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## CHRISTOPHER M. DESIDERIO

Christopher Desiderio is a member of Nixon Peabody's Bankruptcy & Financial Restructuring group, where he represents debtors, creditors and official committees in all aspects of Chapter 7 and 11 cases. Representative clients include limited partnerships, banks, distressed companies, landlords, creditor's committees and trustees in national and regional corporate bankruptcies.

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### WHAT DO YOU FOCUS ON?

#### **Debtors**

I frequently represent debtors in highly contested restructurings. I've represented debtors in various out-of-court and in-court restructurings in almost every major industry including retail, consumer products, healthcare, telecommunications, and energy. Each case presents its own challenges including addressing employee and public relations, negotiations and litigation with secured lenders, valuations, and operational and organizational issues. I strive to work with management in order to obtain the best result in the most effective and efficient manner possible.

#### **Creditors and Other Parties in Interest**

My practice includes the representation of secured and unsecured creditors, including landlords, trade creditors, employees and financial institutions. I have represented creditors in almost every form including secured lenders in single asset real estate

### CONTACT

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Counsel

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### SERVICES

Bankruptcy & Financial  
Restructuring  
Franchising & Distribution  
Corporate & Finance  
Creditors' Committees

### EDUCATION

Fordham Law School, J.D.

cases to lessors of airplanes and aircraft equipment in major airline cases. In addition, I often represent defendants in fraudulent conveyance and preference litigation. Finally, I have represented parties interested in buying distressed assets in 363 sales.

### **Corporate Trusts**

I have represented almost every major institution with a corporate trust practice. I strive to protect the rights of indenture trustees and their noteholders, whether secured or unsecured.

### **Committees**

I frequently represent Official Committees of Unsecured Creditors. I take great care in ensuring that each Committee I represent fulfills its fiduciary obligations, whether through careful negotiation or litigation, in order to maximize recoveries for unsecured creditors.

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## **WHAT DO YOU SEE ON THE HORIZON?**

It's going to become increasingly important for companies in financial distress (or the creditors and vendors of such companies) to put a sound strategy in place for dealing with the increased costs of Chapter 11 restructurings and low interest rates. My continued goal for my clients is to seek efficiency whether in or out of court and to address these issues at the earliest juncture possible—the more time that elapses, the more difficult it can become to find a resolution.

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## **REPRESENTATIVE EXPERIENCE**

### **Counsel to Debtor**

- Access Medical Group (Bankr. S.D.N.Y.)
- Boston Restaurant Associates (Bankr. D.Del.)
- Cedenco Australia Pty Ltd. (Chapter 15) (Bankr. S.D.N.Y.)
- Ezenia! Inc. (Bankr. D.N.H.)
- FairPoint Communications, Inc. (Bankr. S.D.N.Y.)
- Laurence, Scott & Electromotors Ltd. (Chapter 15) (Bankr. S.D.N.Y.)
- Lynx Associates, L.P. (Bankr. D.N.J.)
- Premier Parks (Six Flags) (Bankr. D. Del.)
- Sababa Group, Inc. (Bankr. S.D.N.Y.)
- St. Francis' Hospital, Poughkeepsie, New York (Bankr. S.D.N.Y.)
- Tempnology LLC n/k/a Old Cold LLC (Bankr. D.N.H.)
- U.S. Coal Corp. (Bankr. W.D.Ky.)

### **Counsel to the Official Committee of Unsecured Creditors**

- Cosi, Inc. (Bankr. D.Ma.)
- R. Esmerian, Inc. (Bankr. S.D.N.Y.)
- Visiting Nurse Association of Long Island (Bankr. E.D.N.Y.)

### **Counsel to Indenture Trustees, Collateral Agents or Lenders in Bankruptcy Cases**

Trinity College, B.A.

## **ADMISSIONS**

New York  
Connecticut  
U.S. District Court, Southern District of New York  
U.S. District Court, Eastern District of New York  
U.S. District Court, Western District of New York  
U.S. District Court, Northern District of New York

## **RECOGNITION**

Chris has been selected to the New York Rising Star lists in 2014–2016. His primary area of practice is bankruptcy.

