

# Andrew L. Jagoda

## Partner

New York Office

+1.212.940.8520

andrew.jagoda@katten.com



### Practices

FOCUS: Real Estate

Financial Markets and Funds

Real Estate Acquisitions, Dispositions and Joint Ventures

Real Estate Development

Real Estate Finance and Lending

### Industries

Construction

Family Offices

Finance and Financial Markets

Hospitality

Private Client Services

### Education

JD, Harvard Law School, *cum laude*

BA, Brandeis University, Economics, *magna cum laude*

### Bar Admissions

New York

### Court Admissions

US District Court, Southern District of New York

US Supreme Court

### Community Involvements

American Bar Association

New York State Bar Association

Real Estate Board of New York

American College of Mortgage Attorneys, Fellow

Andrew Jagoda advises clients that finance, buy, sell, build, lease and manage real estate properties in all asset classes. He also has extensive experience representing both lenders and borrowers in workouts and restructurings. Having assisted both the US government and the government of the People's Republic of China in disposing of billions in real estate assets, he is prepared to handle the most challenging transactions.

### Counsel for all real estate assets and all business cycles

Andrew is the quintessential real estate lawyer for all asset classes — including distressed assets — and all business cycles. He advises clients on transactions involving large office buildings, hotels, retail centers, industrial facilities and multifamily properties, both on an individual property and on a portfolio basis. He has represented lenders in a variety of loan transactions, including construction loans, multiproperty financings, mezzanine loans and ground lease mortgage loans (involving both fee and leasehold positions). Andrew also represents property owners in the acquisition, sale and development of property, including the negotiation of construction contracts and construction financing, permanent financing and joint ventures with equity investors. Andrew's practice also includes the representation of both landlords and tenants in ground leases and in office and retail leases. His clients include insurance companies, banks, developers, foreign and US investment funds, family-office investors, landlords, tenants and nonprofit organizations.

Andrew takes a holistic approach with his clients, with a focus on a client's position in the market and not only with respect to individual transactions. He routinely works with clients to develop and upgrade their operating platforms and document forms, and he assists clients in anticipating and addressing market trends and issues.

In his 35-year career, Andrew has considerable experience over numerous cycles advising clients with distressed real estate assets, which includes representing lenders with the workout, restructuring and foreclosure of real

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estate and construction mortgage loans. He has also helped his clients take back mortgage properties in deed-in-lieu transactions, bought and sold impaired real estate loans and bought and sold REO. During the COVID-19 pandemic, he served as co-chair of a group of Katten real estate attorneys who assisted a major financial institution to modify over 200 commercial mortgage loans, involving hotels, multi-family residences, office building and retail centers located throughout the United States, in order to provide borrowers with short-term relief.

Andrew's 35-year career has included public service representing US taxpayers in the real estate crisis in the early 1990s. In this role, he served as counsel at the Resolution Trust Corporation (RTC), a federal agency charged with the disposition of real estate assets from failed financial institutions. At the RTC, he advised on the disposition of approximately \$4 billion of assets. Andrew also represented China Huarong Asset Management Corporation, an agency of the government of the People's Republic of China, in a series of bulk sales of more than \$1 billion of nonperforming loans and foreclosed properties, structured as joint ventures between Huarong and investors. These were among the first such transactions conducted in China. Andrew has also represented the heirs of victims of the Holocaust in the recovery of art stolen by the Nazis.

## Representative Experience

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- Representation of financial institution in \$1 billion refinancing of Manhattan office building.
- Representation of affordable housing developer in construction of multi-tower project in Queens, New York consisting of 680 units and cost of \$400,000,000.
- Representation of developer of the financing and construction of a 300 unit project in Long Island at a cost of \$150,000,000.
- Representation of financial institution in \$ \$90,000,000 financing of a 320 unit apartment building in Jersey City, New Jersey.

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- Representation of financial institution in \$230,000,000 financing of a portfolio of commercial properties in New York, New Jersey and Connecticut.
- Representation of financial institution in a \$300,000,000 financing of portfolio of student housing projects.
- Representation of financial institution in a \$52,000,000 construction financing of a 420 unit apartment project in Miami, Florida.
- Representation of financial institution in a \$400,000,000 construction loan of a 60 luxury condominium unit project in Manhattan.

## Recognitions

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*Recognized or listed in the following:*

- *Best Lawyers in America*
  - Real Estate Law, 2018–2024
- *Super Lawyers*
  - New York, 2015–2023
- *The Legal 500 United States*
  - Recommended Attorney, 2017–2019, 2021

## News

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- Katten Attorneys Named to 2023 New York Super Lawyers, Rising Stars Lists (September 29, 2023)
- Katten Attorneys Distinguished by *Best Lawyers*® (August 17, 2023)
- Katten Attorneys Earn 2022 New York Super Lawyers and Rising Stars Distinctions (September 29, 2022)
- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)

