

Keith N. Costa

Summary

Keith N. Costa concentrates his practice in the area of creditors' rights and bankruptcy litigation. He has more than 26 years of experience in federal litigation and fiduciary-related bankruptcy work both as Chapter 11 Trustee and Examiner. Mr. Costa began his career in private practice working on Texaco's Chapter 11 case in White Plains, NY. He then served over 11 years with the U.S. Department of Justice in both New York and Connecticut, including serving as Assistant U.S. Trustee for the Southern District of New York. During his tenure as a private legal practitioner he has represented debtors, trustees, secured and unsecured creditors, official and unofficial creditors' committees, buyers of distressed businesses and distressed debt, acquirers of assets, equity interests, and directors of both publicly-traded and private companies.

Experience

2011 to present

SCHIFF HARDIN LLP

New York, NY

PARTNER

Joined national bankruptcy/restructuring practice in November 2011 focusing upon creditors' rights litigation, acquisition of troubled companies or distressed assets, and out-of-court workouts. Representative matters currently include being appointed a Mediator for all Madoff claims litigation, Counsel for Chapter 11 Trustee of Liberty State entities (multi-million dollar Ponzi scheme in District of Delaware), and preference defense litigation for Fortune 100 company nationwide.

2008 to 2011

AKERMAN SENTERFITT LLP

New York, NY

SHAREHOLDER

Launched national bankruptcy practice in New York City office of Florida-based AmLaw 200 law firm focusing upon creditors' rights litigation and acquisition of troubled companies or distressed assets. Representative matters include Official Creditors' Committee counsel for The Door Store, Special Counsel to Board of Directors for Global Capacity, Debtor's Counsel for Waterford Wedgwood USA, and Debtor's Counsel for Tavern On The Green.

2005-2008

PULLMAN & COMLEY LLC

PARTNER

White Plains, NY

Commercial litigation and bankruptcy/insolvency practice. Opened firm's first office outside Connecticut and oversaw development of firm's bankruptcy practice beyond metropolitan New York into Boston, MA and Wilmington, DE legal markets. Successfully defended creditors in avoidance actions nationwide. Continued to serve as Chapter 11 Trustee in Southern District of New York. Representative clients included Air Logistics, Avnet, Breitling USA, Classic Restaurants Group, Grupo Tulin, Guggenheim Museum, Pine Street Capital Partners, Southern Air, and Zane's Cycles.

2003-2005

COHEN BIRNBAUM & SHEA PC

PARTNER

New York, NY

Commercial litigation and bankruptcy practice representing both debtors and creditors. Opened firm's New York City office and developed government-related practice. Served as Chapter 11 Trustee for Action Redi-Mix Corp., a concrete mixing plant in The Bronx, NY, resulting in successful Section 363 sale of all corporate assets. Later served as Chapter 11 Trustee in personal bankruptcy of physician/art collector with successful sale of all assets leading to 100% distribution to all allowed unsecured creditors. Also served as Chapter 11 Examiner of waste hauling business in Westchester County, NY. Representative clients included Aetna, Avnet, Employment Channel, Viking Resources Int'l., Vista Global Brands, and Zane's Cycles.

2001-2003

CUMMINGS & LOCKWOOD LLC

OF COUNSEL

New Haven, CT

Commercial litigation and bankruptcy practice primarily representing creditors. Successfully obtained "critical vendor" status for first time in Connecticut on behalf of small trade creditor in Chapter 11 case of Cannondale, a multinational bicycle manufacturer. Representative clients included Avnet, Federal Express, Honeywell Consumer Products, R.C. Knox & Company, and Tech Data Corporation.

1990-2001

U.S. DEPARTMENT OF JUSTICE

ASSISTANT U.S. TRUSTEE (S.D.N.Y.)

New York, NY

Head of litigation with direct supervision and administration for panel of forty-nine (49) Chapter 7 Trustees in Southern District of New York. Representative cases handled include Ames Department Stores, Macy's, Best Products, Hills Department Stores, U.S. Home Corp., G. Heileman Brewing Company, Eastern Airlines, Pan American Airways, Drexel Burnham Lambert, Pandick Printing, Financial News Network (FNN), United Press International (UPI), Peter Kalikow, Royster Fertilizer, Myerson & Kuhn, and Gaston & Snow.

TRIAL ATTORNEY (D.Conn.)

New Haven, CT

Senior litigation counsel for District of Connecticut with diverse caseload. Responsible for oversight of panel of twelve (12) Chapter 7 Trustees. Successfully litigated first reported decision of "substantial abuse" under Section 707(b). Representative Chapter 11 cases included Arochem Corporation, Colt Firearms Inc., CT Furniture Expo, DeGeorge Corp., Railroad Salvage, and Raytech Corporation.

1986-1989 WILSON ELSER MOSKOWITZ EDELMAN & DICKER

(fka Rood Schwartz Cohen & Ruderman)

ASSOCIATE

White Plains, NY

General litigation counsel in state and federal practice, particularly for large commercial collection and bankruptcy matters. Representative clients included Associates Commercial Corporation, Chrysler Credit Corporation, DeLaurentiis Pasta Company, Ford Motor Credit Company, General Electric Credit Company, and Sanwa Bank.

1984-1985 LAW OFFICE OF RALPH J. SCHWARZ, JR.

ASSOCIATE

New York, NY

General practice in state and federal court, with emphasis on commercial law and constitutional law. Largest case involved objection to New York City's 42nd Street Redevelopment Project. Handled all Second Circuit appeals and subsequent certiorari petitions to U.S. Supreme Court.

Education

American University, Washington College of Law, J.D., 1983
University of Connecticut, Honor's Program, B.A. in History, 1980

Professional Admissions, Memberships & Awards

Admissions: Southern, Eastern & Northern Districts of New York and District of Connecticut, State of New York, and District of Columbia.

Officially Certified Mediator in S.D.N.Y. and District of Delaware Bankruptcy Courts

Member: American Bankruptcy Institute & Turnaround Management Association.

Awards: United States Attorney General's Outstanding Performance Award from U.S. Department of Justice "in appreciation and recognition of outstanding performance as a Department of Justice Attorney (1991) & Outstanding Rating and Sustained Superior Performance Award from U.S. Trustee Program (1996).

Publications & Speaking Engagements

Numerous published work and lectures for bar associations, law schools, and private commercial and trade organizations, including:

"A Client's Bankruptcy Has Surprise Costs To Creditors," as quoted in Bankrate.com article in August 2003;

"Fundamentals of Bankruptcy Practice" for National Business Institute seminars held in Hartford, CT and New Haven, CT in January 2008;

"Getting Paid in Federal Bankruptcy Court" as panelist for Fairfield County Bar Association in Stamford, CT on April 10, 2008;

"Critical Changes Due To Bankruptcy Reform Legislation" for National Business Institute course held by national teleconference on June 6, 2008;

"Beware of Your Borrower's Bankruptcy Case: Hidden Risks of a Customer's Chapter 11 when dealing with Distressed Commercial Real Estate Assets" for Sovereign Bank's legal department on July 12, 2011;

Contributing author to Collier on Bankruptcy - Chapter 88, Commodity Broker Liquidation (Code §§761-767) – latest edition forthcoming in Fall, 2012.