




Gerard DiConza

Partner

Bankruptcy

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Overview

Gerry represents debtors, trustees, foreign liquidators, distressed buyers in section 363 sales, chapter 11 plan fiduciaries and creditors, both in and out of court. His clients include fiduciaries in litigation involving issues of fraud, alter ego, breach of fiduciary duties, bad faith, fraudulent and preferential transfers, debtors, creditors, purchasers, investors, committees and other parties in interest in bankruptcy and out-of-court restructurings. Gerry also advises investment bankers, financial advisors and other professionals in connection with retention and compensation issues under the Bankruptcy Code.

With over 25 years of experience in chapter 11 restructurings and representing estate fiduciaries in complex bankruptcy litigation, clients look to Gerry to craft the right approach to achieve their goals whether through aggressive litigation or strategic negotiations. Equal parts litigator and transactional lawyer, Gerry brings the full force of his skill to help clients re-evaluate their objectives and emerge from challenging situations with a fresh start.

Gerry is a frequent author and speaker on a variety of restructuring and bankruptcy topics.

Following law school, Gerry served as a law clerk to the Honorable Jeremiah E. Berk, United States Bankruptcy Judge for the Southern District of New York.

Representative Experience

- Special litigation counsel for the 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 a municipality in separate adversary proceedings alleging claims for violations of the automatic stay, deprivation of constitutional rights, negligence and intentional tort.
- Litigation counsel to 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 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 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 a national retailer 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.

Professional and Community Involvement

- Member, American Bankruptcy Institute
- Member, Turnaround Management Association
- Advisory Board Member, ABI/NYC
- Member, New York State Bar Association

Select Articles

- "Recent Developments in the Retention and Payment of Professionals in Bankruptcy," 29 *Norton Journal of Bankr. Law & Practice*, No. 3 (June 2020)
- "Receiverships and Their Interplay with the Bankruptcy Code," 28 *Norton Journal of Bankr. Law & Practice*, No.1 (Feb. 2019)
- "Evading the Bankruptcy Code 'Safe Harbor' Provisions – Are State Fraudulent Transfer Laws Preempted?," 26 *Norton Journal of Bankr. Law & 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)



Past Speaking Engagements and Seminars

- “Real Estate Workouts and Bankruptcy,” St. John’s University School of Law (Jan. 2024)
- “**Subchapter V**,” American Bankruptcy Institute, NYC Conference (May 2023)
- “**Liquidating Outside of Chapter 11: Considerations for Cannabis and Other Companies Not Eligible for Chapter 11**,” American Bankruptcy Institute, NYC Conference (May 2021)
- “*Section 363 Sale Issues*,” American Bankruptcy Institute, NYC Conference (May 2019)
- “*M&A Involving the Financially Distressed Company*,” NJSBA M&A Conference (Sept. 2018)
- “*Engaging and Paying Contingency Counsel*,” American Bankruptcy Institute, NYC Conference (May 2018)

Credentials

Education

- New York University, LLM, Corporate Law
- St. John’s University, JD
- Hofstra University, BBA

Bar Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

Offices

- New York, NY

Areas of Focus

Practice

- Bankruptcy