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- Katten Moves to Iconic Rockefeller Center® as Flexible Return-to-Office Plan Launches (April 5, 2022)
- Katten Attorneys Named 2021 New York Super Lawyers and Rising Stars Honorees (September 30, 2021)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)
- Katten Attorneys Chosen for New York Super Lawyers and Rising Stars Lists (October 28, 2020)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Katten New York Moving to Rockefeller Center® (October 21, 2019)
- Katten Attorneys Nominated to 2019 New York Super Lawyers, Rising Stars Lists (September 12, 2019)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Attorneys Named to 2018 New York *Super Lawyers*, Rising Stars Lists (September 13, 2018)
- Katten Distinguished by *The Legal 500 United States* (June 14, 2018)
- Katten Attorneys Acknowledged in 2017 New York Super Lawyers, Rising Stars Lists (September 20, 2017)
- Katten Distinguished by *The Legal 500 United States 2017* (May 31, 2017)
- Eighteen Katten Attorneys Distinguished in 2016 New York Metro *Super Lawyers* List (September 21, 2016)
- Twenty Katten Attorneys Recognized in 2015 New York Metro *Super Lawyers* List (September 16, 2015)

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- Partner Andrew Jagoda Profiled in *Mortgage Observer* (September 9, 2013)
- Partner Andrew Jagoda Establishes Brandeis Book Award (June 2010)
- Partners Sheri Chromow and Andrew Jagoda Author Book Chapter on Tools of Acquisition (2010)

## Publications

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- Corporate Transparency Act Found Unconstitutional (for Specific Plaintiffs) (March 4, 2024)
- Congress Enacts Corporate Transparency Act Requiring Corporations, Limited Liability Companies and Similar Entities to Disclose Beneficial Ownership Information (January 4, 2021)
- Delaware Bankruptcy Court Dismisses Chapter 11 Petition of Mezzanine Borrower as Filed in Bad Faith (January 24, 2012)
- Real Estate in 32 Jurisdictions Worldwide (US, December 2011)
- US Treasury Names Asset Managers and Launches Legacy Securities Program (July 13, 2009)
- Treasury Releases Rule on TARP Executive Compensation and Corporate Governance (June 19, 2009)
- Federal Reserve Adds Legacy CMBS to TALF (May 20, 2009)
- Expansion of TARP to Newly Issued CMBS Creates Opportunities for TARP Investors, Commercial Mortgage Lenders and Property Owners (May 4, 2009)
- TARP Capital Purchase Program Expanded to Include Mutual Holding Companies (April 16, 2009)
- Treasury Unveils Public-Private Investment Program for Legacy Assets (March 26, 2009)
- Federal Reserve Launches TALF, Removes Executive Compensation Limits and Revises Terms (March 18, 2009)

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- Proposed Addition of CMBS to TALF May Create Opportunities for Commercial Mortgage Loan Originators, Servicers, Borrowers and Investors (March 12, 2009)
- Treasury's New Capital Assistance Program to "Stress Test" and Provide Billions to Banks (March 3, 2009)
- Stimulus Act Expands Executive Compensation Restrictions for TARP Recipients (February 26, 2009)
- Federal Reserve and Treasury Provide TALF Pricing, Haircuts and Other Further Revised Terms (February 12, 2009)
- Treasury Department Unveils New Financial Stability Plan (February 10, 2009)
- Treasury Releases Additional Executive Compensation Guidance for TARP Capital Purchase Program (January 27, 2009)
- TARP Capital Purchase Program Expanded to Include Qualifying S Corporations (January 16, 2009)
- Federal Reserve Announces Revised TALF Terms (December 23, 2008)
- Federal Reserve Supports Consumer ABS Issuance by Creating Term Asset-Backed Securities Loan Facility (TALF) (December 1, 2008)
- Privately Held Financial Institutions Offered TARP Capital Purchase Program Funds (November 18, 2008)
- Treasury Secretary Paulson TARP Update (November 12, 2008)
- US Banks and Thrifts Offered Billions of Federal Funds Under Treasury's Capital Purchase Program (October 15, 2008)
- Analysis of the TARP: Challenges and Opportunities for Your Business (October 13, 2008)
- Summary of Final Legislation — Emergency Economic Stabilization Act of 2008 (EESA)/Troubled Asset Relief Program (TARP) (October 13, 2008)
- Emergency Economic Stabilization Act of 2008/Troubled Asset Relief Program (TARP) (September 29, 2008)

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- Analysis of Congressional Response to Treasury's Troubled Asset Relief Program (TARP) (September 23, 2008)
- Implications of the Lehman Bankruptcy Entities on Multi-Lender Financings (September 2008)

## **Presentations and Events**

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- The End of Anonymity? The Corporate Transparency Act Revealed (March 10, 2021) | *Speaker*
- 2016 ACIC Spring Investment Forum (April 7–8, 2016) | *Panelist* | *Letters of Intent: Traps for the Unwary Lenders*
- 2014 ACMA Annual Meeting (September 18–20, 2014) | *Panelist* | *Letters of Intent: Traps for the Unwary Lender*
- 13th Annual US Real Estate Opportunity and Private Fund Investing Forum (May 31, 2012) | *Panelist* | *Using Basis Resetting as a Means of Tailoring Property Valuation to Your Needs*
- Dealing With Borrower Defense Strategies in Commercial Loan Default and Mortgage Foreclosure Matters - A Practical Guide for Lenders (June 18, 2009) | *Presenter*