



Peter D. Russin

Partner

Commercial Litigation, Bankruptcy and Restructuring, Receivership and Assignments, Creditors' Rights, Alternative Dispute Resolution

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About Peter D. Russin

Peter D. Russin, co-founder and shareholder of Meland Russin & Budwick, is recognized as one of the premier commercial litigation and bankruptcy attorneys in the state of Florida.

Peter represents clients in commercial litigation in state and federal courts in a broad variety of matters such as prosecuting and defending significant commercial property foreclosure proceedings, including bringing significant claims against banks and other financial institutions. He also represents secured lenders in replevin and other types of collection proceedings as well as receivers and assignees for the benefit of creditors.

He routinely represents corporate debtors, secured lenders, creditors' committees and trustees in insolvency proceedings as well as asset purchasers in bankruptcy. He also counsels clients through out-of-court workouts and private debt restructuring. Peter has successfully prosecuted and defended avoidance actions, including preference and fraudulent conveyance actions, in state and federal courts.

A Florida Supreme Court Certified Circuit Civil Mediator, Peter has been selected by the parties to mediate a wide range of commercial litigation and bankruptcy matters. He also routinely uses mediation and other forms of alternative dispute resolution (ADR) to help clients advantageously resolve disputes.

Peter believes that the most effective commercial litigators are experts in commercial bankruptcy and the most effective commercial bankruptcy attorneys are experts in commercial litigation. His experience and reputation for successfully trying cases provides a distinct advantage to clients in adversarial situations.

In the 2017 *Chambers USA Guide*, a prestigious ranking of the top attorneys in the country, Peter is listed in the Bankruptcy & Restructuring practice area (Band 2). He also is noted for his expertise in commercial litigation and is described as a "very, very solid courtroom lawyer." Moreover, he is considered "adept at handling work for secured lenders, trustees and creditors' committees in bankruptcy cases," according to *Chambers*.

Additionally, *Chambers* has recognized him for maintaining a broad commercial bankruptcy and litigation practice and has published quotes from sources saying: "He is a great negotiator and has the superior business experience to understand how important a particular issue really is."

Throughout his career, he has written and lectured extensively throughout the state of Florida on insolvency and commercial litigation topics.

As part of his commitment to giving back to the community, Peter is actively involved with the Greater Miami Jewish Federation and supports numerous charitable institutions including the Tocqueville Society of the United Way, The Shul of Downtown, the Miami Jewish Legal Society, and the American Lung Association. He is a past president of Temple Beth Shalom on Miami Beach.

Education

- George Washington University Law School, J.D., 1988
- Member Moot Court Board; Winner of 1986 Van Vleck Advanced Moot Court Competition and the highest award for appellate advocacy
- Tulane University of Louisiana, B.A. with departmental honors, 1985

Professional Affiliations

- Past President, Bankruptcy Bar Association of the Southern District of Florida
- Member, American Bar Association
- Member, Miami Dade County Bar Association

Awards and Rankings

- South Florida Legal Guide 2018, Top Lawyers
- Listed, 2017 *Chambers USA Guide*, Bankruptcy/Restructuring (Band 2)
- Listed, *Chambers USA Guide*, 2005-2017
- AV-rated, preeminent in his field, by Martindale-Hubbell
- *Best Lawyers*
- *Florida Trend's Legal Elite*
- *South Florida Super Lawyers*

Publications

- Co-Author: "*An Unlimited Reach-Back Period When IRS Is Triggering Creditor?*" American Bankruptcy Institute, January 2017.
- Co-Author: "*Implications of Wholesale Adoption of UVTA Choice-of-Law Provisions,*" ABI Journal, September 2015.
- "*Dealing with Bankruptcy,*" Commercial Lending in Florida, National Business Institute, 1999-2000.
- "*The "Bulk Sale" After Repeal of the Bulk Sales Act,*" A Practical Guide to the UCC in Florida, The Florida Bar, 1996.
- "*The Automatic Stay, Adequate Protection, and Other Issues Facing Secured Creditors In Bankruptcy Court,*" New Foreclosure and Repossession in Florida, National Business Institute, Inc., 1994.
- Co-Author: "*63rd Annual Meeting of the National Conference of Bankruptcy Judges, PESI, Inc.*" Partnership Bankruptcy: Liability of Partners and Related Issues, 1989.
- "*Creditors Prejudgment Remedies in Florida,*" Florida Creditors Remedies, PESI, Inc, 1988, 1990 and 1991.
- "*Triangular Preferences-Avoidance of Payments Within One Year to No-Insider Transferee Holding Guaranties*" Delivered to the National Conference of Bankruptcy Judges, 1988. Republished in Emerging Creditors' Rights Issues Under the Bankruptcy Code and Uniform Commercial Code, 1988, 1990 and 1991.

