



Partner

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212-682-4940

New York, NY

Practice Areas

Bankruptcy, Restructuring, and Insolvency
Litigation

Admitted

New York

Education

Hofstra University, B.B.A.

St. John's University School of Law, J.D

NYU School of Law, L.L.M.

GERARD DICONZA is a partner in the Bankruptcy, Restructuring and Insolvency Litigation Group at Archer. Gerry represents debtors, trustees, foreign liquidators, distressed buyers in section 363 sales, chapter 11 plan fiduciaries and creditors, both in and out of court. Gerry has over 25 years of experience in chapter 11 restructurings and representing estate fiduciaries in complex bankruptcy litigation.

Gerry is currently litigation counsel to a chapter 11 trustee and foreign liquidators in charge of winding down a complex group of Cayman and BVI funds and several chapter 7 bankruptcy trustees in litigation involving issues of fraud, alter ego, breach of fiduciary duties, bad faith, fraudulent and preferential transfers. Gerry also counsels investment bankers, financial advisors and other professionals in connection with retention and payment issues under the Bankruptcy Code.

Gerry received a B.B.A. in 1991 from Hofstra University and a J.D. with honors in 1994 from St. John's University School of Law, where he was Editor-in-Chief of the American Bankruptcy Institute Law Review. Gerry received an LL.M. in corporate law from New York University School of Law in 1998. After graduating law school, Gerry served as law clerk to the Honorable Jeremiah E. Berk, United States Bankruptcy Judge for the Southern District of New York. Gerry frequently speaks on bankruptcy topics and is currently a lecturer on restructurings at the New York University School of Professional Studies.

Representative Matters

- Special litigation counsel to Corinne Ball, as Chapter 11 Trustee for the Soundview Elite and related hedge funds (*In re Soundview Elite Ltd. et al.*, Bankr. S.D.N.Y. Case No. 13-13098) pursuing litigation claims against former insiders and third parties, for breach of fiduciary duty, fraud, fraudulent transfers and preferences.
- Litigation counsel to The Town of Huntington (*In re Joe's Friendly dba Thatched Cottage at the Bay et al.*, Bankr. E.D.N.Y. Case No. 14-70001) in separate adversary proceedings against the Town for alleged claims for violations of the automatic stay, deprivation of constitutional rights, negligence and intentional tort.
- Litigation counsel to Cypress Associates, a financial advisory and investment banking firm, in fee dispute litigation arising out of the buyout of a former shareholder of TransPerfect Global, Inc.
- Debtors' counsel for Paul Wallace and several affiliated debtor-entities (*In re Paul Wallace, et al.*, Bankr. S.D.N.Y. Case No. 10-22998) with

interests in several boutique hotels. Successfully sold debtors' interest in hotels under section 363 sales and litigated several claims, including claims for recharacterization and recovery of fraudulent and preferential transfers. Confirmed plan provided full recovery for unsecured creditors.

- Debtor's counsel for Galvex Capital LLC, the managing company of an Estonian steel production company in chapter 11 cases (*In re Galvex Capital LLC, et al.*, Bankr. S.D.N.Y. Case No. 06-10082). Cases ultimately resolved and dismissed pursuant to agreements in which all creditors were paid in full.
- Bankruptcy litigation counsel to The Finish Line, Inc. in contested claim objection litigation brought by the General Growth Properties debtors (*In re General Growth Properties, Inc.* (Bankr. S.D.N.Y. Case No. 09-11977). Successfully resolved claims and counterclaims of Finish Line against GGP.

Awards And Recognition

- Top Rated Bankruptcy Attorney in New York, NY by *Super Lawyers* (2015-18)

Articles and Presentations

- ["Receiverships and Their Interplay with the Bankruptcy Code,"](#) 28 Norton Journal of Bankr. Law and Practice, No.1 (Feb. 2019)
- ["Evading the Bankruptcy Code 'Safe Harbor' Provisions – Are State Fraudulent Transfer Laws Preempted?,"](#) 26 Norton Journal of Bankr. Law and Practice, No. 6 (Dec. 2017)
- ["Make Wholes: Have Bankruptcy Courts Identified the Yellow Brick Road Language that Leads to Creditor Oz?,"](#) 25 Norton Journal of Bankr. Law and Practice, No. 4 (Feb. 2016)
- Panelist, ["Engaging and Paying Contingency Counsel"](#), American Bankruptcy Institute, NYC Conference (May 2018)
- Panelist, ["M&A Involving the Financially Distressed Company"](#), NJSBA M&A Conference (Sept. 2018)