## **AFFILIATIONS**

Christopher is a member of the New York City Bar Association, American Bar Association and the International Association of Restructuring, Insolvency & Bankruptcy Professionals (INSOL).

- Calpine Corp. (Bankr. S.D.N.Y.)
- Eddie Bauer Holdings, Inc. (Bankr. D.Del.)
- Energy Future Holdings (Bankr. D.Del.)
- Flour City Bagels, LLC (Bankr. W.D.N.Y.)
- Lehman Brothers, Inc. (Bankr. S.D.N.Y.)
- Midstates Petroleum Company, Inc. (Bankr. W.D.Tx.)

#### **Counsel to Purchasers**

- Lawrence + Memorial Corporation in its acquisition of Westerly Hospital (Rhode Island)
- New York University Hospital in its acquisition of certain assets of Transcare Corp. (Bankr. S.D.N.Y.)
- SED International in its acquisition of certain assets of Archbrook Laguna Holdings LLC (Bankr. S.D.N.Y.)

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## **MEDIA CLIPS**

### **Bruegger's Moving Toward Sale**

| April 29, 2016

New York City Financial Restructuring & Bankruptcy counsel Chris Desiderio is quoted in this article about a U.S. Bankruptcy Court sale of Flour City Bagels LLC.

### **Nonprofits in the Zone of Insolvency: 2 Cautionary Tales**

| May 19, 2015

New York City financial restructuring and bankruptcy counsel Chris Desiderio, Washington, DC, M&A and Corporate Transactions partner Mike Cooney, and associate Rob Trott and Boston partner and leader of the firm's Bankruptcy & Financial Restructuring practice Victor Milione coauthored this column on important issues charitable fiduciaries should educate themselves on to avoid insolvency.

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## **IDEAS**

### **CMS MUST HAVE ITS SAY BEFORE PROVIDERS CAN GO TO COURT, EVEN IN BANKRUPTCY CASES—BANKRUPTCY STAY IS INEFFECTIVE TO PREVENT THE TERMINATION OF MEDICARE AND MEDICAID PROVIDER AGREEMENTS**

*DISTRESSED HEALTH CARE ALERT* | 07.09.15

### **WEBINAR RECORDING: THE FUTURE OF FOSSIL FUELS AS A GLOBAL ENERGY SOURCE AND SPECIAL PROBLEMS IN RESTRUCTURING ENERGY COMPANIES**

*ORIGINALLY RECORDED JUNE 18, 2015* | 06.22.15

### **NONPROFITS IN THE ZONE OF INSOLVENCY: TWO CAUTIONARY TALES**

*NONPROFIT ORGANIZATIONS ALERT* | 05.07.15

### **REDUCED COAL SALES TO CHINA IN THE NEXT FIVE YEARS: DON'T COUNT ON IT**

*DISTRESSED COAL NEWS* | 02.12.15

## **PRESS**

**NIXON PEABODY TEAM COUNSELS CLIENT ON 200+ UNIT MULTIFAMILY  
RENTAL IN NEW YORK'S HARLEM NEIGHBORHOOD**

09.09.16

**NIXON PEABODY ADVISES ON ST. FRANCIS "DEAL OF THE YEAR"**

11.26.14

**EVENTS**

**WEBINAR: THE CCR RULE AND COAL-FIRED POWER PLANT  
DECOMMISSIONING**

09.14.17 | WEBINAR

**WEBINAR: THE FUTURE OF FOSSIL FUELS AS A GLOBAL ENERGY SOURCE  
AND SPECIAL PROBLEMS IN RESTRUCTURING ENERGY COMPANIES**

06.18.15

**NIXON PEABODY'S SEMI-ANNUAL CLE PROGRAM**

05.15.15 | ROCHESTER, NY

**NIXON PEABODY'S SEMI-ANNUAL CLE PROGRAM**

05.14.15 | BUFFALO, NY

**TALKS**

**THE OTHER SIDE OF BANKRUPTCY**

09.08.15