



Joshua N. Howley

Member



Newark, NJ



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Josh Howley, who is part of the Firm's Litigation Practice Group and a member of the Firm's Management Committee, regularly practices in state and federal courts, including bankruptcy courts, primarily in New York and New Jersey. One of his specialties is representing traditional lenders, hedge funds, servicers and receivers in asset recovery litigation. Mr. Howley is also frequently hired when mortgage loans go into default and the borrower asserts defenses. In a unanimous opinion dated July 1, 2020, Mr. Howley succeeded before the Supreme Court of New Jersey, on behalf of a prominent New Jersey bank, in establishing that an assignee of a lost original promissory note can enforce it based on a lost note affidavit even though the assignee was not the creditor that lost the original. This decision created strong, pro-lender precedent in New Jersey.

He is an efficient and effective problem solver. He recognizes that each case is unique and he tailors his approach to the facts presented.

Mr. Howley prides himself on responsiveness. He recognizes that the Firm's clients are retaining him for, in part, being available whenever necessary to solve their problems. This includes overnight and on the weekend.

Mr. Howley clerked for the Hon. Charles J. Walsh, an esteemed New Jersey judge before starting at Skadden Arps in 2002, where he worked until joining Sills Cummis & Gross in February 2006. He made partner at Sills Cummis in October 2010 at the age of 35. He has been recognized by various publications, including the *New Jersey Law Journal's 40 Under 40 list* for 2011, *Benchmark Litigation*, *Best Lawyers* and *Super Lawyers*. See [Award Methodology](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey. Mr. Howley is active in the New Jersey Bankers Association, and he is the former Vice Chairman of the Board of the Northern New Jersey Chapter of the American Red Cross.

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Mr. Howley has two young children who keep him grounded. He enjoys golfing, good food and wine, and seeing live music.

Practices

Litigation

Banking and Finance Litigation

Appellate

Representative Matters

- Successfully represented a prominent New Jersey bank before the Supreme Court of New Jersey in obtaining an important ruling that the lender, as the assignee of a promissory note, could enforce the note based on a lost note affidavit.
- In a published decision from the New Jersey Appellate Division, deciding an issue of first impression in New Jersey, the court held in favor of the lender that the lender did not need to hold an original promissory note when it is lost in order to be able to enforce it.
- Successfully representing a lender before the United States Court of Appeals for the Third Circuit involving allegations of mortgage fraud.
- Winning a bench trial and the dismissal with prejudice of fraudulent transfer claims against an investment advisor and an individual.
- Securing summary judgment in a commercial foreclosure action on behalf of a syndicate of lenders in connection with a \$72 million loan.

Court Admissions

U.S. District Court, District of New Jersey

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fifth Circuit

Representative Decisions

Rhodes v. CitiMortgage, Inc., 2022 N.Y. App. Div. LEXIS 4629 (N.Y. App. Div. 2d Dep't July 27, 2022)

July 27, 2022

Burress v. Freedom Mortgage Corp., 2022 U.S. Dist. LEXIS 131352 (D.N.J. July 22, 2022)

July 22, 2022

Griffon Loring LLC v. Amethyst Alt Asset Fund 2016 LLC, et al., 204 A.D.3d 407 (1st Dep't 2022)

April 5, 2022

IBEW Local 400 et al. v Borough of Tinton Falls et al., 468 N.J. Super. 214 (App. Div. 2021)

June 15, 2021

Vitra, Inc. v. Ninety-Five Madison Company, L.P., 2020 N.Y. App. Div. LEXIS 6007 (N.Y. App. Div. 1st Dep't Oct. 13, 2020)

October 13, 2020

Vitra, Inc. v. Ninety-Five Madison Company, L.P., 2020 N.Y. Misc. LEXIS 3491 (N.Y. Sup. Ct. July 21, 2020)

July 21, 2020

Investors Bank v. Torres, 243 N.J. 25 (2020)

July 1, 2020

Heyman v. CitiMortgage, Inc., 2019 U.S. Dist. LEXIS 128238 (D.N.J. June 27, 2019)

June 27, 2019

Investors Bank v. Torres, 457 N.J. Super. 23 (App. Div. 2018), certif. granted, 236 N.J. 594 (2019)

March 5, 2019

YA Global Investments, L.P. v. Gonzalez, et al., 2019 N.J. Super. Unpub. LEXIS 380 (App. Div. Feb. 19, 2019)

February 19, 2019

Associated Mach. Tool Techs. v. Doosan Infracore Am., Inc., 2018 U.S. App. LEXIS 22771 (5th Cir. August 16, 2018)

August 16, 2018

Peng v. Landmark Building and Development Corp., et. al., 2018 N.J. Super. Unpub. LEXIS 393 (App. Div. Feb. 21, 2018)

February 21, 2018

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Associated Machine Tool Technologies v. Doosan Infracore America, Inc., et al., 2017 U.S. Dist. LEXIS 60218 (S.D. Tex. Apr. 19, 2017)

April 19, 2017

Machinery Solutions, Inc. v. Doosan Infracore America Corporation, et al., 2017 U.S. Dist. LEXIS 47357 (D.S.C. Mar. 30, 2017)

March 30, 2017

Paul Sciarra, LLC v. HSBC Bank USA, N.A., et al., 2017 N.J. Super. Unpub. LEXIS 359 (App. Div. Feb. 15, 2017)

