



DANIEL E. BURGOYNE

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PRACTICE SUMMARY

Dan's practice focuses upon representation of banks and other creditors in commercial lending and work-out matters, finding creative and cost-effective ways to secure payment of his clients' claims. He is familiar with the unique Rhode Island receivership process, bankruptcy proceedings in chapters 7, 11, and 13 of the U.S. Bankruptcy Code, and various other venues.

In addition to debtor and creditor matters, Dan also practices in the firm's insurance defense and commercial litigation practice. He has experience with personal injury, insurance coverage disputes, appellate litigation, probate administration, landlord-tenant, and professional malpractice matters.

REPRESENTATIVE MATTERS

- Successfully defended private psychiatrist who has hired by a federal agency to conduct an independent medical records review and determined that the plaintiff was alcohol dependent. In an issue of first impression, the Rhode Island Supreme Court reversed a lower court ruling, and agreed with the psychiatrist that he did not owe a duty of care to the subject of the review and could not be liable to him for alleged negligence in reaching or reporting his conclusions. See *Woodruff v. Gitlow*, No. 2012-67-M.P., slip op. (R.I. June 2, 2014) available at the [Court's website](#).

PRACTICES

Workouts & Creditors' Rights
Commercial Litigation
Insurance Defense

EDUCATION

Boston College Law School, J.D. (2006)
Providence College, B.A., *magna cum laude* (2003)

BAR ADMISSIONS

Rhode Island, 2006
Massachusetts, 2006

PROFESSIONAL & COMMUNITY INVOLVEMENT

Rhode Island Bar Association
Narragansett Council, Boy Scouts of America, Board Member & Northwest Service Area Chairman

- Obtained summary judgment, which was affirmed on appeal, on behalf of client insurer in an insurance coverage dispute. The insured sought independent counsel, at the insurer's expense, as a result of an alleged conflict of interest arising from the insurer's reservation of rights to deny punitive damages coverage. However, the Court agreed with the insurer, finding that a mere "adversarial communication," as opposed to a lawsuit, did not trigger an insurer's duty to defend. See *Quality Concrete Corp. v. Travelers Prop. Cas. Co. of Am.*, 43 A.3d 16 (R.I. 2012) available at the [Court's website](#).
- Assisted as Rhode Island counsel for GTE Reinsurance Company, Ltd. in implementing the first commutation plan under Rhode Island's Voluntary Restructuring of Solvent Insurers Act—the only statute of its kind in the United States. See *In re: GTE Reinsurance Co. Ltd.*, C.A. No. PB 10-3777 (R.I. Super. April 25, 2011), available on Westlaw at 2011 WL 1618317 and from the [Court website](#).
- Secured the dismissal of a Chapter 11 Bankruptcy petition, on behalf of a secured creditor, after an evidentiary hearing determining that the debtor's plan of reorganization was not feasible.
- Represented client title insurer in case involving misappropriated funds from real estate refinance transaction, investigated bank records to trace disposition of funds, and negotiated return of substantial portion of funds from transferee.
- Obtained injunction on behalf of client bank, compelling fraudulent transferee of construction equipment to surrender it to bank, and conducted secured party sale of the equipment.
- Attached the insurance receivables of a medical practice against whom his client, a former employee, had obtained a sizeable judgment.
- Briefed and argued successful motion preserving the priority of his client's mortgages over competing mechanic's lien claimants. See *Northern Site Contractors v. SBER Royal Mills, LLC and SBER Royal Mills Cotton Shed, LLC*, C.A. No. K.M. 2008-1190 (R.I. Super. Aug. 21, 2009) available on Westlaw at 2009 WL 3328378 and from the [Court website](#).
- Prevailed on summary judgment motion for insurer, in federal court coverage dispute involving parachutist colliding with rotating airplane propeller, based upon policy exclusion for airport-related activities.
- Obtained summary judgment for client warehouse, and recovered all attorneys' fees and defense costs under indemnity agreement, in case involving injuries caused by goods which fell from truck during unloading.
- Represented various secured creditors in Chapter 11 reorganizations of real estate holding-company debtors.

SPEAKING ENGAGEMENTS OR PUBLICATIONS

- *Superior Court Voids \$1.8 Million Commercial Loan Under Usury Statute*, RCF&P Quarterly Newsletter, June 2012
- Presented at *Bridge the Gap*, Rhode Island Bar Association Continuing Legal Education (CLE), January 15, 2014