

practice chairs

James Gadsden / Partner
Leonardo Trivigno / Partner

Aaron R. Cahn / Counsel
Gary D. Sesser / Partner

Our team brings extensive experience, in-depth and diverse knowledge, and innovative, strategic thinking to our clients, secured and unsecured creditors as well as debtors in bankruptcy cases, out of court proceedings, and non-bankruptcy workouts. Banks, mortgagees, lessors of real and personal property, and other creditors turn to us for strategic advocacy on their behalf in federal and state courts and around negotiation tables.

Our team has counseled corporate trust clients, 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.

Additionally, 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. We publish numerous well-received articles in the bankruptcy field and speak at a wide range of venues, including New York University, the American Bankers Association, Banking Law Institute, and the ABA's Section on Business Law and the Association of Insolvency and Restructuring Advisors.

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.

Proven Strengths

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

- Providing counsel in Chapter 11 cases and in other bankruptcy and workout-related matters, including state court receivership proceedings
- Advising clients on secured transactions and default and bankruptcy risks in commercial transactions

- Defending and prosecuting litigation arising out of bankruptcy cases, loan defaults, and all types of secured transactions, in both bankruptcy and non-bankruptcy courts
- Handling “claw back” preference and fraudulent transfer matters
- Experience with Section 363 of the Bankruptcy Code.
- Public and private sales of pledged assets
- Experience with 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.

Experience

- 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.
- 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.
- Parties who had open transactions with Lehman Brothers Holdings, Inc. and its affiliates in closing out and asserting claims arising out of those transactions.
- Parties who invested directly or indirectly in Bernard Madoff’s Ponzi scheme on their rights and liabilities in connection with those investments.
- Official Committee of Unsecured Creditors of Cybergenics Corporation in the Court of Appeals for the Third Circuit in a landmark victory. 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.