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Our Banking and Commercial Lending Practice Group demonstrates our interdisciplinary practice of law. The group consists of lawyers from the Corporate, Real Estate and Creditors' Rights and Bankruptcy Practice Groups, and regularly represents lenders, borrowers, creditors and issuers in all aspects of corporate finance.

Our lawyers have represented banks, insurance companies and pension funds in asset-based loans, acquisition financing, operating loans, construction loans, project financing, and joint venture financing. We are experienced in creating security interests in all types of collateral, including inventory and equipment, accounts receivable, securities and partnership interests, intellectual property, cable franchises, works of art and government contracts, as well as real property, rents, hotel receivables and other collateral. In addition, we handle guarantees, letters of credit and other credit enhancements, patent, trademark and copyright security agreements and sales of loans and loan portfolios. Our attorneys also have extensive experience in real estate financings secured by mortgages of office buildings, industrial facilities, hotels and residential properties and shopping center development projects. In addition, our Capital Markets and Leveraged Finance attorneys regularly handle the issuance of private placements and publicly traded bonds, debentures and hybrid securities.

Our attorneys have represented lenders and borrowers in a broad range of corporate finance transactions, including:

- For over a decade, CLM has represented Seaco SRL, one of the world's largest marine shipping container leasing companies, in connection with more than \$9 billion in debt facilities of Seaco affiliates, spanning 18 series of notes issued or refinanced and multiple bank facilities. In 2020 and 2021, CLM handled securitizations of more than \$2.6 billion in containers and related assets in offerings of medium-term notes to institutional investors in the Rule 144A market, and amended and refinanced over \$2.4 billion in bank facilities, as well handling as general corporate matters incident to the financings, such as amendments across all the debt facilities addressing ownership restructuring.
- Trinity Biotech plc in its \$81,250,000 Term Loan Credit Facility
- CRX Intermodal Bermuda Ltd. in its renewal and extension to upsize its credit facility

- Credit Suisse in its \$136 million loan to the Fantasy Springs Resort Casino in California, owned and operated by the Cabazon Band of Mission Indians
- Syndicate of banks led by Citizens Bank in the \$1.4 billion refinancing of Mohegan Gaming & Entertainment, owner of several casinos and hotel resorts
- Wells Fargo in its \$375 million refinancing of Saracen Casino Resort in Arkansas
- A Native American Tribe in a \$505 million combined high-yield bond offering and syndicated bank loan, a \$58 million management contract termination and amendments to the Tribe's compact with the state of California.
- Credit Suisse and other investment banks in multiple refinancings of a Native American Tribe's \$1.7 billion in debt.
- Merrill Lynch in a \$160 million syndicated bank loan to build a destination resort casino complex in Alabama.
- JP Morgan Securities in connection with a \$60 million letter-of-credit-backed variable rate debt offering used for equipment and capital expenditures.
- KeyBank in a \$60 million Build America Bond transaction, the first large-scale loan to be governed solely by tribal law and tribal courts. This transaction was awarded the "Deal of the Year" award in 2010 by the Native American Finance Officers Association.
- A Native American Tribe in a \$310 million high yield, tax-exempt and secured bank loan facility to finance a major expansion of its resort.

Workouts and Bankruptcy; Enforcement of Creditors' Rights

Our Creditors' Rights and Bankruptcy Practice Group regularly assists clients in the negotiation of loan restructurings, document arrangements, collection litigation and execution, as well as representing lenders, debtors and creditors in bankruptcy proceedings. Nationally recognized for outstanding client service, our team brings extensive experience, in-depth and diverse knowledge, and innovative, strategic thinking to our practice, which operates at the intersection of corporate law and complex litigation. Frequently providing counsel in headline-making matters, we offer top-tier representation much more efficiently than the BigLaw lawyers we face off against as we work to attain optimal outcomes for our clients; and, we're proud of the success we've achieved in these encounters. While we're New York lawyers who help people with New York problems in New York courts, we also maintain a strong network of both national and global relationships. This enables us to help clients across the country and around the world unravel problems and advance their interests.

