



Bonnie E. Dye

OF COUNSEL

Consumer Finance

With a unique blend of experience in consumer finance, as well as corporate bankruptcy and litigation, Bonnie offers a variety of strategic advice to McGlinchey Stafford's financial industry clients.

Bonnie works closely with consumer lending companies in order to comply with the current regulatory licensing demands imposed on national mortgage and consumer lenders, sales finance companies, brokers, and collection agencies. Her knowledge of state licensure requirements equips her to guide clients through the various steps needed to obtain and maintain compliant licensure. Bonnie also works to provide notifications and/or filings required by state regulatory agencies when clients undergo organizational changes – such as a change of control, change of officers and managers, address change, and name change – as well as administrative actions or sanctions. Bonnie also oversees license renewals to alleviate the in-house burden of monitoring and filing timely renewals and annual reports.

Bonnie counsels clients on the complex Nationwide Multistate Licensing System and Registry (NMLS), the system of record for non-depository, financial services licensing in participating state agencies. In these jurisdictions, NMLS is the official system for companies and individuals seeking to apply for, amend, renew, and surrender licenses. Her experience with the NMLS alleviates client challenges throughout the licensing process.

Bankruptcy and Commercial Litigation

Bonnie began her career as an associate in the bankruptcy, financial restructuring and insolvency practice group of an AmLaw 100 firm in its New York City office. There, she gained extensive experience handling bankruptcy and restructuring matters for secured and unsecured lenders, creditors, and creditors' committees in Chapter 11 insolvencies. She has represented a broad base of financial institutions and other parties in interest in complex and high-profile bankruptcy cases. Missing family and ample living space, Bonnie returned home to Louisiana and joined McGlinchey Stafford's Commercial Litigation group, where she engaged in a broad-based commercial litigation practice both in state court and federal court, with a focus on defending clients in consumer finance matters, government contract disputes, and adverse proceedings in bankruptcy.

Honors

- *Louisiana Super Lawyers* "Rising Stars" (Consumer Law, Business Litigation, Bankruptcy: Business, Government Contracts), 2016–2018
- Dermot S. McGlinchey Commitment to Pro Bono Award, 2017

Experience

Represented commercial finance lender as defendant in action in Civil District Court for Parish of Orleans, State of Louisiana, where plaintiffs asserted a number of damage claims with respect a golf course development adjacent to plaintiffs' properties

Plaintiff's claims were based on theories of contractual liability, tort liability, and statutory liability. Successfully obtained dismissal, with prejudice, of all claims and causes of action asserted against lender. Responsibilities included reviewing relevant pleadings and analyzing potential defenses, drafting peremptory exceptions and supporting memorandum of law seeking dismissal of all claims against lender, and drafting answer to plaintiff's petition.

Represented corporate and institutional lender as intervening party in a garnishment action in the United States District Court for the Northern District of Mississippi where lender sought to protect its secured interest in the proceeds at issue.

Service Areas

Commercial Litigation
Consumer Financial Services Compliance
Consumer Financial Services Litigation
Creditors' Rights, Financial Restructuring and Bankruptcy
False Claims Act
Government and Public Policy
Government Contracts

Education

Tulane University Law School, J.D., 2008
Louisiana State University, B.S., 2005, *magna cum laude*

Admissions

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

Office

New Orleans

Email

bdye@mcglinchey.com

Telephone

(504) 596-2776

Fax

(504) 910-9510

* indicates primary office

Responsibilities included reviewing loan documents and UCC filings, drafting motion to intervene and supporting memorandum of law, drafting complaint for declaratory judgment, and drafting answer to application for writ of garnishment.

Represented local restaurant and bar company as reorganized debtor in the appellate proceedings in the United States District Court for the Eastern District of Louisiana and the United States Court of Appeals for the Fifth Circuit.

The appeal involves a challenge by the debtor's landlord to the assumption of the underlying lease by the debtor during its bankruptcy proceeding. The matter is currently before the Fifth Circuit. Responsibilities included reviewing appellant briefs and analyzing landlord's arguments, reviewing applicable court orders, drafting responding and cross appellant briefs, and preparing additional designation of record and issues on appeal.

Represented manufacturer and provider of medical technologies, as defendant, in a government contract bid protest case in the 24th Judicial District for the Parish of Jefferson, State of Louisiana.

Successfully obtained dismissal, with prejudice, of all claims and causes of action asserted against the defendant. Responsibilities included reviewing plaintiff's pleadings and analyzing for potential defenses, coordinating case strategy with the client, drafting answer to plaintiff's petition, preparing witness to testify at preliminary injunction hearing, coordinating and producing relevant documents in response to plaintiff's discovery requests, drafting protective order pertaining to discovery, drafting oppositions to plaintiff's pleadings throughout the case, drafting peremptory exceptions to plaintiff's petition seeking dismissal of the action, and preparing for and participating in hearing on preliminary injunction and on dispositive pleadings.

