



Christopher W. Carty

Partner

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Christopher Carty is partner in Herrick's Restructuring & Finance Litigation Department. Christopher's practice focuses on complex financial litigation, with a concentration in corporate financial restructuring litigation. His practice frequently involves complex litigation, involving valuation disputes, litigation related to capital markets, lender/creditor litigation, capital structure disputes, M&A litigation, disputes among LLC members, exchange offer litigation, and fraudulent transfer litigation.

Christopher's clients include debtors, creditors, official and ad hoc creditor committees, hedge funds and private equity funds, public and privately held companies, special investigation committees, venture capitalists and other individual professionals. He has extensive experience in high-stakes, complex restructuring litigation in some of the largest chapter 11 cases.

Prior to joining Herrick, Christopher was with Akin Gump Strauss Hauer & Feld LLP.

Services

- Litigation
- White Collar Defense & Investigations
- Securities Litigation and Enforcement
- Corporate Litigation
- Restructuring & Finance Litigation

Education

- George Washington University Law School (J.D., *with honors*, 2009)
- Boston College (B.A., *cum laude*, 2006)

Accolades

- Honoree, 2013 Pro Bono Award, New York Legal Assistance Group, in connection with assisting low-income victims of Superstorm Sandy.
- Honoree, 2012 Safe Haven Award, Immigration Equality, for excellence in pro bono representation.

Representative Matters

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

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

Sears - Special Counsel to Creditors Committee

Acting as special counsel to the creditors committee in investigating and pursuing claims of wrongful conduct in connection with debtors' auction of MTN notes.

AEA Middle Market Debt Funding LLC, et al. v. Marblegate Asset Management LLC, et al
Representing the administrative agent against claims for breach of credit and security agreements, conversion, conspiracy to commit conversion, and aiding and abetting breaches of fiduciary duty. In January 2019, Herrick successfully appealed, on an emergency basis, the entry of a temporary restraining order preventing the \$120 million out-of-court restructuring transaction from proceeding. The TRO was vacated, and the restructuring was consummated. The litigation remains ongoing.

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.

Schneider, et al. v. Pine Management, Inc., et al. (N.Y. Sup. Ct.):
Representing LLC property manager and majority LLC members in suit by minority LLC members alleging breach of contract and breach of fiduciary duty claims related to scope of manager's authority to manage properties owned by LLCs.

In re Millennium Lab Holdings II LLC, et al. (D. Del.)
Representing reorganized debtor in contractual dispute regarding terms of loan to debtor's liquidating trust and opposing liquidating trustee's motion to re-open chapter 11 cases.

Experience

In re FirstEnergy Corp., et al., No. 18-50757 (Bankr. N.D. Ohio): Represented debtor energy companies in connection with investigation and settlement of prepetition claims against non-debtor parent and disputes in connection with confirmation of debtors' plan of reorganization.

In re Energy Future Holdings, et al., No. 14-10970 (Bankr. D. Del.): Represented ad hoc committee of holders of unsecured payment-in-kind notes in connection with variety of matters, including make-whole litigation, objecting to settlement of inter-debtor claims, objections to confirmation of multiple plans of reorganization.

Tuttle v. Allied Nevada Gold Corp., et al., No. 17-1513 (3d Cir.): Represented reorganized debtor in appeal of confirmation and related orders, successfully dismissed appeals as equitably moot, and successfully defended equitable mootness doctrine when challenged on Constitutional grounds at Third Circuit Court of Appeals.

Marblegate Asset Mgmt. v. Educ. Mgmt. Corp., No. 18-Civ-8584 (S.D.N.Y.): Represented unsecured noteholders at the in challenging proposed \$1.5 billion out-of-court restructuring for violating Section 316(b) the Trust Indenture Act of 1939.

In re Allied Nevada Gold Corp., et al. No. 15-10503 (Bankr. D. Del.): Represented debtor Allied Nevada Gold Corp. in variety of litigation matters in connection with chapter 11, including valuation disputes, examiners motions, and sale motions

In re Edison Mission Energy, et al., No. 12-49219 (Bankr. N.D. Ill.): Represented official committee of unsecured creditors in connection with investigation of claims against non-debtor parent and settlement of such claims for benefit of estates.

In re Washington Mutual Inc., et al., No. 08-12229 (Bankr. D. Del.): Represented of the official committee of unsecured creditors in all litigation matters in long-running chapter 11 case,

including disputes related to confirmation, asset turnover, fraudulent transfers/preferences, and various litigations related to Washington Mutual's issuance of mortgage-backed securities, Trust Preferred Securities and Litigation Tracking Warrants.

In re Spansion, No. 09-10690 (Bankr. D. Del.): Represented (i) ad hoc group of senior noteholders in valuation dispute during confirmation proceedings where court accepted valuation proposed by senior noteholders over valuations proposed by other parties and (ii) the claims agent for the debtors' chapter 11 estates in connection with a disputed \$1 billion claim by former subsidiary based on rejection of a foundry agreement concerning the manufacture and sale of semiconductor wafer, which, after several months of discovery and numerous depositions, the claims agent successfully settled at an amount 80% less than original claim

Other:

- Conducted internal investigations of a public companies regarding potential improper practices of international subsidiaries.
- Represented individual officers of public companies in connection with FCPA investigation.
- Represented individual in immigration removal proceedings, with favorable outcome.
- Represented individual in connection with FEMA appeal following Hurricane Sandy.

Publications

November 18, 2020

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