Bar Admissions

- Florida
- Southern District of Florida
- Middle District of Florida
- United States Court of Appeals, Eleventh Circuit

Languages

- English

Representative Matters

Practice Area

Representative Matters

Commercial Litigation Representation of Isle of Dreams, the owner of real property in Miami, Florida, in contentious state court foreclosure proceedings against Sunbeam Realty and Sunbeam Television (owned by Edmund Ansin) which include significant counterclaims.

Commercial Litigation Vision Development Group, LLC - representation of the developer of a large condominium conversion project and its principal member in connection with litigation and a workout with the senior secured lender, Corus Bank, and various mezzanine lenders.

Commercial Litigation Representation of the assignee, pursuant to Chapter 727 of the Florida Statutes, of a company in the business of distributing recording devices throughout Central and South America.

Commercial Litigation Representation of the owner of a retail shopping center in Pinecrest, Florida in a commercial foreclosure action. We negotiated a highly favorable settlement that allowed our client to keep the property.

Commercial Litigation Representation of the borrower under a commercial loan in an action against the lender for breaching the loan documents.

Commercial Litigation Representation of owner of commercial property in litigation against secured lender and special services in connection

with a \$27 million loan.

Commercial Litigation Represented bank against claims of usury brought by borrower in connection with various financing agreements.

Commercial Litigation Represented guarantors and owners of commercial property in Broward County, Florida and negotiated a highly favorable settlement, including a discounted payoff, release of all liens, and release of the guarantors.

Commercial Litigation Represented the owner of commercial property in Palm Beach County, Florida in a commercial foreclosure action that resulted in a highly favorable settlement.

Commercial Litigation Represented broker dealer in New York in aggressive litigation with excellent result for client.

Commercial Litigation Represented real-estate developer in aggressive litigation by competitor and later a national bank.

Commercial Litigation Represented Trustees of family trusts involving management of significant operating business interests.

Commercial Litigation Represented developer consulting company in litigation relating to termination of management agreement and related issues.

Commercial Litigation Represented developer consulting company in litigation relating to termination of management agreement and related issues.

Commercial Litigation Represented an affiliate of Madison Capital with regard to

various litigation issues.

Commercial Litigation

Represented electronics manufacturer in disputes relating to license agreement issued by internationally known celebrity chef.

Commercial Litigation

Represented Alchemist, a trendy clothier, in a successful workout with creditors, thereby making substantial success of company possible.

Commercial Litigation,
Bankruptcy

Represented judgment creditor against insurance company, and successfully defeated the insurance company's claims that actions could not be brought against it as a result of the insured debtor's discharge in bankruptcy.

Corporate, Commercial
Litigation

Representation of Florida corporation to assist in winding down its affairs, dissolving the corporation, and settling all obligations with lending institutions, vendors and creditors.

Financial Fraud,
Commercial Litigation,
Bankruptcy and
Restructuring

Represented a group of major clawback defendants in the Nevin Shapiro ponzi bankruptcy case who were sued for more than \$50 million. Obtained a very favorable ruling on a motion to dismiss which led to settlement of the case at less than 1.5% of the originally sought amount.

Real Estate, Commercial
Litigation, Creditors'
Rights

Representation of BNY Mellon Bank, Metro Bank, Northern Trust Bank, Professional Bank, Intercontinental Bank and other lenders in numerous commercial loan transactions.

Real Estate, Corporate

Representation of the developer of IOS Condominium in its acquisition and development of, and condominium document preparation for IOS on the Bay, a condominium. The representation also included negotiation, closing of an

acquisition and construction loan, subsequent modifications and closing of unit sales to the general public.

Bankruptcy and
Restructuring

Represented 3900 Biscayne, LLC, the owner of the property formerly known as the Channel 10 property on Biscayne Blvd. in Miami, Florida, in its chapter 11 reorganization from which the Debtor emerged with a confirmed plan after successfully resolving its disputes with BB&T Bank and its other creditors, avoiding foreclosure and preserving equity for the benefit of equity holders.

