



## Alexander Barnes

PARTNER

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LOCATED IN

Philadelphia, PA

### MEET ALEX

*"I am a competitor who is dedicated to achieving successful results for my clients."*

— D. Alexander Barnes, Partner

Alex is a partner in Obermayer's Creditors' Rights, Bankruptcy and Financial Reorganization Department. He represents businesses and individuals facing preference and avoidance litigation, Chapter 11 debtors-in-possession, Chapter 7 and 11 Trustees, Liquidating Trustees, Creditor Committees, secured and unsecured creditors, asset purchasers, and equipment lessors in all facets of commercial bankruptcy. Additionally, Alex represents individuals and business clients in commercial litigation and transactional matters.

Recognized for his results-oriented and cost-effective approach, Alex tailors his strategy to the specific needs of his clients. He prides himself on his ability to listen to and understand the objectives of his clients, explain the litigation process in a straight-forward manner, and to develop a plan that uses creative and unique strategies to achieve successful results. Alex is committed to keeping clients fully informed and being accessible and responsive beyond the business day.

In addition to spending time with friends and family, Alex enjoys playing golf, pick-up basketball, squash and mountain biking. Last year, he defied both injury and Father Time by playing in the over-50 age division of the Vail Lacrosse Tournament for Middlebury College. In recent years, Alex has developed an interest in cooking and Sunday afternoons are often spent creating barbeque masterpieces with his beloved Big Green Egg.

## EXPERIENCE

A representative sampling of the types of matters that Mr. Barnes has handled include:

- Representation of the Unsecured Creditor's Committee Chair in the Remington Outdoor Company bankruptcy case. Additional representation of class action group in Remington bankruptcy to preserve class settlement valued at \$100 million;
- Successful defense of trucking company from \$25 million Ponzi scheme fraudulent transfer avoidance claims made by the Chapter 7 bankruptcy Trustee of the TransVantage Group, a freight auditing and billing processing company that was subject to embezzlement by its principals. The settlement achieved for the client was the lowest—in terms of percentage of demand—of the more than 400 adversary proceedings filed by the Trustee;
- Advocacy before the Third Circuit Court of Appeals, including:
  - a reversal of the District Court that prevented the discharge in the Owens Corning bankruptcy of class action claims for damages resulting from the manufacture and sale of defective roofing shingles;
  - obtaining affirmation of the decisions of the Bankruptcy and District Courts denying, for reasons of inadequate disclosure, the approval of a third-party release provision in the Chapter 11 plan of Lower Bucks Hospital and preserving for the bondholders claims of negligence against the Indenture Bond Trustee; and
  - arguing for the allowance as an administrative priority claim in the Philadelphia Inquirer bankruptcy of a defamation claim arising from false and misleading statements republished through the internet;
- Representing business vendors from across the country defending adversary proceedings for the avoidance of preference, fraudulent conveyance, and post-petition transfers involving sums ranging from tens of thousands to tens of millions of dollars of liability;
- Protecting the interests of Fortune 500 companies in obtaining relief from the automatic stay for secured collateral;
- Representing former executives of bankrupt companies in obtaining payment of earned compensation and severance benefits and in defending claw-back actions;
- Obtaining payment of rejection damages for holders of Oil and Gas Leases;
- Representing Fortune 500 companies in Chapter 15 cross-border insolvency proceedings;
- Representing the law firm of a personal injury claimant and obtaining administrative claim status for catastrophic workplace injuries caused by bankrupt industrial equipment manufacturer;
- Serving on the creditors' committee in the bankruptcy case of a major Delaware River terminal and maritime services provider;
- Obtaining the indemnification claim of a building lessor for asbestos abatement costs against a bankrupt fire retardant manufacturer;
- Declaratory relief to determine the extent and application of insurance coverage in bankruptcy cases involving mass-tort claims;
- Representation of Fortune 500 consumer electronics manufacturer in an injunction action against nationwide retailer following reclamation refusal;

- Obtaining relief from the automatic stay to enable a West Coast port authority to bring an action against the debtor to procure insurance proceeds for the investigation and remediation of environmental contamination;
- Protecting the interests of lessors of property occupied or possessed by debtors;
- Representing a developer of a mixed-use, "Town Center" project in Chapter 11.

