

Bankruptcy



Lathrop & Gage represents secured and unsecured creditors, debtors, creditors' committees, landlords and bankruptcy trustees, regularly handling all aspects of complex bankruptcies, workouts, reorganizations, debt restructurings, creditors' rights and remedies, loan enforcement and restructuring, and asset sales and acquisitions.

Our practice is nationwide, and extremely varied. It encompasses not only complex bankruptcy and creditors' rights matters, but also other disciplines in which we utilize the firm's experience in:

- Insurance law (regulation insolvency, fraud, coverage claims and negotiating with insurers and co-insureds)
- Real estate law (sales and leases of nationwide assets, prioritizing liens and restructuring mortgages)
- Receiverships (secured creditor receiverships to preserve value of going-concern collateral pending sale or liquidation and fraud receiverships for federal agencies such as SEC and FTC to maximize return to defrauded investors and consumers)
- Environmental law (negotiating settlement of nationwide environmental claims and advice concerning liability)
- Corporate law (restructuring equity and pre-bankruptcy reorganization)
- Labor (litigating and negotiating issues involving liability under Employee Retirement Income Security Act, the Worker Adjustment and Retraining Notification Act and union collective bargaining agreements)
- Intellectual property (advice concerning impact to license agreements)
- Tax (strategize and evaluate minimal negative tax implication related to real estate transactions and labor laws)
- Litigation (complex debt collection litigation and related defense of lender liability claims including securities fraud, Equal Credit Opportunity Act, Racketeer Influenced and Corrupt Organizations Act and Anti-Tying claims)

We have represented virtually every type of party in connection with loan enforcement, workout and bankruptcy matters.

We have appeared as primary counsel for secured and unsecured creditors and other parties in interest in cases across the country, including cases pending in Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Utah, Virginia and Washington.

Representative Experience:

- Represented a company, formerly the nation's largest retail seller of vehicle service contracts, in Chapter 11 bankruptcy proceedings following charges from several states' attorneys general for aggressive marketing and violations of telemarketing rules. The proceedings involved issues related to employee benefits, tax and employment law. Litigation ensued against the two brother owners in the U.S. District Court for the Eastern District of Missouri to recover money they plundered from the company, having spent lavishly on luxury homes, cars, boats and travel. The case was ultimately settled on the eve of the owners' depositions.
- Represented court-appointed receiver in an SEC securities fraud enforcement action stemming from the Capital Enhancement Club, a Ponzi scheme that affected more than 1,500 investors in the United States, European Union and Australia. Recovered \$10.6 million from parties in the United States, Scotland, Latvia and St. Martin.
- Represented a computer and electronic products manufacturer as secured lender a bankruptcy case in Virginia, pursuing recovery of magnetic resonance imaging (MRI) machines or payment of reasonable value.