

The Nine West Decision: A New Twist on an Old Cause of Action

By: *Kenneth A. Rosen, Esq. and Michael Savetsky, Esq., Lowenstein Sandler LLP**

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Trustees pursuing recoveries for unsecured creditors in Chapter 11 cases may have another arrow in their quiver under the right set of facts. Board of director members may have something new to worry about when considering their fiduciary duties in approving a merger or sale.

A Chapter 11 plan of reorganization under which trade claims are unimpaired and where secured debt and/or bondholder debt are the only restructured debt is quite common. The norm in plans of reorganization is to provide...

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About the Authors



Kenneth A. Rosen, Esq is Partner, Chair, Bankruptcy, Financial Reorganization & Creditors' Rights of Lowenstein Sandler. Mr. Rosen advises on the full spectrum of restructuring solutions, including Chapter 11 reorganizations, out-of-court workouts, financial restructurings, and litigation.

In his spare time, Mr. Rosen serves on several philanthropy and nonprofit boards primarily devoted to health care and education.



Michael Savetsky's practice focuses primarily on creditors' rights in the context of complex Chapter 11 bankruptcies, including representing creditors' committees, secured and unsecured creditors, and other parties in interest in Chapter 11 cases. He also has experience representing debtors, asset purchasers, and liquidating trustees, and prosecuting and defending preference actions and other bankruptcy-related litigation.