

Director and Officer or “D&O” litigation involves state and federal court claims against corporate directors and officers, including claims for negligence, breach of fiduciary duty, breach of contract, and fraud.

Bast Amron lawyers are experienced in representing trustees, receivers and assignees, and creditors prosecuting D&O claims as well as similar claims against other fiduciaries, accountants, lenders, and other professionals for negligence, breach of duties, and malpractice.

D&O, fiduciary liability, and professional negligence litigation is a highly specialized area in which the prosecuting lawyers must be familiar not only with the dynamics of fiduciary obligations, negligence, and malpractice but also the intricacies of the insurance policies and coverage often applicable to the claims. Our attorneys have the experience to investigate, formulate, assert, and prosecute the types of claims that will prevail in court while remaining within the confines of coverage. Because the insurance policies often carry strict deadlines for asserting claims, our attorneys are able to conduct investigations and discovery in a compressed time frame to protect and preserve the available insurance coverage, often the only material asset from which creditors may recover their losses.

Over the years, our firm has handled dozens of D&O claims in cases around the country. In some of the cases, recoveries from our D&O claims have provided the only meaningful source of distribution to creditors. We are so confident in our abilities to produce successful results, we typically handle these cases on a contingency fee basis, ensuring our success is tied to our clients’. When we win, they do.

## REPRESENTATIVE EXPERIENCE

- The Stapleton Group, Inc., Special litigation counsel to The Stapleton Group, Inc., in its capacity as receiver of PSW Real Estate, LLC retained to investigate, commence, and prosecute potential claims against third parties
- Vital Pharmaceuticals, Inc., et al a/k/a Bang Energy (Chapter 11, Southern District of Florida); Special litigation counsel to Liquidating Trustee, retained to prosecute claims against the former officers, directors, and insiders
- Furniture Factory Ultimate Holding, L.P., et al (Chapter 11, District of

- Delaware); Special litigation counsel to Liquidating Trustee, retained to prosecute claims against the former officers, directors, and insiders
- Olympia Sports Acquisitions, LLC, et al. (Chapter 11, District of Delaware) Special litigation counsel to Liquidating Trustee, retained to investigate and prosecute claims against the former officers, directors, and insiders
  - Virginia Burdette, Chapter 7 Trustee of the bankruptcy estate of Wireless Advocates, LLC (Chapter 7, Western District of Washington); retained to investigate and prosecute breach of fiduciary, avoidance, and other claims against the former officers, directors, and insiders, which resulted in a \$14 million recovery for creditors
  - Crystal Cruises LLC, Crystal Holdings U.S. LLC, and Crystal Aircruises LLC (Assignment for the Benefit of Creditors, Miami-Dade County Circuit Court, Florida); Special litigation counsel to the Assignee, retained to investigate and prosecute breach of fiduciary duty claims against the former officers and directors, which resulted in a \$15.5 million recovery for creditors
  - Modell's Sporting Goods, Inc., et al (Jointly administered Chapter 11, District of New Jersey); Special litigation counsel to the Liquidation Trustee of the MSGI Liquidation Trust, investigating and prosecuting claims against former directors and officers, as well as non-debtor affiliated entities and parties, resulting in recoveries to date of \$2.8 million
  - Pareteum Corporation (Chapter 11, Southern District of New York); Special litigation counsel to Liquidation Trustee of the TEUM Liquidating Trust, retained to prosecute claims against former officers and directors, as well as third parties
  - Orchids Paper Products, et al (Jointly administered Chapter 11, District of Delaware); Special litigation counsel to the Liquidating Trustee of OPP Liquidating Company, Inc., retained to investigate and prosecute breach of fiduciary duty claims against the former officers and directors
  - South Atlantic Regional Center, LLC (Chapter 7, Southern District of Florida); Counsel to the Trustee, retained to investigate and prosecute claims against former officers and directors, as well as third parties, resulting in excess of \$5.5 million in recoveries for creditors
  - Miami Perfume Junction, Inc., 2851 Investments, LLC, Clarus Group, Inc., and Doral International Products, LLC (Assignment for the Benefit of Creditors, jointly administered, Miami-Dade Circuit Court, Florida); General

counsel to Assignee, retained to investigate and prosecute claims against directors and officers, as well as third parties, resulting in excess of \$3.2 million in recoveries for creditors

