



Creditors' Rights, Restructuring & Bankruptcy

Governmental restrictions, reduced demand, supply chain disruptions, and crushing debt is causing increased distress, default and insolvency across economic sectors. Drawing upon the experience of our firm's multidisciplinary creditors' rights, restructuring and bankruptcy team, we provide sound strategies and solutions to assist our clients to help them achieve their business objectives. This collaborative approach allows us to provide a business-minded perspective throughout loan modifications, out-of-court workout negotiations, restructuring and, when necessary, bankruptcy and litigation proceedings. In all phases of our representation, we provide custom solutions to quickly and cost-effectively protect and improve our clients' financial positions.

Types of clients we represent:

- Financial lending institutions
- Debtors and creditors
- Distressed businesses
- Credit unions
- Insurance companies
- Equipment lessors
- Private and public landlords
- Creditors' committees and fiduciaries
- Construction companies

Areas of Focus

Commercial Loan Workouts & Restructuring

We understand that it is often more economically advantageous to pursue out-of-court loan workouts and settlements than foreclosure or litigation. Our attorneys frequently represent both borrowers and lenders seeking to negotiate and modify loan agreements, including Small Business Administration (SBA) loans, loan covenant waivers, forbearance agreements, collateral surrender, liquidation, lien subordination and payment subordination transactions, as well as deeds in lieu of foreclosure.

Commercial Foreclosure, Receivership & Debt Collections

We represent creditors in all phases of state court foreclosure proceedings to ensure the interests of our clients are fully protected. Our attorneys have experience in the following default and recovery alternatives:

- Foreclosure sales
- Receiverships – We have vast experience structuring effective remedies, securing collateral, collecting rents, managing income-producing properties and operating businesses to maximize the value of unique collateral.
- Enforcement of guaranties
- Garnishments
- Lender liability issues
- Debt collection
- Defense of borrower and guarantor claims

Bankruptcy Litigation

Our bankruptcy litigators excel at representing clients in adversary proceedings and contested matters in bankruptcy courts, including fraudulent and preferential transfer proceedings, relief from stay motions, valuation disputes and contested plan confirmation hearings.

Business Restructuring & Reorganization

Often, an out-of-court restructuring can be more effective and cost-efficient than a formal bankruptcy process or a viable alternative to liquidation. Whether the strategy involves out-of-court financial restructuring, liquidation or reorganization, our advisors work together to protect and advance client interests.

Commercial & Consumer Finance Litigation

Complex federal and state law issues often arise in the context of consumer financing and residential mortgage lending and foreclosure. Our attorneys partner with banking interests to minimize problems, devise strategies and change policies to protect lenders and services against a broad variety of claims.

Bankruptcy

We represent various classes of creditors in bankruptcy courts across the country, including senior secured creditors, junior lien holders and subordinated lenders, asset-based lenders, landlords, executory contract counter-parties, critical vendors and general unsecured creditors. Our attorneys quickly analyze new bankruptcy filings, evaluate first day motions, negotiate resolutions, litigate disputes and advocate for our clients' best interests.

Class Actions

Having successfully defended class action claims in state and federal courts for decades, our team is known for devising defense strategies that result in the dismissal of many cases before class certification and discovery occur.

Commercial Landlord/Tenant Litigation

We work extensively with both landlords and tenants in simple and complex lease contexts, especially when the terms of a lease are not satisfied. From tenant defaults and lease-related disputes and claims to critical notices and required correspondence, we carry out the necessary proceedings to fairly and legally ensure lease agreements are either fulfilled or terminated.

People



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