Represented national restaurant, in its role as contract counterparty, in the chapter 11 bankruptcy proceedings

Responsibilities included reviewing relevant transactional agreements, analyzing potential effects of the debtors' bankruptcy proceeding on creditor's contractual relationships with the debtors, preparing and filing creditor's proofs of claims, and corresponding with debtors' counsel about treatment of contracts.

Represented national wealth management firm in an action for its alleged failure to satisfy a prior settlement in the 15th Judicial District Court, Parish of Lafayette, State of Louisiana.

Successfully obtained a dismissal of plaintiff's motion to enforce settlement against the firm. Responsibilities included reviewing relevant pleadings and analyzing potential defenses, drafting exceptions of lack of subject matter jurisdiction and of prematurity and opposition to plaintiff's motion to enforce settlement, and drafting supporting memorandums of law.

Represented oil and gas exploration corporation in a dispute between multinational oil companies about the non-payment of overriding royalty interest amounts due from the production of oil.

Parties reached a settlement on the eve of trial on terms favorable to the plaintiff. Responsibilities included attending deposition of defendants' expert witness, drafting response to defendants' objection to plaintiff's trial exhibits, researching issues relating to admissibility of expert testimony, drafting motion to exclude defendants' expert witness and supporting memorandum of law, and drafting objection to defendants' trial exhibits.

Represents national mortgage servicer in a contested foreclosure action pending in the State of New York Supreme Court and related counteraction pending in the United States District Court for the Southern District of New York.

Responsibilities have included reviewing mortgage loan documentation, analyzing defendant's pleadings filed in the state court and federal court proceedings, drafting opposition to defendant's pleadings, drafting opposition to defendant's leave to appeal denial of its pleadings, researching issues pertaining to New York Real Property Actions and Proceedings law, drafting discovery requests and responses to defendant's discovery requests, and preparing for mediation to resolve all pending litigation between the parties.

Represents national mortgage servicer in two separate, but related, False Claims Act lawsuits that involve allegations concerning participation in the Treasury Department's Home Affordable Modification Program ("HAMP")

Responsibilities have included researching legal issues pertaining to relators' underlying claims and issues related to discovery, assisting in the drafting of several motions including motions to dismiss and motion for protective order to quash subpoenas, preparing and serving third party subpoenas, and drafting motion to compel third party response to subpoenas.

Represents national subsidiary of foreign bank, which provides mortgage products and various financial services to its mortgage holders, in the reconciliation of over 50 deficient mortgage loan files.

Responsibilities have included reviewing mortgage loan documents, researching cure options for legal deficiencies in the loan documentations, reviewing applicable state law requirements regarding standing to foreclose or effectuating a lien release, corresponding with local county clerks to resolve property records recording issues, preparing assignment of mortgages and lien releases for recording with the county clerk, and drafting loan file recommendations to remedy outstanding issues.

Recent Publications

- July 21, 2016 [U.S. Supreme Court Upholds Implied Certification Theory as Basis for FCA Liability But Only in Certain Circumstances](#)
The United States Supreme Court recently resolved a circuit split on whether the implied certification theory can be the basis of False Claims Act ("FCA") liability in *Universal Health Services, Inc. v. United States ex rel Escobar*, 136 S. Ct. 1989 (2016).
McGlinchey Government Contracts Client Alert
- October 20, 2015 [Louisiana Appellate Court Affirms City's Rejection of Lowest Bid Based on Bidder's Non-Responsibility](#)
Ordinarily, the award of a public contract must go to the lowest responsive bidder under Louisiana's Public Bid Law. However, the lowest bidder can be disqualified and its bid rejected if the bidder is deemed "non-responsible."
McGlinchey Government Contracts Client Alert

Events

- October 18, 2018 [Emerging/Novel Licensing Issues - from Data Brokering to Student Loan Servicing](#)
2018 Consumer Finance Legal Conference New Orleans, LA

News Results

- December 28, 2017 [Twenty-Six McGlinchey Stafford Attorneys Recognized in Louisiana Super Lawyers 2018](#)
McGlinchey News Release
- December 23, 2016 [Twenty-Four McGlinchey Stafford Attorneys Recognized in Louisiana Super Lawyers 2017](#)
McGlinchey News Release
- March 24, 2015 [McGlinchey Stafford Adds Four Attorneys in Louisiana](#)
McGlinchey News Release