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Bankruptcy Court Litigation and Appeals

Litigation comprises a substantial component of bankruptcy and insolvency proceedings. Litigated proceedings in a bankruptcy or insolvency case may involve only a dispute between the debtor and a single creditor (as in the case of a preference claim) or may affect a whole range of creditors and claimants (as in the case of contested objections to a Chapter 11 plan of reorganization or issues involving intercreditors' rights and remedies).

Pryor Cashman's Bankruptcy, Reorganization and Creditors' Rights Group represents and advises clients in all aspects of bankruptcy- and insolvency-related litigation from basic motion practice to contested matters, evidentiary proceedings, trials and appeals. The firm's litigation strength in bankruptcy also enables us to advise clients in structuring their transactions to minimize their exposure with respect to such matters. Attorneys from the Litigation Group regularly augment the efforts of our bankruptcy attorneys as dictated by the needs of particular cases.

Our experience as bankruptcy litigators includes, for example:

- Assumption or rejection of executory contracts (including licenses) and unexpired leases
- Automatic stay litigation
- Cash collateral and post-petition financing proceedings
- Chapter 11 plan confirmation proceedings and "cram-downs"
- Claim objections and setoffs
- Competing plans of reorganization
- Contested sale and auction proceedings
- Discovery and privilege disputes
- Equitable and contractual subordination disputes
- Fiduciary duty litigation
- Fraudulent transfers (including disputes involving challenges to partnership distributions and corporate dividends)
- Involuntary bankruptcy cases
- Jurisdictional disputes and choice of law
- Lender liability issues
- Letter of credit and guarantee disputes
- Lien priority disputes, including "second liens"
- Preferences
- Recharacterization of claims or interests
- Solvency litigation
- Substantive consolidation
- Tax issues and priorities
- Turnover of property
- Valuation disputes