

## Bankruptcy & Insolvency Related Litigation

# Protecting clients' rights in courts around the country



### When you need help with

- emergency litigation to protect collateral
- defending preference and other claw-back lawsuits
- bankruptcy asset sales, plan objections, lien litigation and claim litigation
- stay relief litigation
- bankruptcy appeals and involuntary bankruptcy petitions

Nelson Mullins' Bankruptcy & Insolvency Litigation Team is here for you.

### Business-oriented negotiators and litigators with broad and deep experience

Nelson Mullins' bankruptcy attorneys have decades of experience, substantial resources, well-earned respect from the courts and opposing counsel, and bring an assertive approach to bankruptcy matters. Our capabilities include

- Over 20 bankruptcy law litigators, including several who are certified by various state courts and bar associations. *See the individual lawyer bios in this practice group for specific certifications*
- Negotiating and litigating complex bankruptcy and insolvency law issues
- Defending against claw-back and other bankruptcy-specific legal actions
- Freeing up and liquidating collateral entangled in bankruptcy/insolvency proceedings
- Developing creative strategies and understanding the leverage points in a bankruptcy case
- Vigorously asserting our clients' rights in a financially distressed business setting

With access to 800+ attorneys and other professionals Firm-wide, our bankruptcy attorneys often draw on capabilities of a diverse set of practice areas, including corporate attorneys, commercial litigators, financial services litigators, and e-discovery counsel to help on related matters that may arise.

### Related Practice Areas

Appellate Practice & Legal Strategies

Commercial Litigation & Business Torts

Communications, Entertainment & Media

Consumer Financial Services

Corporate & Securities

Creditor Representation

Debtor Representation

E-Discovery - Encompass

E-Discovery & Information Governance

Real Estate

Tax Lien Resolution & Litigation

Trustee, Receivership Practice & Representation

### Related Industries

Banking & Financial Services

Consumer Products & Retail

Energy & Utilities

Insurance

Manufacturing

Real Estate

Technology

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## Helping clients in regional and national bankruptcy litigation

Our bankruptcy attorneys have represented a broad range of clients in many major regional and national reorganization and liquidation cases

- Banks
- Real estate owners
- Energy companies
- Telecommunications and media companies
- Technology companies
- Retailers
- Manufacturers
- Insurers
- Franchisors
- Law firms

Our team's many years of experience representing debtors and trustees, as well as creditors, enables us to evaluate the factors at issue, bring balanced and practical perspectives, and often anticipate the other side's point of view.

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## Focused, efficient, effective and persuasive advocacy

We regularly appear in bankruptcy courts as well as other state and federal courts and aligned with your goals, are settlement-savvy yet trial ready. Our bankruptcy practitioners include certified attorneys (as described above) and attorneys who serve as bankruptcy trustees. We remain focused on what is important in a case and strive to be efficient and effective.

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## Our bankruptcy and insolvency related litigation services help you to

- **Obtain emergency injunctions** – when necessary to protect collateral or legal rights in immediate danger of waste or dissipation
- **Conduct strategic, proactive document review** – to determine the existing issues and advantages in existing security and other instruments before discovery by counter-parties
- **Investigate facts, identify witnesses** – identifying the individuals and facts needed to further our client's interest before litigation ensues
- **Retain consultants, prepare witnesses, build teams** – assisting our client in the employment of other professionals in connection with resolving the case, including investment bankers, financial advisors and other experts when necessary
- **Prepare litigation plans and budgets** – providing strategic litigation plans and budgets to help determine the cost effectiveness of the litigation effort
- **Develop communication plans** – to effectively handle both internal and external public relations in connection with the litigation

## Why Nelson Mullins?

- Zeal, assertiveness and depth of capability
- Certified practitioners (see the individual lawyer bios in this practice group for specific certifications) with decades of confident experience
- Preparation and experience enables negotiating from positions of strength
- Business experience that is vital to good outcomes

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Represented major creditor and succeeded in obtaining a change in venue. After conversion of the case, the firm was hired by the chapter 7 trustee to handle litigation against officers and directors that resulted in the largest jury verdict in the State of South Carolina at the time
- Obtained substantial recovery for chapter 7 trustee in litigation against debtor's former board of directors and counsel
- Represented the creditors' committee and, later, plan trustee in connection with the sale of the hospital facility with over \$30 million in secured and unsecured debt. The firm commenced litigation against the secured creditor for avoidance of liens incurred in connection with bond financing and negotiated a favorable settlement pursuant to which a substantial portion of such creditor's claim was deemed unsecured, thereby resulting in a substantial distribution to unsecured creditors
- Represented a defendant in significant action seeking to avoid a pre-petition leveraged buyout as a fraudulent transfer
- Counsel to the debtor in a case involving lengthy environmental litigation