



## Sean E. O'Donnell

*Partner; Co-Chair of Restructuring & Finance Litigation Department*

[sodonnell@herrick.com](mailto:sodonnell@herrick.com)

(212) 592-1545 PHONE

(212) 545-3410 FAX

Sean O'Donnell is co-chair of Herrick's Restructuring & Finance Litigation Department.

Sean focuses on complex commercial litigation with a concentration in finance and real estate related litigations, including financial restructurings, valuation disputes and other corporate and capital markets disputes, including lender/creditor litigation, purchase price adjustments, capital structure disputes, M&A litigation, employment, partnership and investor disputes and insurance related matters.

Sean's clients include hedge funds and private equity funds, creditor committees, debtors, public and privately held companies, real estate developers, insurance and financial advisors, venture capitalists and other individual professionals.

Sean has extensive trial experience and has been selected as a "Trial Pro" by *Law360*, and as a "Winning Litigator" by *The National Law Journal* in its special section "Winning: Profiles of Successful Attorneys and Their Strategies."

Prior to joining Herrick, Sean was a partner at Akin Gump Strauss Hauer & Feld LLP.

### Services

- Litigation
- Corporate Litigation
- Restructuring & Finance Litigation
- Banking & Financial Services
- Real Estate Litigation & Dispute Resolution
- Employment Litigation
- Employment

### Education

- Fordham University School of Law (J.D., 1997)
- State University of New York at Oswego (B.A., 1994)

### Accolades

- *The Best Lawyers in America*® - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (2021)

### 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.

**SunEdison, Inc.**

Counsel to Reorganized SunEdison, Inc. concerning indemnity claims asserted by the syndication agent and lead arranger for a pre-petition second lien loan facility.

**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.

**Toys R Us**

Represented a fund in connection with a dispute over treatment of claims in a Chapter 11 plan of reorganization of subsidiary debtors.

**In re Boston Generating LLC, et al. (S.D.N.Y.)**

Representing numerous defendants in fraudulent conveyance action by the liquidating trust arising from a \$2 billion leveraged recapitalization.

**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.