



GELLERT
SEITZ
BUSENKELL
◆ BROWN, LLC

MICHAEL BUSENKELL



Michael Busenkell concentrates his practice in the areas of chapter 11 business reorganizations, workouts and out-of-court restructurings, creditors' rights, and receiverships. A board-certified business bankruptcy attorney and certified management accountant, Mike focuses his practice on representing and advising debtors, creditors, secured lenders, purchasers, landlords, trustees and receivers in insolvency proceedings and business litigation matters.

Mike also represents parties in corporate law and governance litigation including breach of fiduciary duty claims, corporate control issues, mergers and acquisitions litigation, actions involving the interpretation of charter provisions and bylaws, stockholder appraisal actions, actions involving directors' and officers' requests for advancement and/or indemnification, demands for inspection of corporate books and records, and demands to compel meetings of stockholders and other actions regarding stockholder voting rights. Prior to private practice, Mike was an Assistant State Attorney in Miami, Florida, where he served as a criminal prosecutor.

Prior to forming Gellert Seitz Busenkell & Brown, Mike was a partner at Womble Carlyle Sandridge & Rice LLC, in the firm's Delaware office.

Mike is also a Certified Management Accountant who has extensive business-related accounting experience.

Education

J.D., cum laude, Temple University Beasley School of Law (1995)

B.S., Villanova University (1990)

Bar Admissions

- Delaware
- Florida
- Pennsylvania
- United States District Court for the District of Delaware
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Southern District of Florida

Representative Matters

- Represented Creative Group Acquisition as debtor in its chapter 11 proceeding
- Represented Handy Hardware equity committee
- Represented creditors' committee in Golden County Foods
- Represented creditors' committee in Constar International Holdings LLC, et al. chapter 11 proceedings
- Represented Overseas Shipholing Group Inc. as special litigation counsel in its chapter 11 proceeding
- Represented the assignee in the BridgeStreet Corporate Housing assignment for the benefit of creditors
- Represented the liquidating trustee in the Charis Holdings chapter 11 proceeding -
- Represented the assignee in the Cherrydale Fundraising assignment for the benefit of creditors
- Represented the foreign representative in the Baest a.s. chapter 15 proceeding
- Represented the purchaser in the Edwin Watts Golf Shops Chapter 11 proceeding

Professional Affiliations

- Delaware Bankruptcy Inns of Court
- American Bankruptcy Institute; VOLO Editor
- Turnaround Management Association

Community Involvement

- Brandywine Youth Club/Board Member
- Youth Basketball Coach
- Military Assistance/Program Volunteer

Special Recognition

- Chambers USA Leading Attorney - 2011 - 2016
- Board Certified in Business Bankruptcy by American Board of Certification
- Certified Management Accountant

Presentations

- Bankruptcy Litigation Advocacy Program, Delaware Chapter of the Federal Bar Association, March 2011
- The Forgotten Faces: Employment Issues in Bankruptcy, ABI's 5th Annual Mid-Atlantic Bankruptcy Workshop, August 2009
- The Nuts and Bolts of Chapter 11, Institute of Management Accountants Delaware Chapter, May 2009
- Customer/Vendor Bankruptcies, Institutes of Management Accountants Delaware Chapter, March 2009
- Doing Business with Financially Troubled Companies, Florida Bar Annual Conference, June 2008
- Buying Assets in Chapter 11, Mid-Atlantic Council of the Institute of Management Accountants Spring Conference, April 2008
- Directors and Officers Liability Insurance Issues in Bankruptcy- Florida Bar Annual Conference, June 2007

- The Fundamentals of Bankruptcy in Delaware: How to Give Clients the Debt Relief They Need, National Business Institute, October 2005
- Bankruptcy Law and Procedures from Start to Finish, National Business Institute, July 2007

Publications

- Does 502(b)(6) cap Repair and Maintenance Damages?
American Bankruptcy Journal, November 2007
- Gone Fishing: The Fundamentals of Rule 2004
American Bankruptcy Journal, February 2010
- Third Circuit Sets a High Bar for “Faltering Company” Exception Under WARN Act
American Bankruptcy Journal, November 2008
- At the Intersection of Successor Liability and the Bankruptcy Code
American Bankruptcy Journal, March 2012

Contact

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