

Bankruptcy

No one benefits from a protracted bankruptcy process. That's why we work quickly and efficiently to help debtors and trustees stabilize troubled companies by selling off distressed assets and assist lenders, creditor committees, secured and unsecured creditors in recovering monies owed after a debtor files for Chapter 7, 11 or 13 protection.

Over the years, we've encountered nearly every situation related to bankruptcy and insolvency and counseled clients from myriad industries. Previous engagements include representing debtors, Chapter 7 & 11 trustees, secured and unsecured creditors, creditors' committees, receivers, assignees, examiners, buyers of distressed assets and properties, out-of-court restructurings.

Representative Matters

Equipment lessor—Bankruptcy cases

Represented equipment lessors in bankruptcy cases in various jurisdictions, Comcar Industries (Bankr. D. Del.), OSG Holdings (Bankr. D. Del.), and Sun Edison (Bankr. SDNY).

National Football League (NFL) team—Subpoena response

Represented an NFL football team in response to a subpoena and defense of threatened preference/fraudulent transfer claims in the bankruptcy proceeding of In re National Events Holding, LLC.

Navajo Times Publishing—Dismissal of complaint

Obtained a dismissal for the Navajo Times in a bankruptcy adversary action on the basis of a Sovereign Immunity defense. The court's well-reasoned decision is published as *Subranni v. Navajo Times Publishing Company, Inc. (In Re Star Group Communications, Inc.)*, 2016 Bankr. LEXIS 1893 (Bankr. N.J. April 29, 2016).

Regional bank—Full recovery outstanding principal

Achieved full recovery of the outstanding principal, accrued interest and legal fees on a commercial mortgage loan which required successful representation of a regional bank in the borrower's chapter 11 case in the Bankruptcy Court for the Eastern District of Pennsylvania and a subsequent sale of the distressed loan.

Pre-petition and exit financing lender—Furniture retailer bankruptcy

Represented a pre-petition secured lender and exit financing lender in the bankruptcy of a regional furniture retailer in the Bankruptcy Court for the District of New Jersey.

Pre-petition and DIP lender—Construction company bankruptcy

Represented a pre-petition secured lender and DIP lender in the bankruptcy of a construction company in the Bankruptcy Court for the Eastern District of Pennsylvania.

Purchaser—Section 363 sale

Represented a purchaser of Burger King® franchises at a § 363 sale in the Bankruptcy Court for the Eastern District of Pennsylvania.

Southern Eldorado Corporation—Appellate counsel

Successfully litigated a dispute against the assignee of a contract and received an award of all litigation fees in connection with the proceedings in the Bankruptcy Court and the appeals

to the District Court and, ultimately, the 3rd Circuit Court of Appeals. The Third Circuit Decision is published as *Regis Corporation (Appellant) v. Southern El Dorado Corporation (Appellee) (In re Trade Secret, Inc.)*, 609 Fed. Appx. 98 (3d Cir. June 10, 2015) (Appeal from Bankruptcy Court Judgment).

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.

Alerts

Senate Bill Proposes to Expand Paycheck Protection Program to Businesses in Bankruptcy—But with a Significant Catch, Bankruptcy & Commercial Litigation and Corporate Alert, August 7.2020

Confusion Mounts Regarding Bankruptcy Debtor Access to PPP, Coronavirus Legal Advisory, 5.26.2020

A PPP Lender's Dilemma: What to Do If a PPP Loan Is in Default?, Coronavirus Legal Advisory, 5.26.2020

Articles

Walking Through the Shadows of Bankruptcy: Financing Equipment in Times of Distress, Monitor Daily Magazine, 5.24.2020

Loan Modifications and Forbearance Agreements in the Age of COVID-19, ABF Journal, 5.12.2020

How Some States Are Slowing Commercial Property Evictions, Law360, 5.11.2020
NY Order May Limit Foreclosures, But Could Hurt Local Banks, Law360, 4.2.2020
Why Conflict Is Brewing Over Del. Unclaimed Property Law, Law360, 1.30.2020

Speaking Engagements

Impact Investing – Benefiting Communities and Your Bottom Line, 11.8.2018

Webinars

TMA Connect Live: Small Fish in Big Pond – Protecting Interests of Smaller Creditors in Large Bankruptcies, 9.30.2020
Alternatives to Bankruptcy, Turnaround Management Association, 9.29.2020
Managing Chaos in the Era of Loan Defaults: What Lenders and Borrowers Need to Know, Turnaround Management Association, 9.29.2020
Bankruptcy & Restructuring Considerations During Economic Downturns, ACCNJ 18th Annual Conference, 9.14.2020
Jury Selection and Trial Themes, New Jersey State Bar Association, 7.16.2020

Quoted

Hundreds of Companies That Got Stimulus Aid Have Failed, The Wall Street Journal, 11.17.2020