



REID AND RIEGE, P.C.  
COUNSELLORS AT LAW

## Insolvency & Bankruptcy

The Reid and Riege Insolvency & Bankruptcy Practice Area has a track record of success in some of the most complex Chapter 11 cases and corporate restructurings in Connecticut and the United States. The Practice Area represents secured and unsecured creditors, debtors, committees of creditors, bankruptcy trustees, receivers, financial institutions, acquirers of businesses and equity security holders in Chapter 11 bankruptcies and out of court restructurings. Our objective in each matter is to use our talent, experience and resources to help our clients develop solutions that create, preserve and distribute value.

The core members of our Practice Area have a distinguished reputation for providing outstanding legal advice and judgment to all types of constituencies in insolvency situations. They have extensive experience in all aspects of bankruptcies and workouts. The nature of the work handled by this Practice Area is varied. It includes:

- Representation of creditors' committees;
- Representation of secured and unsecured creditors;
- Representation of corporate trustees for bondholders in major Chapter 11 cases;
- Representation of friendly and hostile acquirers of distressed Chapter 11 businesses through confirmed reorganization plans, secured party sales, note acquisitions and other means;
- Representation of asset acquirers through § 363 sales or non-judicial sales;
- Representation of debtors in or out of Chapter 11;
- Representation of Chapter 11 trustees;
- Representation of receivers in state court receivership proceedings;
- Representation of lenders, secured and unsecured, to troubled borrowers with collateral consisting of real estate, inventory, accounts receivable, equipment or intellectual property;
- Representation of partners and partnerships that are undergoing financial restructuring both in and out of Chapter 11; and
- Advising regarding fiduciary duties and conflict of interest issues in directing and managing troubled companies.

In the delivery of these services, our lawyers draw upon Reid and Riege's



### Attorneys

- Jon P. Newton
- Agnes Romanowska
- Peter K. Rydel

## **Insolvency & Bankruptcy** continued

experience in health care, nonprofit organizations, mergers and acquisitions, finance, litigation, real estate, tax, pension and environmental. Our ability to take such a comprehensive approach is often critical to our clients' success.

Attorneys in this Practice Area have appeared in courts in the Northeast and in various states throughout the United States. All of the attorneys in this Practice Area have experience not only representing debtors but also creditors and are, therefore, well-equipped to conduct negotiations and draft appropriate agreements with a full understanding of the purpose and meaning of each clause, and to present any such agreements to the appropriate bankruptcy court for approval. Similarly, this Practice Area and members of our Litigation Practice Area understand the prosecution and defense of bankruptcy litigation, creditor rights litigation, officer and director liability litigation and lender liability litigation.

We are in the forefront of representing various entities in health care insolvencies, having as much, and perhaps more, participation in such cases than any other law firm in Connecticut. We are affiliated with the global alliance of independent law firms, TAGLaw, which consists of more than 140 member firms staffed by over 7,500 lawyers in approximately 100 countries. Through this affiliation, we are able to rely upon lawyers known to us personally to provide expertise in matters of foreign law.

Our Insolvency & Bankruptcy attorneys also assist clients in the following areas:

### **Health Care Facilities**

Working with other Practice Areas such as Business Law, Health Care and Nonprofit Organizations, the Insolvency & Bankruptcy attorneys have a particular strength in creditor rights and insolvency issues with health care facilities. We do this both in and out of court, representing for-profit and not-for-profit entities. For example, we have successfully reorganized nursing homes through the Chapter 11 process. Our Health Care and Nonprofit Organizations lawyers have successfully merged a for-profit and not-for-profit hospital in a unique transaction that required significant cooperation with the Attorney General's office. It is not uncommon for the Attorney General to commence receiverships in the state courts for continuing care retirement communities or nursing homes. We have worked on some of the largest of these cases on behalf of the receiver, the debtor entity, creditors and resident committees. We

## **Insolvency & Bankruptcy** continued

have served as counsel to many nursing homes and have successfully confirmed plans on behalf of nursing homes.

Our attorneys have also added to their industry knowledge by serving as volunteers on boards and committees that manage, study and fund health care facilities.

### **Hedge Funds**

Hedge funds and others seeking high returns for high risks do not always succeed. Failure can result from either market performance or management issues. Our attorneys have been at the forefront of this industry and have appeared across the country on behalf of creditors, investors and others affected by the insolvency of these funds.

### **Out-of-Court Restructures**

Especially in the middle market, the Chapter 11 process can be prohibitively expensive. As a result, out-of-court options are often the best solution. These options can include restructure led by the debtor, the secured creditor or a creative acquirer. Our Practice Area has more than 30 years of experience in restructures and takes pride in crafting cost-effective and creative out-of-court solutions to address the problems of troubled businesses or their creditors.

### **Trustee Representation**

Our attorneys are frequently retained to serve as and represent Chapter 7 and Chapter 11 trustees. Using lawyers with insight and skills in civil litigation, investigations, tax, employee benefits and pension, environmental, real estate and bankruptcy and insolvency, the firm's representation includes: the management and disposition of personal and real property; the liquidation and disposal of funds after a property has sold; investigation of claims; and where appropriate, the prosecution of fraudulent conveyance actions, preference actions, business liquidations of for-profit and not-for-profit businesses and real estate transactions involving a wide range of values.

Our representation also has included negotiating settlements with the Internal Revenue Service, the Connecticut Department of Revenue Service, municipalities and creditors, and interfacing with various state and federal agencies. We have, in one of the leading cases in this area, successfully litigated to reach assets in off-shore trusts resulting in a multimillion dollar recovery for creditors.