



Joseph Lubertazzi, Jr.

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Creditors' Rights | Bankruptcy, Restructuring & Litigation | Bankruptcy | Bankruptcy Litigation | Class Action & Multidistrict Litigation | Financial Institutions | Healthcare | Construction & Real Estate Litigation

Joseph Lubertazzi, Jr., Chairman of the Firm's Executive Committee, focuses his practice on creditor rights. He is skilled in handling commercial litigation, representing financial institutions, secured creditors, special servicers, lessors and indenture trustees in real and personal property foreclosures, bankruptcy, health care insolvencies, telecommunications insolvencies, and out of court loan work-outs. He has more than 30 years of experience representing every type of real property and business, invaluable experience that allows him to maximize recoveries for his clients.

Joe is experienced in prosecuting and defending lender liability claims. In the Bankruptcy Court, he has provided representation to, among others, trustees, creditors' committees, secured creditors, unsecured creditors, indenture trustees and plan proponents in all aspects of negotiation and litigation. Significant matters include defaulted loans involving casinos in New Jersey and Mississippi; three hospital bankruptcies; Trump Entertainment, Atlantic City, New Jersey, bankruptcies; the Dreier LLP bankruptcy; and cases related to Madoff and Stanford. He has also represented numerous trustees of IRBs in the New Jersey State rehabilitation of Mutual Benefit Life Insurance Company and the subsequent pre-packaged bankruptcies of Mutual Benefit's real estate subsidiaries.

Joe gained his workout/foreclosure experience representing plaintiff mortgagees and defendant mortgagors in workouts and uncontested and contested foreclosures aggregating in excess of one billion dollars, including many that involved rent receiverships. He has had significant involvement in matters from Massachusetts south to Delaware.

Building on his debtor/creditor work, Joe has deep experience in many aspects of commercial litigation, including construction litigation, actions under commercial leases, collection of book accounts and minority shareholder disputes.

Joe has served on the Executive Committee for the past five years.

Representative Matters

Real estate developer—Commercial litigation

Representing a real estate developer where the seller refuses to comply with contractual obligations and convey title to the developer of property valued in excess of \$10 million. Active discovery practice including depositions and active court matters addressing motion practice.

New Jersey Supreme Court—Amicus curiae

Represented an industry organization appearing as amicus curiae before the New Jersey Supreme Court in an appeal of a mortgage foreclosure action where the borrower argued that, under a provision of New Jersey's Uniform Commercial Code, the assignee of the mortgage could not foreclose because the original note had been lost prior to the

assignment. Addressing an issue that had divided courts in other jurisdictions, the New Jersey Supreme Court unanimously adopted the position advanced in the amicus brief, holding that, notwithstanding the loss of the note, the assignee could bring the foreclosure action consistent with New Jersey statutes and common-law principles governing the assignment of mortgages.

Financial institution—Secured creditor representation

Representing a financial institution, a victim of a massive fraud involving in excess of \$15 million, involving a borrower who submitted false financial information, pursuing liquidation of assets in three states, defeating arguments of a third party claiming superior liens, addressing issues raised by a bankruptcy trustee, addressing issues of claimed Fifth Amendment privilege raised by loan guarantors, and laying the foundation to successfully pursue third parties under malpractice, negligence, conversion, and tortious interference with the bank's rights. Litigation has occurred in state courts, state appellate courts, and the bankruptcy court.

Mortgage holder—Secured creditor representation

Successfully represented a mortgage holder with a \$12 million claim in a bankruptcy matter where the debtor entities engaged in a Ponzi scheme involving more than 20 commercial properties and many lenders. Caused rental revenue to be segregated for the benefit of the client, obtained a release so that no claims were brought against the client, and exited the bankruptcy with title to the property within nine months of the bankruptcy filing. Substantial recovery for the client in a relatively short period.

National bank—Work out matter

Represented a national bank with claims in excess of \$4 million secured by trucking company assets including vehicles. Loan was troubled for two years before we were retained, and within months forbearance terms were negotiated providing for resumption of loan principal payments, releases in favor of the bank, and full payment of the loan including legal fees.

National bank—Secured creditor representation

Represented a national bank holding a \$22 million claim secured by ocean barges and tugs in a borrower bankruptcy. Assumed a leading role in advancing mediation and ultimate agreement involving the debtor company and the lender group of twelve banks. Additional collateral for repayment of the claim was obtained, all legal fees were reimbursed, and the matter proceeded promptly to a confirmed plan of reorganization, allowing regular loan payments to resume.

Education

Seton Hall University School of Law, JD, *cum laude*, 1983

Seton Hall University, BA, 1980

Bar Admissions

New Jersey

Court Admissions

U.S. Court of Appeals, Second and Third Circuits

U.S. District Court, District of New Jersey

U.S. District Court, Eastern and Southern Districts of New York

Memberships and Certifications

CRE Finance Council

New Jersey State Bar Association

Judicial Clerkships

Judicial Law Clerk

The Hon. Vincent J. Commisa, Chief Judge, U.S. Bankruptcy Court, District of New Jersey, 1983-1984

Recognitions*

The Best Lawyers in America, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, Litigation–Banking and Finance, Litigation–Bankruptcy, New Jersey, 2023 and 2024

New Jersey Super Lawyer, 2005–2024

Chambers USA, Band 1, Bankruptcy/Restructuring, New Jersey, 2011–2023

Martindale-Hubbell AV Preeminent Rated 5.0 out of 5

* No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

Alerts

Get It in Writing, Bankruptcy & Restructuring Alert, 5.7.2018

Webinars

Repurposing Commercial Real Estate in a Post-Pandemic Environment, Financial Poise Productions, 5.11.2021

A Crisis Management Blueprint, McCarter & English CLE Virtual Series, 12.3.2020

Quoted

Strong Client Demand Helps McCarter Achieve a Record Year in 2021, ROI-NJ, 10.22.2021

Amid Uncertainty, Lubertazzi Focuses on Client Service and Teammates' Well-Being, New Jersey Law Journal, 9.16.2021

How Law Firms Are Hiring to Adapt to a Biden Presidency, Law360, 1.21.2021

At McCarter & English, Record Revenues and Pro Bono Hours Go Hand-in-Hand, ROI-NJ, 10.8.2020

Nature of Bankruptcy Work Changing Amid Filing Declines, New Jersey Law Journal, 5.18.2015