

Brian J. Levy

Partner

Atlanta, GA
(404) 685-4252
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Brian Levy is a pragmatic litigation and creditors' rights partner in the firm's Creditors' Rights & Bankruptcy practice group. His practice focuses on representing financial institutions, non-traditional lenders, mortgage servicers, secondary debt purchasers, and other creditors in out-of-court loan workouts and restructurings, bankruptcy proceedings, and related litigation. Brian regularly represents creditors in suits on notes and guarantees, enforcing rights under the Uniform Commercial Code and real estate foreclosure law, claims for the avoidance and recovery of fraudulent transfers under the Uniform Voidable Transactions Act, and post-judgment enforcement proceedings, as well as in defensive litigation involving allegations of lender liability and various statutory claims.

Brian has extensive experience litigating and arbitrating complex real estate and business disputes involving claims under the federal and Georgia RICO Acts, fraud, breach of fiduciary duty, tortious interference, breach of contract, and business torts. He services clients across a range of industries, including financial institutions, real estate, manufacturing, technology, and insurance.

Brian also has substantial appellate experience, including beginning his legal career as a staff attorney for the United States Court of Appeals for the Eleventh Circuit.

Experience

- Recovered disputed earnest money deposit for multi-family real estate investor after unsuccessful attempt to purchase apartment complex for \$11 million.
- Obtained dismissal of defamation and negligence claims brought by customer against one of the nation's largest regional banks under Georgia's revised anti-SLAPP statute.

PARALEGAL/ASSISTANT

Legal Practice Assistant

Billie J. Robinson
(404) 580-3318
brobinson@burr.com

CAPABILITIES

Creditors' Rights and Bankruptcy
Financial Institutions

Commercial Litigation

Consumer Finance Litigation &
Compliance

Appellate Litigation

EDUCATION

J.D., William & Mary Law School

B.A., University of Virginia

LICENSED IN

Georgia

Kentucky

ADMITTED IN

State Courts of Georgia

State Courts of Kentucky

U.S. Court of Appeals for the
Eleventh Circuit

U.S. District Court - Northern District
of Georgia

U.S. District Court - Middle District
of Georgia

U.S. District Court - Southern District
of Georgia

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- Obtained dismissals and summary judgments on behalf of financial institutions and mortgage servicers on claims for wrongful foreclosure, attempted wrongful foreclosure, TILA, RESPA, and other statutory and regulatory violations described as "abusive lending."
- Obtained summary judgment in favor of a real estate developer and against an adjacent homeowners' association over easement access rights.
- Obtained summary judgment in favor of an asset management firm and against the former declarant that sought property owner assessments under restrictive covenants governing REO property.
- Achieved prompt and favorable settlement for commercial real estate lender from parties who induced lender into making a \$2.1 million loan to a Ponzi scheme.

Honors & Recognition

- Listed in *The Best Lawyers in America*® Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law since 2023, Commercial Litigation since 2022

News

- Best Lawyers® 2024 Honors 242 Burr Attorneys, Including 17 "Lawyers of the Year"
Firm News, 08.17.2023
- Burr & Forman Expands in Atlanta with Addition of Five Attorneys
Firm News, 06.04.2018

Speaking Engagements

- 2022 Georgia Bar Business Litigation CLE: Creditors' Rights and Real Estate Litigation
Speaking Engagement, Atlanta, GA, 11.02.2022

Articles

- *Inside the Minds: Representing Officers and Directors Charged with Corporate Malfeasance*: Practical Considerations for Representing Directors and Officers in Securities Litigation
Articles / Publications, 01.01.2015

U.S. Bankruptcy Court - Northern District of Georgia

U.S. Bankruptcy Court - Middle District of Georgia

U.S. Bankruptcy Court - Southern District of Georgia

U.S. District Court - Eastern District of Kentucky

U.S. District Court - Western District of Kentucky

U.S. Tax Court

U.S. Court of Federal Claims

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Civic Activities

- American Jewish Committee, Board member; Berman Leadership Program, co-chair
- Temple Sinai Atlanta
- Leadership Sandy Springs (Class of 2020)

Professional Activities

- Atlanta Bar Association
- American Bankruptcy Institute
- Member of the Law360 Georgia Editorial Board (2023)