PRACTICE AREA

Bankruptcy

ATTORNEYS

David C. Phalen

OVERVIEW

Hackett Feinberg represents business and creditor clients involved in bankruptcy, debt restructurings, workouts, and litigated insolvency matters in bankruptcy and non-bankruptcy courts.

We deliver practical results to clients involved in Chapter 11 cases and other insolvency proceedings by assessing the strengths and weaknesses of each client's unique position against the borrower and other creditors with whom the client is competing for priority of entitlement to the borrower's assets.

We understand complex transactions and how they can be attacked, defended, or restructured to your benefit. On many occasions, we recommend and take immediate action to strengthen our client's legal rights and collateral position and enhance eventual client recoveries. We also advise on acts and omissions that might result in liability to our client, as well as how to avoid any missteps in the debt or loan recovery process. We advocate client rights in matters involving preference and fraudulent transfer claims, problem loans, recovery and discharge of debts, landlord and tenant disputes, workouts, and foreclosures.

Our firm has a long history of substantial engagements in some of the region's largest bankruptcy proceedings. Our team is supported by attorneys with expertise in the key areas of law that permeate Chapter 11 cases, workouts, and restructurings. This includes expertise in employment, tax, real estate, mergers and asset acquisition law, and litigation support.

We have successfully represented secured, unsecured, and debtor-in-possession lenders; trade creditors, bank syndicates, and receivers; boards of directors; creditor and equity holder committees; bankruptcy trustees and other fiduciaries, including trustees of liquidating trusts; and businesses and individuals in financial distress. Our clients reflect diverse industry sectors such as banking, real estate, equipment

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leasing, manufacturing, technology, utilities, telecommunications, insurance, and healthcare, among others.

Our bankruptcy experience is extensive and includes the following, aimed at maximizing client recoveries:

- Sale or acquisition of troubled companies and businesses including asset and stock sales
- Valuation dispute resolution
- Lease assignments, terminations, evictions, and assertion of lease damages claims
- Obtaining authorization to conduct real estate foreclosure sales and personal property secured party sales and then conducting such sales
- Corporate governance issues
- Debtor-in-possession financing
- Loan restructurings in Chapter 11 plans
- Litigating confirmation of Chapter 11 plans including cram-down issues
- Litigating fraudulent transfer and preference actions
- Litigating actions relating to discharge of debt
- Litigating claim subordination actions

Let's Get to Work!

To learn more about how we can help, please contact David Phalen or Jonathan Hixon at 617.422.0200.

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