



## PRACTICE FOCUS

Jason A. Nagi is the Chair of Offit Kurman's Distressed Real Estate Practice and the Head of Offit Kurman's FinTech Practice.

### Distressed Real Estate

Mr. Nagi represents lenders and borrowers in every aspect of distressed real estate, from the pre-default stage through bankruptcy exit. Mr. Nagi is well versed in the issues presented by securitized loans, special servicers, banks, and private lenders in distressed commercial loans, sales via the Uniform Commercial Code, fraudulent transfer actions, and through every stage of insolvency proceedings. In addition to his experience in Single Asset Real Estate bankruptcy cases, Mr. Nagi has represented agent banks and majority lenders for syndicated loans, in out-of-court workouts, and both contested and consensual court-supervised restructurings. Mr. Nagi has represented large international corporations, insurance companies, financial institutions, and individual businesses in federal and state courts in New York and New Jersey.

### FinTech

Mr. Nagi uses his creditor-focused, finance experience to counsel early-stage and mature FinTech companies as well as traditional and non-traditional lenders in both business ventures and litigation. He regularly counsels companies in applying blockchain technology to their respective industries, fundraising efforts, and regulatory issues. Mr. Nagi advises clients on SEC, CFTC, FinCEN, and state-level MSB matters, including the issuance of securitized digital assets. He has authored numerous articles on FinTech issues and is a frequent speaker at conferences.

## REPRESENTATIVE EXPERIENCE

### Distressed Real Estate

- Counsel to securitized trust in foreclosure and workout of approximately \$30 million loan portfolio
- Counsel to securitized trust in foreclosure and workout of approximately \$12 million loan portfolio
- Counsel to lender on a \$78 million second lien loan collateralized by a development project in foreclosure action commenced by senior lender on a loan exceeding \$260 million
- Counsel to lenders concerning distressed real estate across the country relating to real property located in New York, New Jersey, Tennessee, North Carolina, South Carolina, and California
- Counsel to equity holders in contested reorganization of a large development project in New York
- Counsel to securitized trust in federal receiver action concerning a loan in the original principal amount of \$900 million, collateralized by more than 85 hotels located in over 20 states
- Counsel to securitized trust in foreclosure and workout of a loan in the original principal amount of \$57,000,000 million collateralized by a mall located in Western New York
- Counsel to securitized trust in foreclosure and workout of \$45 million loan collateralized 16 building cooperative in New York
- Counsel to securitized trusts in foreclosure and workout of distressed loan portfolio in excess of \$47 million to 17 related borrowers, collateralized by, approximately, 17 properties located in New Jersey
- Counsel to and owner/operator/developer in a contested foreclosure of luxury hotel located in New York
- Counsel to numerous lenders and securitized trusts in real estate-related bankruptcies
- Counsel to lenders in fraudulent transfer actions seeking to unwind transfers of significant real estate assets
- Counsel to creditor that obtained a preliminary injunction enjoining judgment debtor and transferee from further encumbering real property which was the subject of a fraudulent transfer action

### FinTech

- Counsel to trading platform in mass arbitration
- Counsel to subject of the first enforcement action brought by the United States Securities and Exchange Commission related to an initial coin offering
- Counsel to subjects of various regulatory enforcement actions
- Counsel to various entities concerning the creation and use of digital currencies and digital securities

## SPEAKING ENGAGEMENTS

- I've been appointed to take control of a Crypto enterprise - What do I need to know? *New York Institute of Credit Association of Insolvency & Restructuring Advisors*, January 19, 2023 - (Panelist)

## JASON NAGI

Principal, New York Office

### PRACTICE AREAS

- Creditors' Rights, Reorganization and Bankruptcy
- Distressed Real Estate
- FinTech Practice Group

