

COHEN, TODD, KITE & STANFORD, LLC

ATTORNEYS AT LAW

PRACTICE AREAS

BUSINESS RESTRUCTURING, BANKRUPTCY & CREDITOR RIGHTS



Cohen, Todd, Kite & Stanford's Business Restructuring, Bankruptcy & Creditors' Rights Practice Group provides innovative and experienced representation in every facet of debtor, creditor, and bankruptcy law for clients ranging from national corporations to small local enterprises. We serve all constituencies – debtors, creditors, creditors' committees, lenders, and other interested parties. Our attorneys have strong and successful track records in guiding distressed companies through strategies designed to avoid bankruptcy. Where bankruptcy is filed, we regularly represent parties in complex and successful proceedings.

Innovative Alternatives To Bankruptcy

Our Group frequently works with business clients dealing with distressed companies or experiencing financial difficulties themselves. In today's economic climate, it is more important than ever to provide guidance that will efficiently and effectively address the client's needs as the client faces its own challenges or those of debtor businesses with whom the client deals. We have substantial experience in designing strategies and remedies that obtain positive results for our clients and avoid bankruptcy. For example, our attorneys regularly negotiate and devise out-of-court restructurings involving recapitalization strategies, acquisitions of debt, refinancing of senior debt, and restructuring of mezzanine and trade debt. In addition, we actively utilize other, less expensive alternatives to filing bankruptcy such as receiverships, assignments for the benefit of Creditors, and similar proceedings. Because our Group's bankruptcy attorneys also have years of experience in commercial finance, corporate law, and litigation, we are well positioned to provide clients with successful solutions to their complex financial problems.

Chapter 11 Representation

Our Business Restructuring, Bankruptcy & Creditors' Rights Group has extensive experience in all aspects of Chapter 11 cases and in representing debtors, creditors and creditors' committees. Our attorneys have served as lead counsel and co-counsel for debtors-in-possession and creditors' committees in large Chapter 11 cases. We have a record of successfully representing various parties in Chapter 11 proceedings – from large publicly held or private companies, to high net worth individual debtors, to the Bankruptcy Trustee in multi-million dollar adversary proceedings. As one example, we represented a publicly held, international manufacturer in a highly successful Chapter 11 case in which creditors were paid in full and a substantial dividend was paid to shareholders. One of our attorneys also has served as a Chapter 11 Trustee, served as President of the Board of the National Association of Bankruptcy Trustees (NABT) in 2016, and continues to serve on the Board of NABT.

Chapter 7 Proceedings

Our team is equally skilled in Chapter 7 proceedings. One Group member has been a Chapter 7 Trustee in the Southern District of Ohio since 1990, serving on numerous consumer and business liquidation cases. Our attorneys have also served as Counsel for a Chapter 7 Bankruptcy Trustee, notably in numerous fraudulent transfer and preference actions arising from a multi-million dollar Ponzi scheme. Although we are recognized for our innovative strategies to avoid bankruptcy, when bankruptcy is filed, our team is highly experienced and skilled in all phases of bankruptcy litigation. We both defend and prosecute fraudulent transfer and preference litigation, and represent the range of parties to bankruptcy-related litigation. Because bankruptcy litigation often raises legal issues in other areas (Employment Law, Corporate Law, and Real Estate), our Business Restructuring, Bankruptcy & Creditors' Rights Team readily utilizes our other Practice Groups' expertise, where appropriate, to ensure that the client's best interests are served. This is consistent with Cohen, Todd, Kite & Stanford's holistic approach to representing our clients effectively and efficiently.

Creditors' Rights

The attorneys in our Business Restructuring, Bankruptcy & Creditors' Rights Practice Group bring a broad range of experience to the representation of business creditors. We provide preventative guidance to mitigate insolvency risks through the development of internal procedures and policies, and help to limit financial exposure with pre-bankruptcy negotiations. When financial exposures are uncovered, we regularly represent lenders, credit unions, unsecured creditors' committees, trade creditors, and lien holders in corporate restructurings, bankruptcies, foreclosures, liquidations, and workouts. Our goals are always to minimize costs while maximizing recoveries for our creditor clients.

Credit Union Representation

The Creditors' Rights group has extensive experience representing community-based financial institutions. Our attorneys provide efficient and economical solutions to legal issues unique to credit unions, such as foreclosures, replevins, and bankruptcy related matters such as Relief from Automatic Stay, Reaffirmation Agreements, Proof of Claims, Adversary Proceedings to challenge dischargeability, and other related matters. Realizing that cost control is essential for credit unions, our group strives to provide innovative flat-fee and alternative billing arrangements. These alternative arrangements provide predictability to better assist the credit union in making decisions on what actions to take premised on a sound cost-benefit analysis.

REAL ESTATE PRACTICE GROUP

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