



Sean C. Southard

Partner

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Mr. Southard's practice is focused on middle market businesses with extensive experience in areas of financial restructuring, acquisitions, financing arrangements, commercial transactions, as well as complex commercial litigation. During his years of practice, he has counseled borrowers, lenders, trade creditors, noteholders, official committees, lessors, and trustees in many prominent local and national bankruptcy cases and out-of-court restructurings. In addition, Mr. Southard has prosecuted and defended several complex commercial litigations in state and federal courts.

Mr. Southard represents clients in many industries and varying sectors of the economy. In these capacities, he has counseled clients in an even wider range of matters, essentially from formation to liquidation. Mr. Southard has extensive restructuring experience in the following areas, among others:

- airline and automotive;
- beverage distribution and wholesale;
- carting and recycling;
- commercial real estate;
- construction and development;
- chemicals and solvents;
- diamond and jewelry;
- food services, grocery and restaurants;
- hospitals, nursing homes and home health care;
- legal and professional service firms;
- machine tooling and manufacturing;
- marketing and graphic design;
- mortgage origination and sale;
- not-for-profit corporations and charitable organizations;
- public and private educational institutions, including higher education; and
- textiles, garment, footwear and fashion.

Mr. Southard is also a registered mediator with the panels established by the Bankruptcy Courts for the Southern and Eastern Districts of New York. In this capacity, he has extensive experience settling and mediating commercial disputes and claims.

[Representative Engagements:](#)

Tracy Klestadt

Ian Winters

John Jureller, Jr.

Sean Southard

Fred Stevens

Joseph Corneau

Brendan Scott

Stephanie Sweeney

Lauren Kiss

Christopher Reilly

Andrew Richmond

Construction and Commercial Real Estate:

- Counsel to the official committee of unsecured creditors in *Lehr Construction Corp.* (general contractor and construction management).
- Counsel to the debtor in *Michael Mazzeo Electric Corporation, et al.* (large subcontractor).
- Counsel to chapter 7 trustee of *Alliance Mortgage* (mortgage originator) and its affiliated chapter 7 cases.

Healthcare and Social Services:

- Counsel to *Long Beach Medical Center* and *Long Beach Memorial Nursing Home, Inc.* in their jointly administered chapter 11 liquidation cases.
- Counsel to *Tender Loving Care Health Care Service, Inc., et al.* (home health care) in their jointly administered sales and chapter 11 liquidations.
- Counsel to the Missionary Sisters of the Sacred Heart (not-for-profit corporations in New York and Illinois) in connection with the chapter 11 case of *Cabrini Medical Center* (not-for-profit hospital) and related transactions.
- Counsel to SNCH purchaser in *Victory Memorial Hospital* chapter 11 cases.
- Counsel to *Parkway Hospital* in chapter 11 liquidation.
- Counsel to *Miracle Makers, Inc.* (not-for-profit provider of children's social services).

Mediation Services:

- Selected to panel of mediators in avoidance actions brought in chapter 11 cases of *Oldco M Corporation (f/k/a Metaldyne Corporation), et al.* and *DPH Holdings Corp (f/k/a Delphi Corporation)*.

Not-For-Profit Institutions:

- Counsel to private not-for-profit higher education institution in connection with turnaround efforts and public bond forbearance arrangements.
- Counsel to the official commission of unsecured creditors in *New York City Opera, Inc.* in its chapter 11 case.
- Counsel to several Long Island public schools in *Metro Affiliates, Inc., et al.* (including Raybern Bus Service, Inc.) in their jointly administered chapter 11 cases.
- Counsel to private college preparatory school in relation to *The Christian Brothers Institute, et al.* chapter 11 cases.

Professional Firms:

- Counsel to official committee of unsecured creditors in *Binder & Binder – The National Social Security Disability Advocates (NY), LLC, et al.* (largest national social security and disability advocates firm).
- Counsel to several former partners in the bankruptcy cases of *Dewey & LeBoeuf, LLP* (law firm insolvency case) and *Thelen, LLP* (law firm chapter 7 case).
- Counsel to the official committee of unsecured creditors in *Dreier LLP* (national law firm run by convicted Ponzi-scheme architect Marc Dreier).
- Counsel to *Coudert Brothers LLP* (international law firm) in its liquidation.
- Counsel to *Maher & Lemmo, LLP* (law firm) in its liquidation.

Wholesale and Retail:

- Counsel to the official committee of unsecured creditors and later the post-confirmation litigation trust in *M. Slavin & Sons, Ltd.* (seafood wholesaler).

- Counsel to secured noteholders of *R. Esmerian, Inc.* and *Ralph Esmerian* (major New York jeweler) who successfully filed involuntary bankruptcy petitions against the debtors.
- Counsel to official committee of unsecured creditors and later the post-confirmation estate in the *GoodTimes* (a/k/a GT Brands, REFCO, and Gymtime) (media companies—direct to consumer, wholesale and licensing) jointly administered chapter 11 cases.
- Counsel to the official committee of unsecured creditors of *Bare Feet Shoes of PA, Inc., et al.* (retail shoe chain).
- Counsel to the official committee of unsecured creditors of *Star Diamond* (wholesale diamonds).

Mr. Southard is a graduate of St. John's University and received his law degree from St. John's University School of Law. While in law school Mr. Southard served as editor of the *American Bankruptcy Institute Law Review*. He also served as a legal intern with the Honorable Cornelius Blackshear, United States Bankruptcy Judge in the Bankruptcy Court for the Southern District of New York. Mr. Southard is admitted to practice in the State of New York and the United States District and Bankruptcy Courts for the Southern and Eastern Districts of New York. Mr. Southard routinely speaks publicly on timely commercial law and restructuring topics and is quoted in the popular press. Among others, Mr. Southard's recent panels and quotes follow:

- Virginia Intermont's Campus Sale Begs Questions of How Colleges Close Accounts
- Reorganization plan would revive NYC Opera for 2016-17 season (*The Deal*; October 8, 2015)
- Restructuring Your Alma Mater (Turnaround Managers Association, Annual Meeting; October 6, 2015)
- Revival Is on the Table for Bankrupt New York City Opera (*WSJ*; July 2, 2014)
- NY City Opera Can't Pay Back Workers, Ticketholders (*Law360*; December 18, 2013)
- Coudert Ruling Spells Trouble For Firms With Dewey Gains (*Law360*; May 29, 2012)
- Dewey Partners Likely To Face Wrath Of Creditors (*Law360*; May 10, 2012)
- Film Gives Marc Dreier a Forum to Explain How Career 'Unraveled' (*New York Law Journal*; March 15, 2012)

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