential 1-4 family primary residential properties

- Represented a property owner before the Town Council and through the Chancery Court proceedings in connection with the approval of a mixed retail store, office, and gas station development project in the town of Ocean View, DE
- Represented a property owner before the City Council in connection with a townhouse development project in the historic district of the City of New Castle, DE
- Represented the Liquidating Trustees in prosecuting preference avoidance and recovery actions in the United States Bankruptcy Court for the District of Delaware in the MCMS, Inc., DVI, Inc., and Fedders North America Inc. Chapter 11 bankruptcy cases

Publications & News

November 6, 2024

Four Offit Kurman Attorneys Selected as 2024 "Top Lawyers" by Delaware Today