- A guide for lawyers on authenticating social media evidence in 2022, Part 2, *Thomson Reuters (WestLegalEd), Global Cyber Institute, and Lexeprint*, January 18, 2023 (Panelist)
- A guide for lawyers on authenticating social media evidence in 2022, Part 1, *Thomson Reuters (WestLegalEd), Global Cyber Institute, and Lexeprint*, August 17, 2022 (Panelist)
- How the COVID-19 Pandemic is Bringing Chapter 11 into Focus, *Bankruptcy is Back*, August 13, 2020 (Panelist)
- CryptoCharacters Podcast (Host and Creator)
- Understanding Smart Contracts in 2020, West Legal Ed Center, November 23, 2020 (Speaker)
- The Unknown? U.S. Market Real Estate - SEC Laws Rules Regulations Digital Asset Investing Compliance, FinTech TV, April 17, 2020 (Speaker)
- Blockchain in 2019: Bankruptcy and Beyond, American Bankruptcy Institute - 13th Annual Credit & Bankruptcy Symposium, Uncasville, CT, May 3, 2019 (Speaker)
- Future NOW, Trigild Spring Conference 2019, Dallas, TX, April 18, 2019 (Speaker)
- Blockchain, Bitcoin & Cryptocurrency: Regulation, Enforcement & Litigation, New York City Bar 6th Annual Securities Litigation & Enforcement Institute, March 14, 2018 (Panelist)
- FinTech Week Tel Aviv, March 5, 2018 (Co-Presenter)
- The Dark Side of Crypto - Fraud in Blockchain Crowd Sales and Beyond New York White Collar Crime Tech, March 1, 2018 (Speaker)
- Are STOs (Security Token Offering) the new ICOs (Initial Coin Offerings)...and all the Hype! FinTech Week Tel Aviv, March 4, 2019 (Panelist)
- FinTech World Workshop Series, February 7, 2018 (Presenter)
- Legal and Regulatory Considerations for Blockchain Apps, Cryptoassets and ICOs, Blockchain for Wall Street Conference, New York City, November 14, 2017 (Speaker)
- Are ICOs risky business? Wild West of Finance; Wall Street Blockchain; Functionality; Integration and Security, The Rise of Blockchain Digital Money 2017 - FinTech World Workshop Series; Washington, D.C., November 6, 2017 (Moderator)
- Regulatory Landscape of Digital Money, The State of Digital Money; Los Angeles, CA, July 22, 2017 (Moderator)

## **PUBLICATIONS**

- The Fab Five's \$2 Billion Crypto-Fraud Flop, *Offit Kurman, P.A.*, June 16, 2021 (Author)
- Will FinCEN's Crypto Conundrum Hurt Ransomware Victims? *Forbes*, April 12, 2021 (Author)
- John McAfee Meet Agent Smith, *JDSupra*, November 6, 2020 (Co-Author)
- Wolf in Sheep's Clothing: Bitclub Network Promoter Admits to Securities Fraud and Tax Offenses, *JDSupra*, September 15, 2020 (Co-Author)
- Automata - SEC Files Suit Against "Robotic" Cryptocurrency Multi-Level Marketing Scheme, *JDSupra*, September 3, 2020 (Co-Author)
- Money for Nothing: Age-Old Investment Scam Returns in Cryptocurrency Ponzi Scheme, *JDSupra*, September 3, 2020 (Co-Author)
- Charles Ponzi Fans Abound - SEC Charges Maryland Cryptocurrency Ponzi Scheme, *JDSupra*, September 1, 2020 (Co-Author)
- Another One Bites the Dust - SEC Charges Issuer and CEO in Fraudulent ICO, *JDSupra*, August 31, 2020 (Co-Author)
- Superman29 - Welcome to the Phantom Zone, *JDSupra*, August 10, 2020 (Co-Author)
- The Accountant II - OCAOB Shoots Straight on Crypto Audits, *JDSupra*, June 17, 2020 (Co-Author)
- Show Me the Money...All the Money - ICO Issuer Required to Return \$25 Million to Investors, *JDSupra*, June 8, 2020 (Co-Author)
- BitBlog Bi-Weekly Update - May 2020, *JDSupra*, May 19, 2020 (Co-Author)
- An Ode to Joy - Congressional Research Service's Report on FinTech Innovation and Policy, *JDSupra*, May 13, 2020 (Co-Author)
- BitBlog Bi-Weekly Update - April 2020, *JDSupra*, April 23, 2020 (Co-Author)
- New Crypto Lawsuits...Just Desserts for ICOs or Legal Obstacles to Claims? *JDSupra*, April 15, 2020 (Co-Author)
- Il Grande Vecchio Would be Mortified - Fraudsters Use Digital Asset Scam to Buy a Ferrari, *JDSupra*, April 11, 2020 (Co-Author)
- BitBlog Bi-Weekly Update - March 2020, *JDSupra*, March 4, 2020 (Co-Author)
- Under Siege - Zen Master Steen Seagal Loses to the SEC, *JDSupra*, February 28, 2020 (Co-Author)
- Wind of Change - The Year FinTech Came in from the Cold - Polsinelli BitBlog: Year-End Edition, *JDSupra*, January 3, 2020 (Co-Author)
- BitBlog Weekly Update, *JDSupra*, September 11, 2019 (Co-Author)