We represent secured and unsecured creditors as well as debtors in bankruptcy cases and non-bankruptcy workouts. Banks, mortgagees, lessors of real and personal property, and other creditors turn to us for advice on enforcing their rights and recovering their assets because they know our lawyers have helped clients succeed in virtually every type of matter in this area. Clients appreciate our strong and strategic advocacy on their behalf in federal and state courts and around negotiation tables.

Our team has earned a stellar reputation for counseling clients who operate in the corporate trust business arena. We also advise indenture trustees, as well as institutional and individual members of creditor's committees. Among our many high-profile clients are The Bank of New York Mellon, Novartis Pharmaceutical Corporation, Sandoz, Inc., and the Attorney General of the State of West Virginia.

Our lawyers draw on the experience and knowledge we've gained by serving prominent roles in such highly regarded organizations as Committee on Trust Indentures and Indenture Trustees of the American Bar Association's Section on Business Law, the American Bankruptcy Institute, and the Turnaround Management Association. Our team often achieves positive outcomes for clients in unprecedented cases that transform the law. For example, we won a landmark victory for the Official Committee of Unsecured Creditors of Cybergenics Corporation in the Court of Appeals for the Third Circuit. After an extremely rare hearing en banc, the Court of Appeals reversed its prior panel decision by holding that a bankruptcy court may authorize an unsecured creditors' committee to prosecute avoidance claims where the debtor in possession fails to do so.

Our lawyers offer a variety of services that clients need in the overlapping and multi-layered landscape of corporate law and high-stakes litigation:

- We provide counsel in Chapter 11 cases and in other bankruptcy and workout-related matters, including state court receivership proceedings.
- Our lawyers advise clients on secured transactions and default and bankruptcy risks in commercial transactions.
- Clients turn to us for help in both defending and prosecuting litigation arising out of bankruptcy cases, loan defaults, and all types of secured transactions, in both bankruptcy and non-bankruptcy courts.
- We're well-versed on the issues that surface in "claw back" preference and fraudulent transfer matters.
- Our team members represent companies seeking to purchase assets in sales under Section 363 of the Bankruptcy Code.
- We've gained prominent recognition for our ability to attach and foreclose upon collateral and conduct public and private sales of pledged assets
- Our lawyers represent foreign liquidators when the assets of a foreign bankruptcy are located in the United States, and we advise foreign creditors in U.S. reorganization and liquidation proceedings.

Insolvency Experience

- We are representing indenture trustees in the recent chapter 11 cases for LATAM Airlines and Sears Holdings in the Southern District of New York, and the General Nutrition Centers and RAIT Funding cases in the District of Delaware. We are also representing an investor who sought to purchase the assets of uBiome, Inc., a manufacturer of home medical testing kits.
- We are acting as local bankruptcy counsel for the State of West Virginia in the Purdue Pharma bankruptcy and are representing or have recently represented corporate clients dealing with a variety of issues, including claims litigation and avoidance actions, in such Chapter 11 cases as Westinghouse, The Weinstein Companies, Sears Holdings, Republic Metals, Gordmans Stores, Central Grocers, and Rochester Drug Co-operative, and continue to represent creditors sued in preference actions brought in bankruptcy cases in New York, Omaha, Chicago, and Delaware.
- We represented parties who had open transactions with Lehman Brothers Holdings, Inc. and its affiliates in closing out and asserting claims arising out of those transactions.
- We are advising parties who invested directly or indirectly in Bernard Madoff's Ponzi scheme on their rights and liabilities in connection with those investments.
- We won a landmark victory for the Official Committee of Unsecured Creditors of Cybergenics Corporation in the Court of Appeals for the Third Circuit. After an extremely rare hearing en banc, the Court of Appeals reversed its prior panel decision by holding that a bankruptcy court may authorize an unsecured creditors' committee to prosecute avoidance claims where the debtor in possession fails to do so.

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