

INSOLVENCY AND CREDITORS' RIGHTS

LITIGATION DIVISION

With decades of legal and real-world experience running business and building careers in multiple industries, our creditor's rights and insolvency attorneys offer unparalleled business and legal advice for both debtors and creditors. We counsel large financial institutions, private lenders, mid-size and small businesses on their legal remedies and strategies to maximize value recovery, or creatively reorganizing debts, putting our clients in the best possible position for a successful outcome.

Our insolvency practice, coupled with our specialized industry expertise, provides our clients with unprecedented opportunities. For example, through our knowledge of aviation and bankruptcy law, we were able to identify an opportunity to obtain a scarce airport ground services permit from the bankruptcy estate of a national aviation company. But-for our skill set combination, the client would not have been able to enter an otherwise closed market. We regularly litigate in bankruptcy court the non-dischargeability of amounts owed our clients. For the government entities we represent, this practice often involves accrued fines. The most significant of these, a seven-figure judgment of non-dischargeability, was recently affirmed by the U.S. Court of Appeals for the Eleventh Circuit.

We represent both creditors and debtors in their secured lending transactions. Our significant experience with UCC Article 9 and inter-creditor issues provides substantial value to our clients in navigating complex loan transactions, collection of judgments and *in rem* proceedings involving the foreclosure of physical and intangible assets, and clearing up title defects and subordinate liens through the litigation process.

Our business debtor clients similarly rely on our experience and creativity to help address their fiscal challenges. As appropriate, we attempt to work-out issues with creditors or ultimately seek bankruptcy court protection with the goal of formulating a feasible plan of reorganization. In this challenging practice of law, we are mindful of balancing resources to enable our clients to emerge from insolvency and continue their business operations.

DISTRESSED PROPERTY WORKOUTS

Our cross-disciplinary team of transactional, banking, and business litigation attorneys provide comprehensive advice to all manner of financial institutions and private lenders seeking to have loan and liens enforced. We bring decades of combined experience and creative strategies to bear in resolving failed real estate projects, and routinely counsel business experiencing financial difficulties. Our attorneys are well versed in commercial loan defaults and workouts in both recourse and non-recourse loans, distressed loan purchases and sales, financial restructuring, and bank REO property transactions. We know that financial institutions work under critical internal and regulatory deadlines, and our banking clients have come to appreciate our lightning-fast responsiveness and wide-ranging experience on these issues. Our speed and responsiveness is often a critical factor in ensuring a successful resolution and maximizing our client's outcomes.

POST-JUDGMENT COLLECTIONS

Our creditor's rights group is also skilled in enforcing and collecting domestic and foreign money judgments. In the interconnected global marketplace, our tenacious approach to judgment collection frequently involves cross-border strategies. Because we have directed collection efforts throughout the world, including in Central and South America, we are well-versed in international treaties and Hague Convention principles. Simply put, there are few places on earth where judgment-debtors can hide these days, and we know where to find them.

Our experience includes:

- Defense of preference and fraudulent conveyance litigation in bankruptcy courts throughout Florida;
- Dismissal of bankruptcy Chapter 7, 11, 13 or 15 cases as appropriate to achieve stay relief and other remedies on behalf of creditor clients;
- Representation of creditor committees, as well as individual secured and unsecured creditors;
- Litigation involving unexpired leases and executory contracts;
- Determinations of "single asset real estate";
- Determinations of non-dischargeability of creditor claims through adversary proceedings;
- Litigation of other contested matters and adversary proceedings;
- Bulk portfolio and single loan sales to private lenders; and
- Post-judgment collection mechanisms, including judgment domestication and enforcing judgment liens, proceedings supplementary and veil piercing strategies, fraudulent transfers, discovery in aid of execution, civil contempt, and garnishments.