



Timothy M. Whitteaker

Associate

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Timothy Whitteaker is an associate in Herrick's Restructuring & Finance Litigation Department where he focuses on complex commercial litigation, restructuring and bankruptcy matters.

Prior to joining Herrick, Tim served as a Fordham University School of Law post-graduate judicial fellow in the Chambers of Hon. Nicholas G. Garaufis in the U.S. District Court for the Eastern District of New York.

While in law school, Tim worked in Fordham's Community Economic Development Clinic and was an editor for the *Fordham International Law Journal*.

Services

- Restructuring & Finance Litigation
- Litigation
- Distressed Real Estate

Education

- Fordham University (J.D., *magna cum laude*)
- College of William & Mary (B.A.)

Matters

Condominium Board - Construction Defect Claims

Representing a condominium board with respect to construction defect claims against sponsor and principals. The case is *Board of Managers of 252 Condominium v. World-Wide Holdings Corp., et al.* (N.Y. Sup. Ct.).

Represented Milwaukee Bucks Co-owner, Marc Lasry, in the Sale of Stake in the Team

Represented Milwaukee Bucks co-owner, Marc Lasry, in the sale of his 25 percent stake in the team to Cleveland Brown owners Jimmy and Dee Haslam. According to *ESPN*, the transaction struck at a \$3.5 billion valuation was the second highest valuation ever paid for an NBA team and the third highest valuation for any American professional sports team. It was a tremendously successful conclusion to Mr. Lasry's tenure as an owner and steward of the championship Bucks.

In re Urban Commons 2 West LLC (Bankr. SDNY)

Representing secured and DIP lenders in the bankruptcy of real estate developer and hotelier, Urban Commons 2 West LLC and certain affiliates ("Urban Commons"), which defaulted on hotel loans during the COVID-19 pandemic and filed for chapter 11 protection in November 2022. On behalf of its secured lender clients, Herrick has negotiated the post-petition financing, bid procedures, sale milestones, disclosure statement and plan of reorganization,

recently securing a critical win on behalf of its clients regarding the treatment of escrowed insurance proceeds as property of the estate in February 2023. This matter is ongoing.

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.

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.