

Bankruptcy and Creditor Rights

Primary Practice Contact [William J. Barrett](#)

Barack Ferrazzano's Bankruptcy and Creditor Rights Group brings extensive experience in all aspects of business reorganizations and bankruptcies. We have represented secured creditors, creditors' committees, state regulatory agencies, lessors of both real and personal property, asset purchasers and bondholders' interests in many cases, including large, complex Chapter 11 cases.

Our team has represented secured creditors in out-of-court workouts and restructurings, and in foreclosure proceedings. We have represented parties in bankruptcies and non-judicial workouts of debtors across a wide variety of industries, including retail, oil and gas, health care, gaming, hospitality, aviation, steel, professional services, telecommunications, real estate and technology. We have also represented money center banks based in New York City, Charlotte, Chicago and Los Angeles in the restructuring of problem loans.

Members of our bankruptcy and creditor rights practice have appeared in bankruptcy and district courts and courts of appeal throughout the nation. In recent years, we have served as lead counsel on matters in bankruptcy courts in Illinois, Indiana, Michigan, California, Massachusetts, Delaware, New York, Texas, Louisiana and Florida. We are particularly experienced in litigating complicated preference, fraudulent transfer and lender liability issues.

In addition, Barack Ferrazzano offers highly specialized experience representing lenders holding debt principally secured by income-producing real estate. Our bankruptcy and creditor rights attorneys work on these matters with the Firm's real estate practice, which frequently represents clients involved in restructuring loans secured by leases of apartment complexes, shopping centers, industrial buildings and office projects. In Chapter 11 proceedings, Barack Ferrazzano has represented both owners and creditors of single asset real estate entities and has litigated relief from stay, adequate protection and plan confirmation issues in such cases.

Practice Contacts

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Our Team

The attorneys comprising Barack Ferrazzano's Bankruptcy and Creditor Rights practice possess decades of experience across a wide range of industries. We have obtained outstanding recoveries as well as minimized liabilities on behalf of many clients. Our clients value our approach to designing creative strategies with positive outcomes, and our record of success is indicative of our experience, creativity and diplomacy in such sensitive matters.

Representative Matters

- **Automobile Dealer Bankruptcies**
Regularly counsel automobile manufacturers and importers with respect to dealers that have filed for bankruptcy
- **Bankruptcy Litigation**
Have defended hundreds of preference, fraudulent transfer, and turnover actions brought by debtors and trustees
- **Corporate Restructurings and Insolvencies**
Presently represent both agents and participants in workouts of +\$100 million credit facilities, including facilities secured by aircraft, equity interests in banks, office buildings, and partially developed residential projects
- **Lender Liability**
In 2006-2009, represented two banks in separate cases brought by bankruptcy trustees asserting lender liability and deepening insolvency theories of liability. Succeeded in obtaining dismissal of the deepening insolvency claims and settled other claims for an exchange of releases
- **Retailer Bankruptcy Issues**
Regularly counsel national retailers on consequences of landlord or supplier bankruptcy
- **SEC Receivership**
Presently represent an SEC-appointed receiver of a registered investment adviser in a case involving the embezzlement by a principal of the adviser of over \$50 million of client assets. The case has involved the unwinding of investment partnerships and the litigation over the legality of general partner fee structures under partnership law and ERISA
- **Suppliers/Service Providers to Bankrupt Companies**
Regularly counsel suppliers and service providers to bankrupt companies on reclamation, Section 503(b)(9) claims, post-petition business, and claims selling issues