

Bankruptcy & Creditors' Rights

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

The Bankruptcy and Creditors' Rights attorneys at Wilentz, Goldman & Spitzer, P.A are highly experienced in all aspects of debtor/creditor law, creditors' rights and bankruptcy practice. We represent clients in a wide variety of distressed debt matters, through out-of-court workouts, court-administered restructurings, collection and foreclosure services, and all types of debt-related litigation, including proceedings in state court, chancery litigation, and federal bankruptcy court.

Even though our attorneys are always ready for litigation should a client's interests require it, we provide innovative and practical solutions for workouts outside of court proceedings. We can help our clients avoid the expense and delay of unnecessary litigation.

Our deep experience in representing creditors, including banks and other financial institutions, private lenders, hedge funds, and insurance companies, make us the go-to firm for creditors' rights work in New Jersey, New York, Delaware, and Pennsylvania. Our practice and lawyers have been consistently ranked by *Chambers USA*, *Best Lawyers*, and *New Jersey Super Lawyers*.

Chambers USA® (<https://chambers.com/about-us/methodology>) is published by Chambers and Partners.

Best Lawyers in America® (<https://www.bestlawyers.com/methodology>) is published by Best Lawyers.

Super Lawyers® (http://www.superlawyers.com/about/selection_process_detail.html) is published by Thomson Reuters.

A description of the selection processes may be accessed via the above links. The aforementioned organizations are private peer review organizations, not court-specific, public certification vehicles. No aspect of this advertisement has been submitted to or approved by the Supreme Court of New Jersey.

Wilentz represents secured creditors, unsecured creditors' committees, receivers, trustees, property managers, landlords, equipment lessors, franchisors, governmental agencies, purchasers of distressed assets, and debtors. We represent a wide range of clients, from large, well-known financial institutions, to governmental agencies, to large corporations, to small corporate entities and individuals.

We routinely handle matters involving a variety of collateral, including real estate, equipment, accounts receivable, and personal property. We help secured creditors enforce notes, guarantees, and mortgages. We have significant courtroom experience in the litigation of complex commercial matters, enforcement and priority of liens, claims and security interests and other matters affecting the debtor-creditor relationship.

Clients rely on us to resolve complex legal issues arising in the context of insolvency and bankruptcy, including federal statutory litigation under FDCPA, TILA, RESPA, FCRA and ECOA, mass tort litigation, environmental concerns, insurance, intellectual property matters, post-petition financing and cash collateral issues, fraudulent transfers, avoidance actions and lender liability defenses. To best serve our clients' needs, we draw upon our extensive experience in other legal disciplines, including financial services, corporate, healthcare, litigation, real estate, tax, construction, environmental, and public finance.