Bankruptcy and
Restructuring

Represented Lexi Development Company, Inc., the owner of the Lexi condominium mixed use development, in its Chapter 11 bankruptcy, in which the Debtor successfully eliminated default interest, avoiding foreclosure and preserving equity for the benefit of the Debtor's principals.

Bankruptcy and
Restructuring

Represented the Official Committee of Unsecured Creditors in the Falcon Air bankruptcy.

Bankruptcy and
Restructuring

Represented Sagamore Partners, Ltd., the owner of Sagamore, The Art Hotel located on South Beach, Florida, in its chapter 11 reorganization from which the Debtor emerged with a confirmed plan and successfully reinstated its CMBS secured loan obligations, while avoiding the payment of more than \$8 million in default interest and attorneys' fees over the objection of the special servicer, LNR Partners, LLC. Successfully avoided foreclosure and preserved equity for the benefit of the Debtor's principals.

Bankruptcy and
Restructuring

In re Sundale and Kendall Hotel & Suites - Represented the debtors, who owned a large tract of real estate with an operating hotel, in their Chapter 11 proceedings. The debtors

confirmed a Chapter 11 plan of reorganization.

Bankruptcy and
Restructuring

Represented Miami-based company in the fire protection and electric services industry in the sale of their business via a chapter 11 proceeding. Successfully preserved the value of the assets and the jobs of more than 70 employees.

Bankruptcy and
Restructuring

Represented multiple landlords in the Winn Dixie Bankruptcy Cases.

Bankruptcy and
Restructuring

Represented landlords and creditors in multiple retail bankruptcies including Casual Male, Kmart, Warnaco, Filene's Basement, Boscov's Department Stores, Mervyn's Department Store, Gordmans Stores, Inc., Ritz Camera and Image.

Bankruptcy and
Restructuring

Represented the Trustee in Bal Harbor Quarzo bankruptcy case as special litigation counsel to recover funds for the benefit of the estate and creditors.

Bankruptcy and
Restructuring

Represented Music Royalty Consulting, Inc. in the bankruptcy matter of recording artist and music producer, Scott Storch.

Bankruptcy and
Restructuring

Represented major television network in The Weinstein Companies bankruptcy.

Bankruptcy and
Restructuring

Represented well known jeweler in its liquidation.

Bankruptcy and
Restructuring

Represented the Trustee in the PRGI bankruptcy case and recovered significant funds from creditors through litigation.

Bankruptcy and
Restructuring,

Represented 1433 Collins, LLC, the purchaser of the senior

Corporate

secured loan in the chapter 11 bankruptcy of The Carlton Hotel which loan 1433 successfully sold during the bankruptcy case.

Bankruptcy and Restructuring, Commercial Litigation

Supra Telecommunications & Systems, Inc. - represented the largest CLEC in the Southeastern United States in its Chapter 11 Reorganization, litigating numerous contentious matters with Bellsouth and successfully reducing Bellsouth's claim from approximately \$170 million to approximately \$37.5 million and ultimately confirmed a plan.

Bankruptcy and Restructuring, Real Estate

Florida Development Associates - represented the debtor developer of a new construction \$110 million luxury condominium project in South Beach with approximately 189 units. After successfully negotiating a \$49 million debtor in possession loan and subordinating \$10 million of the mezzanine lender's claim, a Chapter 11 plan of reorganization was confirmed. Thereafter modified condominium documents and negotiated and conducted closings of all condominium units

Bankruptcy and Restructuring, Commercial Litigation, Creditors' Rights

New Florida Properties, Inc. (Blue and Green Diamond) - representation of the equity holder and its affiliates in connection with the 630 unit landmark Blue and Green Diamond condominium projects on Miami Beach. Prosecuted tort claims against the senior secured participating lenders, including, Union Planters and Ocean Bank. MRB raised claims against the lenders for equitable subordination and lender liability resulting in the bank group waiving over \$6 million in debt and agreeing to permit the equity holder to retain control over the disposition of the units.

Bankruptcy and Restructuring, Financial Fraud, Commercial

Puig, Inc. - representation of the Official Joint Committee of Unsecured Creditors and then the Plan Administrator in

Litigation, Creditors' Rights

connection with 26 debtor affiliates in the business of condominium conversions. The asserted unsecured claims exceeded \$100 million. Prosecuted claims against third parties include actions for avoidance of transfers, professional malpractice, usury, fraud and breach of fiduciary duty.

