

Jantra Van Roy, PARTNER

Jantra Van Roy is co-chair of the firm's bankruptcy and business insolvency practice. She has almost three decades of experience in asset recovery litigation, bankruptcy, and out-of-court loan restructuring. Jantra has extensive trial and appellate experience as lead counsel to creditors such as banks, commercial mortgage lenders and loan servicers in state and federal courts to enforce commercial loans, guaranties, inter-creditor agreements, pooling and servicing agreements and loan purchase agreements.

Jantra also leads the firm's structured finance litigation practice. She has served as lead counsel for major European and American banks in complex multi-party actions arising from products such as CDOs, SIVs, and credit default swaps



PRACTICE AREAS

Bankruptcy – Jantra has served as lead counsel for numerous secured lenders in structuring and contesting pre-packaged plans, cramdown plans, asset sales, and DIP loans. Jantra also regularly represents creditors in other bankruptcy proceedings, including cash collateral disputes, yield maintenance issues, fraudulent transfer and preference claims, lien priority disputes, real estate and business valuation disputes, and claims of bad faith, equitable subordination, theft of business, and breach of fiduciary duty.

Asset Recovery and Workout – Jantra is highly skilled in enforcing and restructuring both portfolio and CMBS loans, including resolution of disputes between and among lenders and borrowers, guarantors, tranches of noteholders, competing lienors, mezzanine lenders and servicers. Jantra is particularly adept at using litigation as a tool to leverage and expedite favorable loan recoveries and workouts. Jantra is known for her ability to uncover and prove fraud schemes in order to exact payment from recalcitrant borrowers and guarantors and obtaining exceptionally high returns for her distressed debt investor clients.

Structured Finance Litigation – Jantra was at the forefront of structured finance litigation arising from the 2007 financial crisis. As lead counsel for money-center European and American banks, she has litigated a multitude of disputes relating to complex structured products including CDO, CLO, CMBS and RMBS matters and disputes relating to credit default swaps and varied forms of structured investment vehicles. Jantra has represented noteholders, issuers, hedge counterparties and trustees. Jantra also has developed favorable relationships with DOJ and SEC attorneys as a result of her representation of financial institutions in investigations and enforcement actions relating to CDO and CLO issuances and ratings.

Bank Defense – Jantra has vast experience in consumer loan defense litigation, having defended numerous banks, mortgage lenders and servicers against individual, class and mass action claims of mortgage fraud, predatory lending, violations of consumer protection statutes, such as TILA and HAMP, and data breach claims. In the commercial loan context, Jantra has serious experience litigating claims of lender liability, breaches of complex commercial loan agreements, non-recourse carveout guaranties, yield maintenance provisions, inter-creditor agreements, loan purchase and servicing agreements.

Letters of Credit – Jantra has significant experience representing domestic and foreign banks in complex letter of credit litigation resulting in oft-cited decisions, all of which have been favorable to our clients. Representative decisions include Zalmen Reiss and Associates, Inc. v. European American Bank and Sumitomo Bank, 269, 703 NYS 2d 31 (1st Dept 2000); Blonder & Co. v. Citibank, 808 NYS 2d 214 (1st Dept 2006).

REPRESENTATIVE MATTERS

- Lead trial counsel for a distressed debt private equity fund manager prosecuting claims of breach of a loan sale agreement by a loan seller bank. After prevailing at trial, Jantra successfully defended the appeal and obtained payment of 100% of her client's asserted damages, including interest at 24% per annum and 100% of legal fees incurred.
- On behalf of a distressed debt private equity fund manager, Jantra obtained summary judgment declaring an irrevocable trust to be the judgment debtor's alter ego and deeming all transfers by the judgment debtor to a second irrevocable trust to have been fraudulent and void. Jantra again obtained payment of 100% of the judgment amounts, including all accrued interest.
- Lead trial counsel for a leading U.S. private equity firm to pursue eight figure clawback claims against a former CIO of a fund manager. Jantra prevailed on all counts in both the NY courts and a lengthy arbitration hearing before a AAA panel, obtaining a judgments in each case in 100% of the amounts sought as well as dismissal of all counterclaims.
- Jantra was at the forefront of the taxi medallion crisis, representing a national bank in New York's infamous "Taxi King" medallion bankruptcy cases as well as in the litigation against him as guarantor, effectively busting his offshore trusts, resulting in several groundbreaking favorable decisions following trials.
- Lead counsel for a special servicer in the General Growth Properties bankruptcy cases which, following a trial on a motion to dismiss, changed the bankruptcy remoteness landscape of SPE borrowers. The resulting restructuring made Jantra's client whole.
- Lead bankruptcy counsel for CMBS special servicer to formulate and confirm a lender-controlled pre-packaged Chapter 11 plan to satisfy over \$200 million in mortgage debt secured by 891-unit multifamily high-rise property.
- Lead counsel for an institutional purchaser of a distressed CMBS loan and, in an example of using bankruptcy litigation to leverage a favorable deal, achieved a return exceeding 50% in seven months.
- Lead counsel for Merrill Lynch's middle market lending subsidiary achieving 100% loan recovery, including all legal fees, by obtaining judgment after trial against its borrower's national competitor which had misappropriated the borrower's trade secrets, customer and pricing information.

- Representing the holders of the senior mortgage (A-1 and A-2 noteholders) following borrower's default on a \$375 million mortgage loan, \$75 million senior mezzanine loan and \$32 million junior mezzanine loan, Jantra engaged in multi-party restructuring negotiations culminating in a global forbearance agreement pursuant to which our client ultimately received full recovery.
- Lead counsel for a national bank in a wrongful swap termination dispute among three major financial institutions concerning the disposition of nearly \$300 million of cash distributions arising from a hybrid CDO named 2005's ABS CDO "Deal of the Year" for its precedent-setting structure and complexity. Our client achieved 100% of its desired result following trial.
- Lead counsel for a European bank in actions against Oppenheimer and its affiliates regarding their misconduct as administrators of complex structured finance vehicles.
- Lead counsel for a global financial institution in the Chapter 15 proceedings of two Bear Stearns (Cayman Islands) hedge funds.
- Lead counsel in complex yield maintenance disputes from inception through appeals.

PUBLIC SERVICE

Jantra worked closely with Thailand's Ministry of Justice to draft the country's comprehensive new business reorganization laws. Jantra was selected as one of only two attorneys to serve on the American Bankruptcy Institute panel with U.S. Bankruptcy Judges to deliver private lectures to the Thai Supreme Court. Jantra has also spoken at the World Bank on business reorganization issues in Thailand.