Alex is an experienced and successful appellate lawyer who has briefed and argued a number of cases of significance before the United States Court of Appeals for the Third Circuit and has filed matters before the Supreme Court of the United States. These cases involved high-profile issues that have generated significant commentary within the professional community, have received extensive media coverage, and have been followed as precedential or persuasive authority by courts throughout the country.

## NEWS & INSIGHTS

### **The Heavy Burden of Sustaining an Administrative Claim Just Got A Bit Lighter In Delaware Bankruptcy Court**

March 01, 2022

### **Just Hold On: The Supreme Court Rules That a Creditor's Mere Retention of Property Lawfully Seized Prepetition Does Not Violate the Automatic Stay. . . Maybe.**

July 09, 2021

### **Big Changes to Small Business Bankruptcies: Timely Amendments to The Bankruptcy Code Throw A Lifeline to Small Businesses Struggling to Stay Afloat Amid the COVID-19 Crisis**

December 02, 2020

### **Letters Of Credit: Tool or Trap for Trade Vendors Dealing With Customers at Risk for Bankruptcy**

October 07, 2020

### **The Third Circuit Determines That New Jersey Tax Foreclosure Is Subject To Bankruptcy Preference Avoidance**

October 18, 2019 by Alexander Barnes

### **Sweet Defense: The Eleventh Circuit Rules Ice Cream Maker's New Value Not Need to Remain Unpaid to be Valid Preference Defense**

May 13, 2019

## ACTIVITIES & HONORS

Alex has been awarded a rating of AV Preeminent from Martindale-Hubbell, signifying that a lawyer's peers rank him at the highest level of professional excellence. He also lectures on bankruptcy matters for the Pennsylvania Bar Institute.

Alex writes extensively on bankruptcy and business-law topics and is the editor of Obermayer's bankruptcy blog.

An active member of the community, Alex has served on the Board of Directors and as Treasurer for the Upper Main Line YMCA. Additionally, he has served on the Board of Directors for the Conestoga Youth Lacrosse Association and has coached youth travel and select tournament teams. He still plays

competitive lacrosse in the masters division of national tournaments. He is also chair of the Middlebury College Alumni Admissions Program for the Philadelphia area.

Alex is a member of the Board of Directors for the Glenhardie Country Club. He has also been appointed to Chair the Long Range Planning Committee for the Club to develop a strategic vision for the next 10 years of club growth.

## Awards Won\*



\*[Click here](#) for a description of the standard or methodology on which the awards and honors are based. No aspect of this advertisement is approved by the Supreme Court of New Jersey.

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## EDUCATION

- Case Western Reserve University School of Law, JD
- Middlebury College, BA

## ADMISSIONS

- Pennsylvania
- New Jersey
- The Supreme Court for the United States
- Third Circuit Court of Appeals
- United States District Court for Eastern District of Pennsylvania
- United States District Court for the Western District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of Wisconsin
- United States District Court for the District of Arizona

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## CAPABILITIES

### Litigation

Appellate

### Labor & Employment

Labor Arbitration

Commercial Litigation

## **Bankruptcy & Business Reorganizations**

Asset Acquisition

Creditor Committee Representation

Creditors' Rights

Debt Counseling

Debtor Representation

Fiduciary Representation

## **Business & Finance**

Corporate

Lender Liability & Workouts

## **Industry Focus**

Financial Services

Health Care

Individuals & Private Clients

International Businesses

Local Governments & Municipal Authorities

Nonprofit Organizations

Real Estate & Construction

Universities & Secondary Schools