



JOHN D. GIAMPOLO

MEMBER - Bankruptcy & Reorganization and Litigation

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Practice Areas

Bankruptcy & Reorganization
Litigation

Bar Admissions

New York, 2005
New Jersey, 2005
United States District Court - District of
New Jersey
United States District Court - Southern
District of New York

Education

Southwestern University School of Law

• J.D. - 2004

Honors & Activities:

- Top 10% Cum Laude Graduation Honors; Member of Southwestern Journal of Law & Trade

Villanova University

• B.S. - 2001

Honors & Activities:

- National Merit Scholarship

John D. Giampolo joined Rosenberg & Estis, P.C. in 2020 and is a Member with the firm's Bankruptcy & Reorganization and Litigation Departments.

For more than 15 years, Giampolo has focused his practice on core bankruptcy, restructuring and related litigation and transactions.

Giampolo represents Chapter 11 debtors, trustees, secured lenders, private equity funds, hedge funds, landlords, tenants, various creditors and other parties in a wide range of core bankruptcy and restructuring matters and related disputes in connection with middle market size matters and in connection with some of the most high profile matters such as Lehman Brothers Holdings Inc., Relativity Media LLC, Sports Authority Holdings, Inc., and the SIPA liquidation of Bernard L. Madoff Investment Securities LLC. He represents parties in connection with Chapter 11 reorganizations, Chapter 7 liquidations, claim objections, pre-bankruptcy counseling, workouts, receiverships, assignments for the benefit of creditors and insolvency proceedings under the Securities Investor Protection Act (SIPA). He also represents parties in connection with distressed assets and distressed or special situations investment strategies, including loan-to-own strategies, distressed debt restructurings, distressed real estate acquisitions, bankruptcy debtor-in-possession (DIP) financing, claims trading and Section 363 sales.

In his practice, Giampolo prosecutes and defends Ponzi scheme litigation, avoidance actions and other clawback actions in bankruptcy and other bankruptcy-related litigation. He also has a strong focus on litigation outside of bankruptcy in foreclosure actions, commercial fraud, securities, unfair competition, employment law and other complex high stakes commercial litigation disputes in federal and state courts in New York, New Jersey, Delaware and in arbitration proceedings.

Additionally, Giampolo focuses on corporate matters and serves as outside general counsel to companies in various industries, including handling various day-to-day legal matters, business strategy and pre-litigation counseling. He also has extensive experience in employment law representing clients in connection to negotiating executive compensation, non-compete agreements and litigating employment disputes.

Prior to joining Rosenberg & Estis, Giampolo was a Partner in Ice Miller LLP's Bankruptcy and Restructuring Practice Group, where he was a founding member of the firm's Distressed Investment Group. He was also a Partner in Wollmuth Maher & Deutsch LLP's Litigation Practice Group and a



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Partner and Co-Chair of its Bankruptcy Practice Group.

Notable Work

- Represented *Lehman Brothers Holdings Inc.* (LBHI) in the Chapter 11 bankruptcy of LBHI and its affiliated Debtors in the Southern District of New York in connection with prosecuting hundreds of millions of dollars of indemnification claims against counterparties that sold or delivered defective residential mortgage loans, and in connection with various post-confirmation disputes.
- Represented creditors and a landlord in the Chapter 11 bankruptcy of *Sports Authority Holdings, Inc., et al.* (Sports Authority) in the District of Delaware in connection with disputes arising from executory contracts and unexpired leases, and in connection with landlord's successful purchase and termination of its lease and recovery of its leased premises from the Sports Authority Debtors.
- Represented creditors in disputes pending in the Chapter 11 bankruptcy of *Scout Media, Inc., et al.*, digital sports media companies, in the Southern District of New York.
- Represented former partner of Dewey & LeBoeuf LLP in connection with motions to dismiss that successfully dismissed the breach of contract lawsuit filed by Dewey & LeBoeuf's landlord in New York state court seeking over \$200 million in unpaid rent against hundreds of former partners of bankrupt Dewey & LeBoeuf LLP, and in connection with a successful global settlement of the dispute.
- Represented New Jersey real estate developer Central Bergen Properties and affiliates as the borrower in a receivership in connection with a multi-jurisdiction dispute in New Jersey federal district court, bankruptcy court and state court arising from a \$30 million securitized commercial mortgage loan, and in connection with successfully closing a global settlement and recapitalization of the borrower's debt facility.
- Represented parties in interest in the Chapter 11 bankruptcy of *Relativity Media LLC, et al.*, film studio and related entertainment companies, in the Southern District of New York in connection with disputes arising from executory contracts.
- Represented numerous defendants in connection with avoidance actions brought by the trustee of the Chapter 7 bankruptcy liquidation of Employee-Services.net, Inc. and eePayrollServices, LLC, a fraudulent payroll processing service Ponzi scheme, in the Western District of North Carolina, and in connection with successfully closing a global settlement of all avoidance actions.
- Served as Debtors' counsel representing Chapter 11 Debtors, Greenwich Sentry LP and Greenwich Sentry Partners LP, Fairfield Greenwich Group hedge funds that invested hundreds of millions of dollars in the Bernard L. Madoff Investment Securities LLC (Madoff)



