



Adam M. Lavine

Lawyer

NEW YORK

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Adam Lavine represents debtors, creditors, board members and other stakeholders in insolvency-related disputes and investigations, often serving as special litigation counsel to participants in U.S. bankruptcy proceedings. He also represents credit funds, private equity funds, and other institutional investors in liability management litigation and other high-stakes disputes in the financial markets. Among Mr. Lavine's recent engagements was a trial victory on behalf of plaintiffs in the highly-publicized *Wesco/Incora* bankruptcy case that restored Kobre & Kim's clients to their first lien position.

In cases involving fraud, misconduct or asset concealment, Mr. Lavine frequently works with the firm's asset recovery specialists on the monetization and pursuit of high-value claims against principals and stakeholders, often on behalf of bankruptcy trustees or other insolvency administrators.

Before joining Kobre & Kim, Mr. Lavine practiced in Weil, Gotshal & Manges LLP's restructuring group where he focused on representing debtors in out-of-court and chapter 11 restructurings and also advised on distressed M&A transactions.

Admissions

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

Education

- New York University School of Law, JD
- University of Pennsylvania, BA

Accolades

New York State Bar Association's, President's Pro Bono Service Award (2012)

Select Engagements

Insolvency Disputes and Investigations

Mr. Lavine represents a variety of stakeholders in complex investigations involving distressed companies and in bankruptcy-related litigation.

- Representation of Steward Health Care Systems and its Chapter 11 affiliates as special litigation counsel to investigate potential estate causes of action and prosecute claims against various third parties.

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- Representation of the Special Committee of Independent Directors of a distressed IT services provider. The pre-bankruptcy investigation assessed the propriety of anticipated releases to various parties in connection with a Chapter 11 plan as well as the strengths and weaknesses of potential claims for fraudulent transfer, breach of fiduciary duty, aiding and abetting breach of fiduciary duty, unjust enrichment, equitable subordination, and illegal dividends to the company's private equity sponsors.
- Representation of a Chapter 11 debtor's ultimate beneficial owner to engage with a court-appointed Examiner. The Examiner was appointed to investigate our client's role in the debtor's allegedly fraudulent activity in India and the U.S., as well as the existence of potential claims for fraudulent transfer and breach of fiduciary duty.
- Service as independent investigator to the Special Investigation Committee of the Financial Oversight and Management Board for Puerto Rico to perform a comprehensive review of the factors contributing to Puerto Rico's fiscal crisis, under the Puerto Rico Oversight, Management and Economic Stability Act of 2016 ("PROMESA").
- Representation of the unsecured creditors committee in the SunEdison bankruptcy in the U.S. Bankruptcy Court for the Southern District of New York, in adversary proceedings against first- and second-lien noteholders.
- Representation of certain Swiss banks in defense of multiple fraudulent transfer actions and related appeals arising from the SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 15 cases of certain Madoff feeder funds.
- Representation of the Liquidating Trust of Petters Company Inc., in multiple fraudulent transfer cases seeking the return of over \$300 million in "false profits" received by various hedge funds and investment managers from the Petters Ponzi scheme.
- Representation of a retail company in its Chapter 11 case, including a court challenge to the proposed debtor-in-possession financing and litigation concerning various lender liability issues.
- Defense of Lehman Brothers Holdings Inc. in its Chapter 11 case against hundreds of claims filed by former brokerage customers that totaled US \$20 billion+ and a US \$1.2 billion avoidance action claim asserted by Freddie Mac.
- Representation of a global technology company, as the largest creditor in an electronics company's Chapter 11 case, including obtaining a global settlement agreement that resolved disputes related to a US \$1.2 billion failed investment.
- Representation of a grocery chain in its Chapter 11 case, including in the successful defense against numerous court challenges to the grocer's sale of substantially all of its assets.

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Mr. Lavine represents foreign and domestic asset managers, private equity funds, and other institutional investors in high-stakes civil disputes concerning secured and unsecured debt, distressed transactions, and other litigation in the financial markets.

- Obtained trial victory in the highly-publicized Wesco/Incora bankruptcy on behalf of funds managed by BlackRock, JPMorgan Asset Management, and Golden Gate Capital that successfully challenged an unauthorized liability management transaction undertaken by funds managed by Platinum, SilverPoint, PIMCO and Carlyle.
- Representation of Redwood Capital Management and affiliates funds in defending against a New York state litigation challenging a liability management transaction involving Hunkemoller, a Dutch retailer, and an application under Section 1782 seeking U.S. discovery.
- Representation of senior secured lenders in defending against a New York state litigation challenging a liability management transaction involving TriMark.
- Represented equity holders of Travelport in an expedited litigation in New York Supreme Court stemming from the global pandemic's disruption to the global travel industry; the matter involved transactions relating to a US \$ 3.2 billion leveraged loan.
- Representation of former owner of oil and gas company in an application under 28 U.S.C. 1782 before the Connecticut District Court, seeking U.S. discovery in support of a US \$210 million lawsuit in Scotland against the private equity firm that acquired the oil and gas company for loss and damage running into several hundred million dollars.
- Representation of subsidiaries of Education Management in the Southern District of New York against creditors seeking to hold the subsidiaries liable, based on a theory of successor liability arising out of a restructuring, over notes issued by two other subsidiaries.
- Representation of a Korean investment manager on disputes arising out of investment vehicles with over US \$200 million in exposure, in the context of various distressed FinTech companies and real estate investment vehicles in the U.S., including Direct Lending Investments, a registered investment advisor subject to SEC Receivership.
- Representation of a pharmaceutical company in its US \$495 million acquisition of a distressed medical company, including successfully defending against a litigation brought by a group of the medical company's shareholders that sought to unwind the transaction after it had closed.

Professional & Community Involvement

- International Insolvency Institute, NextGen Leadership Program, Member
- Legal Services NYC, Pro Bono Associate Advisory Board, Member
- New York City Bar Association, Member

Publications & Presentations

KOBRE & KIM

- Author, "Bankruptcy Court Weighs in on Delaware's Prohibition on Deepening Insolvency Claims and Claims Against Directors Based on Relationship with Majority Shareholder" (LexisNexis Emerging Issues Analysis, 2016)
- Speaker, "Bankruptcy, Restructuring and Workouts" (17th Annual Commercial Real Estate Institute, Practising Law Institute, New York, December 2015)
- Author, "Confirm Now, Transfer Later: A Solution To Venue Problem" (Law360, August 2012)
- Co-Author, "CDOs: Bankruptcy-Remote, Not Bankruptcy-Proof" (Corporate Counsel, American Bar Association Section of Litigation, June 2012)