



**Eric Goldberg**

**Partner**

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Eric Goldberg represents debtors both in and out of court, as well as creditors and other stakeholders, including lenders and funds, in a variety of transactions. His practice involves complex bankruptcy-related litigation, including contested confirmations, termination of collective bargaining agreements and all types of adversary proceedings. Eric also has extensive experience working with hedge funds, institutional lenders, bondholders and buyers of distressed assets.

- Restructuring
  - Finance
  - Debt Capital Markets
  - Structured Finance and Securitization
  - Corporate
  - Litigation, Arbitration and Investigations
  - Private Equity
  - Banking and Finance Litigation
  - Mergers and Acquisitions
  - Debt Finance
  - Investigations
  - Tax
  - Emerging Growth and Venture Capital
  - Public Company and Corporate Governance
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- Insurance
  - Industrials
  - Hospitality and Leisure
  - Financial Services
  - Technology
  - Healthcare
  - Consumer Goods, Food and Retail

## EXPERIENCE

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- Real Estate

Eric represents clients in all aspects of bankruptcy and restructuring, including:

- Debtors: Represent public and private companies in out-of-court restructurings and chapter 11 reorganizations throughout the US
- Creditors: Represent asset-based lenders, bondholders, committees, hedge funds and institutional lenders in loans, workouts and complex insolvency situations
- Litigation: Prosecute and defend all types of bankruptcy-related litigation, including plan confirmation, examiner & trustee motions, from discovery through trial. Prosecute and defend preference, fiduciary duty and fraudulent transfer claims in state and federal courts
- Transactional: Advise clients with regard to how to structure complex transactions with financially-distressed companies. Represent buyers & sellers of distressed assets in public and private auctions and Bankruptcy Code Section 363 sales
- Boards of Directors: Advise Boards of Directors and Special Committees, regarding fiduciary duties and insolvency situations
- Intellectual Property: Represent licensors and licensees of intellectual property in transactions and litigation involving distressed entities
- Other: Represent examiners and trustees in investigation of LBOs, mergers, acquisitions and divestitures. Advise insurer in connection with complex D&O claims. Advise investors in connection with the trade of distressed claims & securities

Representative cases:

- Abengoa
- Adelphia
- Circuit City
- Delphi
- Enron
- Extended Stay
- Fresh & Easy
- Hostess Brands
- Lehman Bros.
- Loral
- Madoff
- MF Global
- Mirant
- Patriot Coal
- Tower Automotive
- Trump Casinos

## CREDENTIALS

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### Admissions

- California

### Recognitions

- AV rated by Martindale-Hubbell
- Listed in Best Lawyers In America for both Bankruptcy/Reorganization and Bankruptcy Litigation
- Listed in California Super Lawyers and Rising Stars for Bankruptcy

## Education

- J.D., Harvard Law School 1991
- B.S., Cornell University 1987

## Memberships

- Board member, Financial Lawyers Conference
- Board member, Turnaround Managers Association of Southern California

## INSIGHTS

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### Publications

#### Precautionary revolver draws – financial cure for COVID-19?

29 April 2020

Many companies with access to revolving credit facilities find themselves considering whether to make a pre-emptive draw now to ensure they have enough liquidity for the future.

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## Events

### Previous

#### Fiduciary duties of directors in financially distressed companies

4 August 2020 | 12:00 - 1:00 ET

Webinar

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Eric is active in several restructuring-related organizations, including the California Bankruptcy Forum, the Financial Lawyers Conference and the Turnaround Managers Association. He speaks frequently on restructuring topics, such as asset sales in bankruptcy, distressed M&A, fraudulent transfer litigation, fiduciary duties and workouts. Recent speaking engagements include:

- July 2017 – Turnaround Managers Association, Laguna Beach, California. Eric led a roundtable discussion with industry experts on alternatives to bankruptcy
- March 2017 – The Appraisal Institute, San Diego, California. Eric participated in a panel on valuation in bankruptcy
- September 2016 – Financial Lawyers Conference, Los Angeles, California. Eric was a member of a panel discussing current topics in chapter 11 reform
- July 2016 - TMA Western Regional Conference, Carlsbad, California. Eric organized the speaker and panels for this conference, addressing current events in out of court restructurings, intellectual property issues, distressed M&M, fiduciary duties, retail bankruptcies, and bankruptcy litigation
- June 2016 – Association of Insolvency & Restructuring Advisors, Coronado Island, California. Eric led a panel discussion on the effects of minimum wage and other labor laws on bankruptcy
- October 2015 - Los Angeles Bankruptcy Forum, Beverly Hills, California. Eric spoke on the preclusive effects of bankruptcy court orders on post-sale and post-confirmation litigation

- July 2015 - TMA Western Regional Conference, Carlsbad, California. Eric moderated a panel that analyzed issues of successor liability in bankruptcy sales following the recent decision from the Bankruptcy Court for the Southern District of New York regarding the GM ignition switch recall litigation
- May 2015 - California Bankruptcy Forum 2015 Conference, Napa, California. Eric appeared on a panel discussing the impact of the *Wellness International Network v. Sharif* case, which was recently argued before the US Supreme Court