

Robert E. Fitzgerald

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Corporate Restructuring



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Education

J.D., University of Iowa College of Law,
2016 (with highest distinction)

B.A., Bowling Green State University,
2013 (*cum laude*)

Bar Admissions

Illinois

Publications

"The Role of Restructuring Advisors in
Refinancing Transactions," *Journal of
Corporate Renewal*, June 2021

"Bax Limits Standing To Pursue
Derivative Claims in Bankruptcy,"
*Skadden, Arps, Slate, Meagher & Flom
LLP*, September 24, 2018

Rob Fitzgerald advises companies and their stakeholders and investors on Chapter 11 restructurings, out-of-court restructurings and recapitalizations, distressed M&A and asset sale transactions and DIP financings.

Mr. Fitzgerald's representations include:

- Black Diamond Capital Management, L.L.C. in securing approval from the Bankruptcy Court for the Southern District of New York of the sale of Empire Generating to an entity controlled by Black Diamond and confirmation of a related "no impairment" plan of reorganization over the objection of certain minority lenders;
- Melinta Therapeutics, Inc. in its Chapter 11 prenegotiated reorganization in the U.S. Bankruptcy Court for the District of Delaware. The restructuring included a support agreement under which Deerfield Private Design Fund III, L.P. and Deerfield Private Design Fund IV, L.P., the lenders under Melinta's senior credit facility, acquired Melinta by exchanging \$140 million of secured claims arising under its senior credit facility for 100% of the equity to be issued by the reorganized company;
- Synergy Pharmaceuticals Inc. in its Chapter 11 cases in the U.S. Bankruptcy Court for the Southern District of New York, including its sale of substantially all of its assets to Bausch Health Companies Inc. under Section 363 of the U.S. Bankruptcy Code;
- Bank of America as prepetition and DIP asset-based lending agent in the Sears bankruptcy case;
- Party City in its out-of-court debt restructuring involving an exchange offer and rights offering;
- Danaos Corporation, an international containership company, in connection with its out-of-court restructuring of over \$2.2 billion in secured debt obligations;
- Concordia International Corp., a specialty pharmaceutical company, in a first-of-its-kind \$3.7 billion cross-border recapitalization transaction;
- EMAS CHIYODA Subsea Limited, an international subsea construction company, in its successful restructuring in Chapter 11 cases in the U.S. Bankruptcy Court for the Southern District of Texas;
- affiliates of The Washington Companies in connection with their provision of a \$55 million interim financing facility in connection with Dominion Diamond Mines' Canadian insolvency proceedings; and
- Triangle USA Petroleum Corporation in its Chapter 11 restructuring.

Mr. Fitzgerald has written articles on a range of topics, including DIP financing, creditor standing and out-of-court restructurings.