Representative Matters

- Representation of a trade vendor in connection with the chapter 11 bankruptcy of Toys-R-Us, Inc., pending in the United States Bankruptcy Court for the Eastern District of Virginia.
- Representation of a local New Jersey governmental entity in the \$11 billion bankruptcy proceeding of Maxus Energy Corporation and affiliates ("Maxus"), in the United States Bankruptcy Court for the District of Delaware. In the 1960's Maxus caused significant contamination of New Jersey's waterways as a result of its manufacture of Agent Orange, a toxic chemical defoliant used by the military in the Republic of Vietnam. As a result of the contamination, Maxus filed bankruptcy to limit its environmental liability involving the clean-up of the Passaic River and Lower Newark Bay.
- Representation of a service provider and member of the official unsecured creditors' committee of Barneys, Inc., an iconic fashion retailer, in connection with a bankruptcy proceeding pending in the United States Bankruptcy Court for the Southern District of New York.
- Representation of official unsecured creditors' committee and liquidating trustee in the \$80 million chapter 11 proceeding of US Mortgage Corporation in the United States Bankruptcy Court for the District of New Jersey.
- Representation of the New Jersey Health Care Facilities Financing Authority in connection with the chapter 11 bankruptcy proceeding of Neighborhood Health Services Corporation, pending in the United States Bankruptcy Court for the District of New Jersey.
- Representation of a commercial landlord and owner of a 228,356 square foot warehouse in connection with the chapter 11 bankruptcy proceedings of a national retailer, pending in the United States Bankruptcy Court for the District of Delaware.
- Representation of a bank in the Superior Court of New Jersey in connection with commercial foreclosures involving ten separate properties and a related lawsuit on notes and guarantees, and in connection with deficiency claims, disposition of REO properties obtained through foreclosure proceedings, farmland assessments and a related landlord-tenancy action.
- Representation of a secured creditor in a contested chapter 11 reorganization proceeding in the United States Bankruptcy Court for the District of New Jersey involving a recovery on commercial mortgage and trial in the bankruptcy proceedings in connection with a contested lift stay motion, objections to a disclosure statement, and objections to a chapter 11 plan.
- Representation of a bank involving a loan workout and commercial collection matter involving a chapter 11 bankruptcy in the United States Bankruptcy Court for the District of New Jersey, and related Superior Court of New Jersey lawsuits on a note and guarantees, commercial foreclosure action, and implementation of a fraudulent conveyance action to avoid post-judgment transfers and appointment of a receiver.
- Representation of a US affiliate of a foreign company in connection with the chapter 15 foreign recognition proceedings in the United States Bankruptcy Court for the District of New Jersey.
- Representation of a commercial finance company that obtained two summary judgment decisions in bankruptcy court lawsuits relating to a commercial fraud claim in the United States Bankruptcy Court for the District of New Jersey.
- Representation of a bank that obtained summary judgments decisions in a commercial foreclosure action and a companion lawsuit on notes and guarantees, dismissal of various collateral litigation instituted by the borrower and dismissal of the borrowers' appeals in the Appellate Division of Superior Court of New Jersey.
- Representation of a purchaser of a special needs school in connection with the schools chapter 11 bankruptcy proceeding in the United States Bankruptcy Court for the District of New Jersey.
- Representation of the court appointed receiver involving the sale of publicly issued securities involving Crazy Eddie, Inc., and recovery of all property interests to be disgorged, conveyed and relinquished by the relief defendants in the matter of *Securities and Exchange Commission v. Antar, et. al.*, in the United States District Court for the District of New Jersey.
- Representation of a multi-specialty medical practice involving a sale of its assets and an out-of-court wind-down of its business operations, resolution of creditor claims and contract issues and defense of an AAA arbitration proceeding.

- Representation of an operator of several assisted living facilities and nursing homes in an out-of-court work-out and settlement of oppressed shareholder and contract issues in mediation.
- Representation of a professional service organization in defense of avoidance action claims brought by a chapter 7 trustee in the United States Bankruptcy Court for the District of New Jersey.
- Representation of a certified food manufacturer which owned and operated a production and distribution facility located in the State of Indiana in connection with its chapter 11 proceeding in the United States Bankruptcy Court for the District of New Jersey.
- Representation of an auto leasing, sales and franchising business in connection with its chapter 11 proceeding in the United States Bankruptcy Court for the District of New Jersey in which the court entered an injunction prohibiting termination of a franchise agreement and directing continued maintenance of a network reservation system to permit continued operation during the proceeding.
- Representation of real estate holding company and operator of a hospitality and lodging business in connection with its chapter 11 proceeding in the United States Bankruptcy Court for the District of New Jersey which resulted in a Section 363 sale of assets, payment of all creditor claims and a return on equity paid to the owners of the business.
- Representation of the largest civil engineering company in the State of New Jersey in connection with its chapter 11 proceeding in the United States Bankruptcy Court for the District of New Jersey. The chapter 11 filing was precipitated by the entry of an *ex parte* injunction issued by the Superior Court of New Jersey in a civil forfeiture action which restrained the company's ability to operate in the normal course. The chapter 11 filing and resultant first day hearings caused the *ex parte* injunction to be dissolved, authorized the use of cash collateral and allowed the company to fund payroll to its four hundred rank and file workers. Constant coordination was required with company management, its crisis managers, public relations team and other outside counsel.
- Representation of various commercial landlords in bankruptcy and state court assignment proceedings seeking recovery of cure amounts and administrative rent claims and challenging the assumption, assignment, and rejection of leases, the conduct of GOB sale of assets in the court proceedings, and institution of lawsuits seeking recovery on lease guarantees.