



American Factoring Law, 2011 Supplement

David B. Tatge, Jeremy B. Tatge, David Flaxman

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The 2011 Supplement includes new and updated material of significant interest to factors, their clients, and those who deal with them, including discussion of Amcor, Inc. v. CIT Group/Commercial Services, Inc., pending in U.S. District Court in New York, tried in September 2010, which, once decided, will provide further guidance on the chargeback of disputed accounts as well as on an old-line factor's assumed credit risk in respect of undisputed accounts purchased with credit-approval; analysis of Nickey Gregory Co. v. AgriCap, LLC, a 2010 decision by the United States Court of Appeals for the Fourth Circuit which re-characterized a factoring transaction as a secured borrowing rather than a true sale of accounts; review of recent cases where legal fees have been sought by, and in some cases awarded to, prevailing factors in commercial litigation; and rights of a factor to set-off, without prior judicial approval, when the factor receives a garnishment lien in respect of a judgment owed by its client; how to handle subordinations and U.C.C. filings when a factor sells participation interests in purchased accounts.



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