February 15, 2017

Dominy v. Greentree Mortgage Company, LP., et al., 2016 N.J. Super. Unpub. LEXIS 1918 (App. Div. Aug. 17, 2016)

August 17, 2016

In Re: Nickelodeon Consumer Privacy Litigation, 2016 U.S. App. LEXIS 11700 (3rd Cir. June 27, 2016)

June 27, 2016

Heyman v. CitiMortgage, Inc., 2015 U.S. Dist. LEXIS 138346 (D.N.J. Oct. 9, 2015)

October 9, 2015

Heyman v. CitiMortgage, Inc., 2014 U.S. Dist. LEXIS 138346 (D.N.J. Sept. 15, 2014)

September 15, 2014

Ronald DeLuca, et al. v. CitiMortgage, et al., 2013 U.S. App. LEXIS 20692 (3d Cir. Oct. 11, 2013)

October 11, 2013

Elvira Peng, et al. v. CitiMortgage, et al., 2013 U.S. Dist. LEXIS 132392 (D.N.J. Sept. 17, 2013)

September 17, 2013

Jesus and Ligaya Flores, et al. v. HSBC, et al., 2012 U.S. Dist. LEXIS 90673 (D.N.J. June 28, 2012)

June 28, 2012

Ronald DeLuca, et al. v. CitiMortgage, et al., 2012 U.S. Dist. LEXIS 1008 (D.N.J. Jan. 4, 2012)

January 4, 2012

Youngman v. Yorkville Advisors, LLC, et al., 2011 Bankr. LEXIS 568 (D.N.J. Bankr. Feb. 9, 2011)

February 9, 2011

Newsroom

Press Releases

Benchmark Litigation 2022 Recognizes Sills Cummis & Gross as a Top Tier New Jersey Litigation Law Firm

September 30, 2021

In the News

NJ Panel Won't Revive IBEW's Suit Over Navy Solar Farm Job

Law360

June 15, 2021

Recent New Jersey Orders Involving Commercial Properties

New Jersey Law Journal

February 11, 2021

Joshua N. Howley Named to New Jersey Law Journal's "40 Under 40"

New Jersey Law Journal

August 15, 2011

Presentations

Commercial Landlord Tenant Law 2021: Evictions, Foreclosures and More

New Jersey Institute for Continuing Legal Education

May 4, 2021

The Dance of Jurisdictions: The Strategic Dynamics of Choosing to Litigate in State or Federal Court

New Jersey Institute for Continuing Legal Education

June 2, 2020

Commercial Loans, From Default Through Collection

NJBankers (New Jersey Bankers Association)

November 12, 2019

Recent Developments in Class Action Litigation

New Jersey Institute for Continuing Legal Education

November 29, 2016

Consumer Protection in a Nutshell

Representing Lenders and Businesses Under the Consumer Fraud Act (CFA)

New Jersey Institute for Continuing Legal Education

Sills Cummis & Gross P.C.

December 17, 2015

2014 New Jersey State Bar Association Annual Meeting and Convention

New Jersey State Bar Association

May 14, 2014

Commercial Litigation: Examining Situations that Give Rise to Business Disputes

New Jersey Institute for Continuing Legal Education

December 13, 2013

Publications

What NJ Justices Got Right In Lost Promissory Notes Ruling

Law360

July 30, 2020

Avoid Becoming A Dreaded Mortgagee-In-Possession In NJ

Law360

July 13, 2017

The New Jersey Appellate Division Addresses Rent Receiver Liability

The Metropolitan Corporate Counsel

December 1, 2012

The New Jersey Supreme Court Extends the Powerful New Jersey Consumer Fraud Act to Foreclosures

The Metropolitan Corporate Counsel

November 1, 2011

New Jersey Courts Place Roadblocks on Lenders' Ability to Enforce Mortgage Documents

The Metropolitan Corporate Counsel

January 1, 2011

Client Alerts

Issues Facing Commercial Mortgage Lenders in the COVID-19 Pandemic

Commercial Lending/Real Estate

March 30, 2020

Rankings and Recognition

Selected for inclusion in:

- *The Best Lawyers in America*®* 2015-2022, Commercial Litigation

Sills Cummis & Gross P.C.

- *Benchmark Litigation: America's Leading Litigation Firms and Attorneys®** 2020-2022
- *New Jersey Law Journal®** "40 Under 40" 2011
- *New Jersey Super Lawyers®** 2016-2022, Business Litigation; General Litigation; Bankruptcy: Business
- *New Jersey Super Lawyers®** "Rising Stars" 2010-2014, Business Litigation and General Litigation

* See [Award Methodology](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Affiliations

Member, New Jersey Bankers Association

– *Member, Commercial Loan Committee*

Member, American Bar Association

– *Member, Section of Litigation*

Member, New Jersey State Bar Association

– *Member, Financial Services Litigation Committee, Banking Law Section*

Member, Essex County Bar Association

– *Member, Chancery Division Practice Committee*

Barrister, Justice Morris Pashman American Inn of Court

Former Member, Banking Editorial Advisory Board, Law360

Vice Chair of the Board, American Red Cross, Northern New Jersey Chapter, Fairfield, NJ

Education

J.D., Seton Hall University School of Law

B.S., Rutgers University, *with highest honors*

Bar Admissions

New Jersey

Sills Cummis & Gross P.C.

New York