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Ponzi, in their bankruptcies in the Southern District of New York, including confirming the Greenwich Sentry Debtors' contested Chapter 11 plans and related settlement agreements to resolve over \$200 million in claims asserted against the Greenwich Sentry Debtors by the Madoff trustee and to allow the Greenwich Sentry Debtors' multi-million dollar customer claims against the Madoff liquidation.

- Represented 217 Canner Associates, LLC, as trustee for the liquidating trusts created for the Greenwich Sentry LP and Greenwich Sentry Partners LP bankruptcy estates, in connection with (i) prosecuting claim objections and successfully disallowing over \$50 million in disputed claims and interests filed against the Greenwich Sentry bankruptcy estates, (ii) sale and claims trade of the Greenwich Sentry Debtors' multi-million Madoff customer claims, (iii) prosecuting dozens of avoidance actions and successfully recovering millions of dollars for Greenwich Sentry's liquidating trust, and (iv) distributing over \$28 million to holders of allowed claims and interests.
- Represented MAXAM Absolute Return Fund, L.P. (MAXAM), a hedge fund that invested hundreds of millions of dollars in the Madoff Ponzi, in connection with the Madoff's trustee's adversary proceeding filed in the Madoff bankruptcy in the Southern District of New York seeking to recover allegedly fraudulent transfers from MAXAM and affiliates, and in connection with the global settlement which allowed MAXAM a \$276 million customer claim against the Madoff liquidation.
- Represented Zais Investment Grade Limited VII, a Cayman Islands collateralized-debt obligation issuer, in its involuntary Chapter 11 bankruptcy in the District of New Jersey.
- Represented agent senior secured lender in connection with the post-petition financing facility in the Chapter 7 bankruptcy liquidation of New Century Transportation, Inc., one of the country's largest truckload service providers.
- Represented various avoidance action defendants in the Chapter 11 bankruptcies of Metaldyne and Saint Vincents Catholic Medical Centers in the Southern District of New York, and in the Chapter 11 bankruptcy of Trump Entertainment Resorts, Inc., in the District of Delaware.
- Represented the agent Debtor-in-Possession (DIP) lender in connection with negotiating and documenting numerous amendments to the DIP financing facility in the Chapter 11 bankruptcy of asbestos-plagued flooring manufacturer Congoleum Corporation in the District of New Jersey.
- Represented the agent DIP lender in connection with the \$160 million DIP financing facility, Section 363 sale of assets and related disputes in the 2009 Chapter 11 bankruptcy of high-end apparel maker Hartmarx Corporation in the Northern District of Illinois.
- Represented the agent DIP lender in connection with the DIP



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financing facility, Section 363 sale of assets and related disputes in the 2009 Chapter 11 bankruptcy of specialty camera retailer Ritz Camera Centers, Inc. in the District of Delaware.

- Represented the agent DIP lender in connection with the \$465 million DIP financing facility and related disputes in the 2008 Chapter 11 bankruptcy of retail department store chain Mervyn's in the District of Delaware.

Classes & Seminars

- "Post-Confirmation Liquidation and Litigation Trusts in Business Bankruptcies: Practical Guide," The Knowledge Group, January 26, 2016

Published Works

- "Good News for Real Estate Lenders in Bankruptcy But Bad News for Landlords," The Real Deal, May 2023
- "Debtors Should Seek Privacy Oversight Before Data Sales," Law360, May 13, 2020
- "Inside the Firm: Restructuring – How Law Firms Can Help Their Clients During Difficult Times," Litera TV, May 5, 2020
- "Employers should understand these bankruptcy and creditors' rights issues around employee termination," The Business Journals, May 1, 2020
- "Bankruptcy and Credits' Rights Issues for Employers Terminating Employees," Lexology, Apr 7, 2020
- "Startups are Messy," Guest Speaker at Columbia Business School, Mar 6, 2020
- "ResCap Liquidating Trust Can Proceed Against Several Mortgage Loan Originators," American Bankruptcy Institute Journal, April 2015

Professional Associations

- UJA Federation of New York's Next Generation Bankruptcy and Reorganization Group
- American Bankruptcy Institute