

McElroy Deutsch

Bankruptcy, Restructuring, Creditors' Rights



Advising and representing the full spectrum of parties affected by insolvency and bankruptcy.

The attorneys in the Firm's Bankruptcy, Corporate Restructuring and Creditors' Rights Group are experienced in advising and representing the full spectrum of parties affected by insolvency, bankruptcy and financially troubled businesses. With experience spanning numerous industries and areas of practice, our bankruptcy and restructuring lawyers offer a depth of knowledge and resources to address the impact of financial distress.

Our attorneys' experience in multiple areas of the law, spanning numerous industries, assures our ability to effectively and efficiently address every aspect of a case, whether in judicial proceedings in federal or state court or out of court.

Our Services

Our Bankruptcy, Corporate Restructuring & Creditors' Rights legal services include advising and representing clients in the following areas, among many others:

- Bankruptcy Litigation
- Complex Litigation in Federal and State Court
- Corporate Reorganizations and Bankruptcies
- Creditors' Rights
- Distressed Sales and Acquisitions
- Financial Services
- Healthcare Industry Services
- Individual Bankruptcies
- Insolvency Proceedings, Receiverships, and Assignments for the Benefit of Creditors
- Mass Torts/Asbestos Litigation
- Out of Court Workouts
- Real Estate Restructurings

Our Clients

Our Bankruptcy, Restructuring & Creditors' Rights Group's representations in financially distressed situations include a diverse range of clients, including:

- Committees (including Official Committees and other ad hoc groups of creditors)
- Creditors
- Debtors
- Distressed Businesses
- Governmental Entities
- Insurance Carriers
- Landlords of Distressed Companies
- Plan Proponents
- Purchasers and Sellers of Assets in Distressed Sales
- Receivers and Other Estate Representatives
- Secured and Unsecured Creditors
- Sureties
- Tenants of Distressed Companies
- Trustees (Chapter 7 and Chapter 11)

Representative Cases

- Represented Foundation Capital Resources, Inc. in a \$12 million foreclosure action. In a 47-page opinion, the Judge ruled against the Defendant on all affirmative defenses and counterclaims asserting predatory lending and granted judgment in our client's favor.
- Represented Bernards Township in defense of a demand by a Chapter 7 trustee in an individual case seeking recovery of debtor's payments to the Township for certain property taxes for the two-year period prior to the bankruptcy. Based on the Township's records concerning the account from which the payments were made and the arguments presented to the Trustee in defense of the payments received, the Trustee was convinced to drop any further prosecution of the matter.
- Represented the Borough of Langhorne Higher Education and Health Authority in defense of an adversary proceeding arising in the Chapter 11 bankruptcy case. As a result of the Firm's efforts, a confidential stipulation was approved by the court, resulting in the dismissal, with prejudice, of the third-party complaint against the Authority.
- Represented Neshaminy School District against Unique Educational Experience, in defense of an adversary proceeding brought by the debtor in the Chapter 11 case of Unique Educational Experience. The case was settled.
- Represented the buyers of the assets of Hudson Healthcare, Inc. and the buyer of the assets of a related entity (who together owned the assets relating to the operation of Hoboken Hospital in Hoboken, NJ). The matter's value was in excess of \$45M.
- In case involving Niki International, negotiated settlement with trustee which resolved all claims relating to allegations that our client – the secured creditor/factor of the debtor – was the alter ego of the debtor, giving rise to claims of successor liability. The matter's value was \$15M.
- In case involving Akesis, LLC, represented the debtor and its principal in connection with its Chapter 7 filing. Debtor was a clinical trial company that filed a Chapter 7 due to lack of funding. The matter was highly complex due to the intersection of intellectual property law, HIPPA and the bankruptcy code. The matter's value was \$5M.

Read this practice group's [Bankruptcy Law Blog](#), which highlights new and interesting cases and timely issues in the world of insolvency and restructuring.

Key Contacts



Gary D. Bressler
gbressler@mdmc-law.com
Managing Partner,
Delaware Office
302-300-4508



Kristin B. Mayhew
kmayhew@mdmc-law.com
Partner
203-319-4022



David P. Primack
dprimack@mdmc-law.com
Partner
302-300-4512



Jeffrey Bernstein
jbernstein@mdmc-law.com
Partner
973-565-2183



Michael R. Morano
mmorano@mdmc-law.com
Partner
973-425-4174