



Rodger T. Quigley

*Associate*

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Rodger Quigley is an associate in the Restructuring & Finance Litigation Department. He focuses his practice on complex commercial litigation, restructuring and bankruptcy matters.

Before joining Herrick, Rodger was a law clerk for the Hon. Joel H. Slomsky of the U.S. District Court for the Eastern District of Pennsylvania. While in law school, Rodger was Editor in Chief of the *New York Law School Law Review*.

#### Services

- Restructuring & Finance Litigation
- Litigation
- Distressed Real Estate

#### Education

- New York Law School (J.D., *cum laude*, 2017)
- Ithaca College (B.A., 2013)

#### Publications

**October 25, 2024**

There's No Crying In Property Valuation Baseball Arbitration  
Law360 Expert Analysis

**March 30, 2023**

Employment, Professional Perspective - Potential Impact of FTC Non-Competes Ban on Forfeiture-for-Competition Clauses  
Bloomberg Law - Practical Guidance

**September 28, 2022**

Revlon Lenders Must Return \$500 Million Mistaken Wire Transfer to Citibank, N.A.  
Herrick Restructuring Review

**August 3, 2022**

A Possible Resurgence of Reinstatement Cases Means Debtors and Creditors Should Heed Lessons From Charter Communications and Young Broadcasting  
Reorg

**June 15, 2022**

U.S. Supreme Court Narrows Ability to Obtain Discovery in U.S. for Use in Foreign Private Arbitrations

June 2, 2022

Landmark Delaware Bankruptcy Court Ruling that Debtors Did Not Have to Pay Make-Whole Premium Was in Error, First Lien Lenders' Argue on Appeal  
Herrick Restructuring Review

June 9, 2021

Illinois Bankruptcy Court Weighs in on Chapter 7 Substantial Contribution Claims  
Herrick Restructuring Review

April 30, 2021

Bronx Miracle Gospel Tabernacle: Lender's Nightmare Continues  
Herrick Restructuring Review

April 9, 2021

Prospective Loss of Equity Is No Basis to Enjoin a UCC Foreclosure, Appellate Division Holds  
Herrick Restructuring Review

November 18, 2020

Herrick's Restructuring & Finance Litigation: 2019-2020 In Review

October 12, 2020

Bankruptcy Court Affirms Availability of 1111(b) Election in Subchapter V Cases  
Herrick Restructuring Review

## Matters

**Sears Holdings Corporation, et al. v. Lampert, et al. (Bankr. S.D.N.Y.)**

Serving as Co-Counsel to the Official Committee of Unsecured Creditors, on behalf of Debtors' estates, in lawsuit asserting fraudulent transfer, breach of fiduciary duty, and related claims in connection with prepetition transactions totaling billions of dollars.

**Participants in Foreign Proceedings – Seeking Discovery from U.S.-based Entities**

Represent participants in foreign proceedings that are seeking discovery from U.S.-based entities pursuant to 28 U.S.C. section 1782 for use in the foreign proceedings.

**ICG Global Loan Fund 1 DAC, et al. v. Boardriders, Inc., et al. (NY Sup. Ct.)**

Co-counsel to group of minority lenders challenging non-pro rata "uptier" transaction entered into between borrower, majority lenders and equity sponsor. The litigation involved a timely topic that has garnered significant attention in the market, *i.e.*, whether a private roll-up debt exchange qualifies as an "open market" purchase exempt from the credit agreement's general requirement that all distributions be made pro rata. After we successfully opposed defendants' motion to dismiss, allowing the minority lenders' primary claims to proceed to discovery, the parties entered into a settlement, resulting in an outcome favorable to our clients.

**In re Whiting Petroleum Corporation, et al. (Bankr. S.D. Tex.)**

Representing indenture trustee for convertible noteholders in connection with Debtors' bankruptcy cases.

**All Year Holdings Limited - Special Litigation Counsel**

Represented real estate debtor as special litigation counsel. Won motion to dismiss adversary proceeding, which was affirmed on appeal. *684 B.R. 734 (S.D.N.Y. 2022)*

**Wythe Berry Fee Owner LLC – Debtor in Chapter 11**

Represented debtor in Chapter 11 proceeding involving the William Vale Hotel, a luxury hotel in Brooklyn. Hotel sold for \$177 million pursuant to plan of reorganization, resulting in a rare

Chapter 11 case where all creditors were paid in full. *654 B.R. 524 (Bankr. S.D.N.Y. 2024)* and *660 B.R. 534 (Bankr. S.D.N.Y. 2024)*.

#### Global Logistics Company – Achieved Summary Judgment in Shareholder Dispute

Obtained both appellate and summary judgment victories in favor of shareholders of global logistics company, and in defense of oppression and related claims. The case is *Estate of Stile v. C-Air Customhouse Brokers-Forwarders, Inc. et al.* (N.Y. Sup. Ct.).

#### Israeli Manufacturer – Motion to Dismiss Granted in Breach of Contract and Tortious Interference Lawsuits

Achieved a complete victory on behalf of its clients Inokim, an Israeli company that manufactures electric scooters, and Best Buy against certain Inokim shareholders who sued both companies for breaches of a licensing agreement and tortious interference arising from the distribution of Inokim electric scooters. The New York Supreme Court granted motions to dismiss all of the plaintiffs' claims on each of the alternative grounds offered—including improper service, lack of personal jurisdiction over our Israeli clients and lack of standing.

#### In re: Charge Enterprises Inc. (D. Del.)

Represented Kenneth Orr and certain KORR entities, significant shareholders and creditors of the debtor in the *In re Charge Enterprises, Inc.* Chapter 11 case in the Bankruptcy Court for the District of Delaware. The Debtor commenced its Chapter 11 case with a prepackaged plan negotiated with its prepetition secured lender and sought confirmation of that plan – which provided for the Lender to receive 100% of the equity in post-reorganization Charge – within 48 days of the bankruptcy filing. Prior to the Chapter 11 case, Charge had described in its SEC filings certain aggressive acts by the Lender that hindered Charge's ability to refinance its debt to the Lender and increased the size of the debt purportedly owed by Charge, which led to the Charge's inability to repay the notes at maturity. But, in its first-day Chapter 11 filings, the Debtor looked to blame KORR for its predicament, claiming that a separate dispute with KORR over illiquid investments Charge made with KORR left Charge with insufficient liquidity to repay the Lender notes. That dispute was the subject of a separate New York State Court litigation commenced by Charge while negotiating its restructuring with the Lender. In the limited time available in the Chapter 11 case, Herrick engaged in a strategy of attacking the Debtor and its Lender's proposed restructuring on several fronts. Ultimately, KORR reached a settlement of all its disputes with Charge and the Lender, which was a positive result for Herrick's client as well as for the Debtor and its estate. The plan and disclosure statement were approved pursuant to the Confirmation Order.

#### In re Hudson 888 Owner LLC and Hudson 888 Holdco LLC (Bankr. S.D.N.Y.)

Successfully represented Hudson 888 Owner LLC and Hudson 888 Holdco LLC, subsidiaries of Chinese developer Xinyuan Real Estate Co. Ltd., as the debtors in a jointly-administered single asset real estate (SARE) Chapter 11 case involving a high-end mixed-use property in Hell's Kitchen in New York City. A settlement was reached on terms favorable for our client, and a plan of reorganization was approved by the Court. This represented a very successful culmination of a highly complex and contentious Chapter 11 bankruptcy case.