



KENNETH J. MacARTHUR

Litigation

T: 310.789.1268

F: 310.201.4746

kmacarthur@troygould.com

Related Practice Areas

Financial Services Litigation

Directors & Officers Litigation

Real Estate Litigation

Securities, Shareholder, Partnership Litigation

BIOGRAPHY

Mr. MacArthur's practice is focused on business and commercial litigation. He has extensive experience in matters involving lending, equipment leases, secured transactions, and real estate financing and foreclosures.

Mr. MacArthur's practice covers all aspects of creditors' rights and commercial collections, including pre-litigation negotiations, pre-judgment remedies, mediation, arbitration, sister state judgments, judgment enforcement, claims in bankruptcy, defense of preference and fraudulent transfer claims, and appeals.

Mr. MacArthur also represents financial institutions defending against wrongful foreclosure, unfair competition, Truth-In-Lending Act, Real Estate Settlement Procedures Act, Fair Credit Reporting Act and Fair Debt Collection Practices Act claims.

Before law school, Mr. MacArthur served as a surface warfare officer in the U.S. Navy.

REPRESENTATIVE MATTERS

- Representation of real estate investor and limited partner in dispute with general partner, lender and tenant concerning limited partnership investments, ownership of an office building, and real estate lease and guaranty.
- Representation of lender in quiet title action brought by purchaser of REO property.
- Representation in arbitration of broker-dealer against claims by broker for commissions on private sales of stock to investors.
- Defense of directors of publicly-held bank against shareholder derivative claims of alleged breach of fiduciary duty in connection with the adoption of a stock option compensation plan.
- Representation of Small Business Administration lender in an action against borrower for judicial foreclosure and deficiency judgment, and in a subsequent Chapter 11 bankruptcy
- Defense of lender in wrongful foreclosure actions brought in California Superior Court and in the U.S. District Court for claims for Fair Debt Collection Practices, breach of the covenant of good faith and fair dealing, injunctive and declaratory relief, fraud, unfair competition, and quiet title.
- Representation of equipment lessor in action against lessee for breach of lease, and defense against lessee's claims for breach of contract and breach of warranty.

PUBLICATIONS

Co-author, Chapter 3A, "Derivative Suits and Securities Litigation," in *Counseling California Corporations, 3rd ed.*, California Continuing Education of the Bar (2008, updated April 2013).

BACKGROUND

Affiliations & Activities

The Financial Lawyers Conference; Commercial Law and Bankruptcy Section of the Los Angeles County Bar Association.

Education

University of California, Los Angeles (B.S. in mechanical engineering, 1984).

University of Southern California (J.D., 1994); Order of the Coif; member

University of Southern California Law Review.