Bankruptcy and Restructuring, Corporate

Representation of a PEO in the purchase of assets from the debtor, which involved the settlement of significant litigation claims.

Bankruptcy and Restructuring, Commercial Litigation, Creditors' Rights

Condominium Developer Workouts - during the downturn of the real estate and condominium market, representing numerous developers in workouts with senior secured and mezzanine lenders, including, Corus Bank, Fremont, Key Bank and Ocean Bank.

Bankruptcy and Restructuring, Financial Fraud, Commercial Litigation, Creditors' Rights

Represented largest victim in Ponzi scheme perpetrated by Scott Rothstein and Rothstein Rosenfeldt & Adler, P.A. law firm in Fort Lauderdale.

Bankruptcy, Financial Fraud

Representation of insurance company in defense of fraudulent conveyance action brought by bankruptcy trustee. Following protracted litigation, obtained very favorable settlement.

Bankruptcy

Representation of a secured creditor in a Chapter 11 bankruptcy case filed in the Southern District of Florida concerning a tract of land located in Brooklyn, New York. MRB filed and prosecuted a motion to dismiss the Chapter 11 case, which ultimately led to the debtor dismissing its Chapter 11 case.

Alternative Dispute Resolution

Peter D. Russin was recently selected by the Debtor, Creditors Committee and Equity to mediate disputes in In re: Ecological Paper Recycling, Inc., Case No: 15-12159-BKC-LMI. The mediation resulted in a global settlement of all disputes.

Alternative Dispute Resolution

Peter D. Russin was recently selected by the parties to mediate disputes in Michael Keister v. Thomas James Segrave, et al., Case No.: 07-33032 CA 32. The mediation resulted in a global settlement of all disputes.

Alternative Dispute Resolution

Peter D. Russin was recently selected by the parties in the contested Chapter 11: In re Mahammad A. Qureshi, Case No. 11-29148-EPK. The mediation resulted in a global settlement of all disputes.

Alternative Dispute Resolution and Mediation

Peter D. Russin was selected by the Bankruptcy Court as one of three mediators to mediate all adversary proceedings in the Liberty International Financial Services, Inc. bankruptcy case.

Receiverships and Assignments

A Florida District Court appointed MRB partner Peter Russin as Receiver over entities located in Wisconsin and Florida. The action was brought by the Federal Trade Commission and alleged that the bad actors operated a scam that lured consumers with promises of affordable health insurance but actually provided nearly valueless "medical discount" cards. The Firm is representing and assisting the Receiver in taking control of the receivership entities, investigating their operations and shutting certain of them down while allowing others to operate, and gathering assets for eventual distribution for the benefit of creditors.

Receiverships and Assignments

Represented a Florida District Court-appointed receiver in a Federal Trade Commission action against bad actors involved in a bogus health insurance scheme, which included deceptive practices that harmed consumers across the country. Assisting the Receiver, the Firm took control of, and evaluated the business operations, determined they should be shut down and did so, and gathered assets for the benefit of creditors. The receivership was transferred to a Texas District Court, where the Firm, assisting the Receiver, worked with a Texas receiver over affiliated entities and eventually terminated the receivership with a distribution made to priority creditors.

Receiverships and Assignments

Represented the receiver in Federal Trade Commission v. Boost Software, Inc, et. al including executing on TRO issued by federal district court as well as subsequent investigation of alleged financial fraud and FTC violations.

Receiverships and Assignments

Represented the Assignee in ABC of Star Styled Dancing Supplies.

Receiverships and Assignments

Represented Assignee in ABC of Moll Systems Corporation

Receiverships and Assignments

A Florida State Court appointed Mark Meland as Receiver over entities controlled by Claudio Osorio, including Innovida Holdings, Inc. The firm represented Mr. Meland in his efforts as Receiver.

Receiverships and Assignments

A Florida State Court Mark Meland as Receiver over property owned by real estate developer Thomas Kramer, located on exclusive Star Island, Miami Beach, Florida. The firm represented Mr. Meland in his efforts as Receiver.

Trial Practice

Represented the debtor, which was the owner and operator of the Sagamore Hotel in Miami Beach, Florida. Following a contested confirmation hearing, the Bankruptcy Court confirmed Sagamore's amended reorganization plan.