



## Robert J. Stearn, Jr.

### Director

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Robert Stearn Jr. focuses his practice on bankruptcy litigation, including preference and fraudulent transfer litigation, as well as all types of contested matters. His clients include large corporate debtors as well as defendants in adversary proceedings and contested matters. *Chambers* reports that Bob “is very smart, incredibly hard-working, relentless, determined and very very good with evidence and arguments in court” (*Chambers USA*, 2018).

Bob spent his first 10 years of practice in the firm’s Corporate Department and has substantial experience litigating corporate issues such as D&O liability. He also handles commercial disputes in the Delaware state and district courts.

### Experience

- Advanced Marketing Services: Provided variety of litigation services to this debtor, including obtaining approval of management incentive plans, motion practice to compel performance by asset purchaser under asset purchase agreement, and commencing litigation for breach of contract and related claims against major vendor
- Advent Venture Partners: Defense of fraudulent transfer litigation arising out of purchase of business
- Allied Holdings: Provided variety of litigation services to this debtor arising out of disputes with first lien lenders and committee
- American Airlines: Defense of \$17m preference and fraudulent transfer action
- Bank of America: Representation of secured lender in various disputes with debtor
- Bank of New York: Represented lender in successful appeal of bankruptcy court ruling denying claim
- Barclays Capital: Defense of \$1.5m preference and fraudulent transfer action
- Clearwire: Defense of Rule 2004 motion
- Crowe Horwath: Defense of Rule 2004 litigation
- De La Rue plc: Defense of \$20m fraudulent transfer action

- Dechert: Defense of former debtors' counsel in malpractice action
- Goldman Sachs: Defense of \$5m and \$2.5m preference and fraudulent transfer actions
- Grupo American Industries: Defense of \$5m preference action
- Horsehead Holding: Lead trial counsel for equity committee opposing plan confirmation
- Houlihan Lokey: Advice concerning solvency analyses
- Linens 'n Things, Inc.: Provided variety of litigation services to this debtor, including defense of Rule 2004 motion, enforcement of automatic stay, evaluating and commencing multiple preference actions, and defense of challenges to use of cash collateral
- John Martillo: Defense of \$50m fraudulent transfer action brought against former president and 50% shareholder
- Micron Semiconductor: Defense of \$14m preference and fraudulent transfer action
- Motor Coach Industries: Commenced litigation on behalf of this debtor and obtained temporary restraining order to prevent loss of exit financing
- National Financial Services: Defense of claims asserted in adversary proceeding seeking approx. \$100m in damages
- New Century Financial: Provided variety of litigation services to this debtor, including obtaining approval of management incentive plans, defense of litigation concerning deferred compensation plans, and defense of WARN action
- Reliant Energy Channelview: Provided variety of litigation services to this debtor, including litigation to exclude certain contracts from asset sale, litigation with stalking horse bidder, and litigation with asset purchaser

### **Publications**

- "State Attorney-Client Privilege Incorporated Into Federal Law," *The Bankruptcy Strategist*, July 2018
- "Delaware's Solvency Test: What Is It and Does It Make Sense?," *Delaware Journal of Corporate Law*, 2011
- "Proving Solvency: Defending Preference and Fraudulent Transfer Litigation," *The Business Lawyer*, February 2007

### **Awards**

- *Chambers USA*
- *The Best Lawyers in America*
- *Benchmark Litigation*

**Education**

- J.D., University of Pennsylvania Law School, Order of the Coif, 1990
- B.S., *magna cum laude*, Dickinson College, 1985

**Admitted to Practice**

- Delaware
- United States District Court, District of Delaware
- United States Court of Appeals, Third Circuit

**Practices**

- Bankruptcy & Corporate Restructuring