- UVLrx Therapeutics, Inc. (Chapter 7, Middle District of Florida); Special litigation counsel to Trustee, retained to investigate and prosecute breach of fiduciary duty claims against former directors and officers, and to pursue claims against the D&O insurer for declination of coverage, bad faith, and recovery of excess judgment. These efforts resulted in a settlement and entry of consent final judgment exceeding policy limits.
- Infectious Disease Research Institute n/k/a Access to Advanced Health Institute (Receivership, King County Superior Court, Washington); Special litigation counsel to Receiver, retained to investigate and prosecute breach of fiduciary duty claims against the former officers and directors, resulting in a \$5.5 million recovery for creditors
- Allied Aerofoam Products, LLC (Assignment for the Benefit of Creditors, Hillsborough County Circuit Court, Florida); Special litigation counsel to Assignee, retained to investigate and prosecute breach of fiduciary duty claims against the former officers and directors, resulting in a \$2.4 million recovery for creditors
- SMF Energy Corporation (Chapter 11, Southern District of Florida); Special litigation counsel to the Liquidating Trustee, retained to prosecute claims for breach of fiduciary duty against the former directors and officers, which resulted in a \$6.1 million recovery for creditors
- Advanced Blast Protection, Inc. (Chapter 11, Southern District of Florida); Special litigation counsel to the Liquidating Trustees, retained to investigate and prosecute breach of fiduciary duty claims against the former officers and directors, which resulted in a \$1.95 million recovery for creditors
- Probate Estate of Victor Posner (Miami-Dade County Circuit Court, Florida); Special litigation counsel to Curator for the Estate, retained to investigate and prosecute claims against the surety bond for the removed personal representative's breaches of fiduciary duty, resulting in a \$12 million recovery for creditors
- E-Brands Restaurants, LLC, et al, (Chapter 11, Southern District of Florida); Special counsel to Plan Administrator, retained to prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a recovery of \$1 million (100% of the insurance policy proceeds)

for creditors

- Recovery Associates of the Palm Beaches, Inc. (Assignment for the Benefit of Creditors, Palm Beach County Circuit Court, Florida); Special litigation counsel to Assignee, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a recovery for creditors
- Puglia Engineering, Inc. (Chapter 7, Western District of Washington); Special litigation counsel to Trustee, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a recovery of almost \$1 million (full policy limits) for creditors
- AA Florida Bridal Retail Company, LLC, et al, a/k/a Alfred Angelo Bridal (Chapter 7, Southern District of Florida); Special litigation counsel to the Trustee, retained to investigate and prosecute breach of fiduciary duty claims against the former officers and directors and hedge fund, which resulted in recoveries of \$2 million and \$2.25 million for creditors
- Papa Washington, LLC and P.J. Sound Pizza, LLC (Receivership, King County Superior Court, Washington); Special counsel to Receiver, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a \$1.6 million recovery for creditors
- ATIF, Inc. (Chapter 11, Middle District of Florida); Special litigation counsel to the Trustee of the Creditor Trust, retained to investigate and prosecute breach of fiduciary duty claims against the former officers and directors, which resulted in a \$2.25 million recovery for creditors
- MFPI Group, Inc. (Chapter 7, Southern District of Florida); Special litigation counsel to Trustee, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a recovery for creditors
- CareSync, Inc. (Assignment for the Benefit of Creditors, Hillsborough County Circuit Court, Florida); Special litigation counsel to Assignee, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a \$1.4 million recovery for creditors
- Astor & Black Custom, LLC (Chapter 7, Southern District of Florida); Counsel to Trustee of, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a \$2.5 million recovery for creditors

- Panelfold, Inc. (Assignment for the Benefit of Creditors, Miami-Dade County Circuit Court, Florida); Special litigation counsel to Assignee, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a settlement and recovery for creditors
- Saco Trading, LLC (Assignment for the Benefit of Creditors, Miami-Dade County Circuit Court, Florida); Special litigation counsel to Assignee, retained to investigate and prosecute breach of fiduciary duty claims against the former directors and officers, which resulted in a recovery for creditors