- BitBlog Weekly Summary: Kik Kicks Backs and the SEC Continues its Enforcement Campaign Against ICOs, *JDSupra*, August 20, 2019 (Co-Author)
- On Being Open and Honest With Regulators: The Gladius Network Cease & Desist Order and the SEC's Map for ICO Remediation, *Crowdfund Insider*, March 24, 2019 (Author)
- Will Crypto ICO Creators Get Any Do-Over Second Chance Mulligan With The SEC For Compliance? *Bitcoin Exchange Guide*, February 21, 2019 (Contributor)
- Digital Assets and the Long-Arm of the Law, *JDSupra*, November 9, 2018 (Author)
- The First Federal Court Hearing on SEC Jurisdiction over ICOs, *The D&O Diary*, May 10, 2018 (Author)
- Ruling On What Isn't A Security Needed For ICO Clarity, *Law360*, May 9, 2018 (Author)
- Blockchain: Coming to a CMBS Near You, *JDSupra*, March 13, 2018 (Author)
- Outcomes in Single Asset Real Estate Chapter 11 Cases, *Journal of Bankruptcy Law*, February/March 2018 (Author)
- Loan Enforcement and Creditors' Rights, *JDSupra*, June 28, 2016 (Co-Author)
- Supreme Court Decision Fails to Provide Clarify on ECOA Claims, *JDSupra*, June 24, 2016 (Co-Author)
- Make-Whole and No-Call Provisions - *Caveat Lender*, *Business Workouts Manual Edition*, 2015—2016 (Contributor)

#### **POINTS OF DISTINCTION**

- Digital Assets: What to Do When the SEC Comes Calling, *Crowdfund Insider* (Jan. 26, 2020)
- Heard at Tel Aviv FinTech Week, *Crowdfund Insider* (March 10, 2019)
- The SEC's "Get Out of Jail Free Card" (Kind Of), *Forbes* (Feb. 20, 2019)
- The Future of Blockchain Adoption and Digital Asset Regulation at Blockchain for Wall Street, *investFeed Edge* (Nov. 20, 2017)
- Feds start to crack down on fraud as Bitcoin soars, *CNN Tech* (Dec. 9, 2017)

#### **EDUCATION**

- Brooklyn Law School, J.D., Moot Court Honor Society
- New York University, B.A., cum laude, with honors in English

#### **ADMISSIONS**

- New Jersey
- New York
- North Carolina
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, District of New Jersey
- U.S. Bankruptcy Court, District of New Jersey
- U.S. Bankruptcy Court, Southern District of New York
- U.S. Bankruptcy Court, Eastern District of New York
- U.S. Bankruptcy Court, District of New Jersey
- United States Court of Appeals for the Second Circuit