




Douglas G. Leney

Partner

Bankruptcy

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Overview

Douglas G. Leney is a partner in our litigation department, concentrating his practice in matters involving bankruptcy and corporate restructuring, and debtor/creditor rights. Doug is a trusted advisor capable of delivering creative solutions for debtors, trustees, creditors' committees, unsecured creditors, and secured creditors in Chapter 11 reorganization and liquidation cases, Chapter 7 cases, and related adversary proceedings, including avoidance actions involving claims of preferences and fraudulent transfers, as well as complex proceedings involving breaches of fiduciary duties by former officers and directors. Doug also represents various parties in non-bankruptcy state and federal court matters, ranging from commercial disputes and foreclosures to cases arising under various statutory regimes, including the Perishable Agricultural Commodities Act (PACA). He has significant experience in representing banks, private lenders, and asset-based lenders in connection with loan inception and closing, as well as workouts and forbearance, inter-creditor arrangements, and related litigation. In conjunction with Archer's Corporate Department, Doug issues legal opinions related to commercial lending transactions, including non-consolidation and "true sale" opinions.

Doug has been recognized for his representation of various constituencies in bankruptcy cases arising under Chapter 15 of the Bankruptcy Code, which was enacted by Congress to facilitate cross-border insolvency proceedings. His unique experience includes, among other international engagements, acting as counsel to the Liquidating Plan Trustee in a Chapter 15 transfer pricing trial and successfully defeating a \$12 million tax claim. More recently, Doug was counsel to the foreign representative and obtained recognition in the first Chapter 15 case involving a debtor from mainland China, and also served as counsel to the foreign representatives in prevailing in contested recognition proceedings involving what is believed to be the first Chapter 15 case to consider such issues in the context of a Hong Kong voluntary liquidation.

Representative Experience

- Counsel to major real estate developer in successfully obtaining dismissal of corporate equity holder's Chapter 11 proceedings in case involving issues of first impression within New Jersey bankruptcy courts, resulting in published decision (*In re 3P Hightstown, LLC*, 631 B.R. 205 (Bankr. D.N.J. 2021)).
- Counsel to foreign representatives of major Hong Kong toy manufacturer in contested recognition proceedings in Chapter 15 case of *In re Manley Toys, Ltd.*
- Counsel to foreign representative and financial administrator of *Larisa Ivanovna Markus* in contested Chapter 15 proceedings involving claims of embezzlement/defalcation of nearly \$2 billion.
- Counsel to foreign representative of Chinese solar panel manufacturer in contested recognition proceedings and related complex cross-border litigation in Chapter 15 case of *In Zhejiang Topoint Photovoltaic Co., Ltd., et al.*
- Counsel to purchaser-developer in *In re Kara Homes, Inc., et al.*, successfully defending against multi-million dollar successor liability claims by condominium association in case involving issues of first impression within the Third Circuit.
- Counsel to Official Committee of Unsecured Creditors in *In re Collavino Construction Company, Inc.*, involving millions of dollars of claims and litigation in connection with construction of One World Trade Center in New York City.
- Counsel to Liquidating Plan Trustee in bankruptcy case of *In re DeCoro USA, Ltd.*, including representation of foreign liquidators in Hong Kong in connection with parent company's Chapter 15 bankruptcy case, obtaining Chapter 11 plan confirmation for the subsidiary debtor, and acting as counsel during transfer pricing trial resulting in denial of approximately \$12 million claim asserted by the IRS. Also acted as lead counsel in related adversary proceeding resulting in published opinion on recovery actions within the Fourth Circuit.

Professional and Community Involvement

- American Red Cross, Southern NJ Chapter – Board Member, Vice-Chair
- Turnaround Management Association (Philadelphia/Wilmington Chapter) – Board Member
- Rutgers University School of Law Center for Corporate Law and Governance – Alumni Steering Committee Member
- Rutgers University School of Law - *Pro Bono Bankruptcy Program*
- Clemson Alumni Association, Philly Clemson Club – Past Board Member
- Clemson University MBA Alumni Council - Past Board Member



- INSOL International
- American Bankruptcy Institute
- New Jersey State Bar Association
- Camden County Bar Association
- Burlington County Bar Association

Select Articles

- “Court’s Recognition of Hong Kong Liquidation Could Have Broad Implications For Foreign Bankruptcy Cases,” *Archer & Greiner Client Advisory* (April 2018)
- “The Social Media Authentication Battle Rages in Third Circuit and Elsewhere,” *Legaltech News* (December 2016)
- “Social Media Can be a Minefield – or a Gold Mine,” *The National Law Journal* (August 2016)

Past Speaking Engagements and Seminars

- “Make COMI Great Again: A Proposal in Favor of the ‘Old’ View,” PBI Bankruptcy Institute 2020 Shark Tank Panel (October 2020)
- “Green With Envy: Cannabis Businesses and Access to Bankruptcy Courts”, PBI Bankruptcy Institute 2019 Shark Tank Panel (September 2019)
- “D&O Claims: What You Need to Know,” New Jersey State Bar Association’s Annual Meeting and Conference (May 2019)
- “Ethics in E-Discovery,” Burlington County Bar Association’s CLE Xtravaganza! (December 2018)
- “How to Help Your Clients Navigate the World of Adversary Proceedings and Other Contested Matters in Bankruptcy Court,” New Jersey State Bar Association’s Annual Meeting and Conference (May 2018)
- “Year in Review – The Creditors’ Perspective,” Hon. Gloria M. Burns Annual Bankruptcy Bench Bar Conference (April 2017)
- “Trial Techniques for Young Lawyers - Mock Valuation Hearing,” the Eastern District of Pennsylvania Bankruptcy Conference 27th Annual Forum (January 2016)

Credentials

Education

- Rutgers University, JD



- Clemson University, MBA
- Clemson University, BS, *cum laude*

Bar Admissions

- New Jersey
- Pennsylvania

Offices

- Philadelphia, PA
- Voorhees, NJ

Areas of Focus

Practice

- Bankruptcy
- China Practice

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