



# DAIN A. DE SOUZA

## Partner

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Dain is an experienced litigator whose practice focuses, among other things, on business disputes, commercial and corporate litigation, and special situations. He also has significant experience handling a full range of bankruptcy, regulatory and investigation, and distressed situation disputes, transactions, and restructuring matters—leveraging deal-side and courtroom experience to achieve client objectives.

As a veteran trial and appellate litigator, Dain has successfully handled litigation proceedings at every level—representing clients in matters in state and federal trial and bankruptcy courts through the US Supreme Court. Dain also has substantial experience representing debtors, creditors, lenders, and other parties in all aspects of complex chapter 11 reorganizations and litigation.

With his background in special situations, Dain helps clients find practical solutions to legal and business risks. In connection, he also handles internal investigations, regulatory and enforcement proceedings, and compliance matters, including with respect to the Foreign Corrupt Practices Act, financial services laws and regulations, and distribution, logistics, and data management.

Prior to joining the firm, Dain practiced for years with Skadden, Arps, Slate, Meagher & Flom LLP in Delaware and Hunton Andrews Kurth LLP in South Florida. He also served as a law clerk to the Honorable Christopher S. Sontchi in the US Bankruptcy Court for the District of Delaware.

Dain is admitted to practice before the US Supreme Court, the US Court of Appeals for the Second Circuit, the US Court of Appeals for the Third Circuit, the US Court of Appeals for the Eleventh Circuit, the US District Court for the Southern District of Florida, the US District Court for the Middle District of Florida, and the US District Court for the District of Delaware.

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## Representative Experience

- Businesses, including leading Fortune ranked companies, in connection with chapter 7, 11, and 15 proceedings and disputes, distressed situation transactions and restructurings, and adversary proceeding litigation, including debtors, lenders, purchasers, investors, creditors, potential litigants, and other parties in interest. By way of example, Dain's debtor representations include, among others:
  - Health care services and diagnostic testing company, Millennium Health, in chapter 11 reorganization involving over \$1 billion of debt and related appeals.
  - Global leader in battery and stored energy manufacturing and recycling, Exide Technologies, in chapter 11 proceedings involving approximately \$1 billion of outstanding prepetition debt.
  - National water and wastewater residuals management company, Synagro Technologies, in chapter 11 proceedings involving over \$500 million in long-term pre-petition debt.
  - Global biopharmaceutical company in chapter 11 proceedings and \$120 million asset sale, resulting in continued availability of drug to treat severe chronic gout.
  - Oil and gas business involved in storage and production in chapter 11 proceedings involving over \$300 million of prepetition funded debt and related litigation.
  - Global outdoor sports lifestyle company involved in retail and e-commerce, including design, development, and distribution of products, Quiksilver, Inc., in chapter 11 proceedings and restructuring involving approximately \$898 million in consolidated prepetition debt.
- State and federal trial and appellate proceedings, actual and potential business disputes, and solutions to related legal and business risks, including:
  - Representations of financial institutions and investors in lawsuits alleging fraudulent transfers and other liability—such as in US

Bankruptcy Court, US District Court, and US Courts of Appeal.

- Prosecution and defense of trial and appellate proceedings in connection with corporate, deal, and related litigation, including on behalf of one of the largest European financial institutions in trial and appellate courts. Published appellate decisions include *In re Coudert Bros. LLP*, 809 F.3d 94 (2d Cir.).
- Defense of mortgage servicers and financial technology (fintech) companies in connection with individual and class action claims in state courts, federal courts, and arbitration proceedings.
- Representation of leading global distribution and logistics companies in connection with actual and potential disputes, including global testing and logistics company in federal trial court proceedings.
- Prosecution and defense of actions seeking recoveries for business torts, including defense of limited liability partnership in litigation and contested proceedings successful at each level from trial court through the US Supreme Court.
- Successful bankruptcy litigation and appeals, including defense of \$1.2 billion restructuring transaction in appeal to US Court of Appeals for the Third Circuit.
- Representation of companies and participants in the energy and oil & gas industries in connection with actual and potential disputes relating to operations, including prosecution of bet-the-company litigation cases and construction and lien litigation.
- Representation of international airline company in federal court in connection with complex commercial litigation and related disputes.
- Representation of global business in spirit and beer industry in connection with global distribution and supply-chain matters and related disputes.
- Representation of investors and participants in real estate, retail and e-commerce, and hospitality in connection with actual and potential disputes and recovery initiatives.
- Representation of companies, investors, and family offices in connection with e-discovery, litigation/deal planning, and outside general counsel matters, including claims recovery, business risks, and general corporate matters.
- White collar, regulatory, and compliance representations, including (a)

manufacturers and distributors in connection with global investigations and (b) financial institutions and their employees in enforcement negotiations and investigations before regulatory authorities.

- Lenders, secured creditors, investors, and financial institutions in connection with financings, distressed mergers, and acquisitions, and related disputes and proceedings, including (a) financings and acquisitions by global retailers involved in e-commerce, (b) cross-border workouts, (c) 363 sales, (d) debtor in possession financing by lenders and investors.
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## Awards and Recognitions

- Kathryn R. Heidt Memorial Award, presented by the [American Bar Association's Business Bankruptcy Committee](#), October 2023
  - *Best Lawyers In America*- Listed in Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, August 2023
  - Honoree, [Miami Dade Bar's Young Lawyers Section](#) 40 Under 40 awards, February 2023
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## Publications

- [A Road Map for Structured Dismissals - Bankruptcy Section of the Federal Bar Association](#)
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## Speaking Engagements

- Moderator, "What's Happening in Our Bankruptcy Courts" panel at Florida Law Con's state-wide all-virtual conference, March 2023
- Moderator, Real World Applications of Charter, Bylaw, and Related Provisions in LLCs, Partnerships, and Business Entities, ABA Business Law Section's Virtual Annual Meeting, September 2021

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## Professional & Community Activities

- Chair, Miami Dade Bar Association Bankruptcy Committee
  - Co-Chair, Partnerships and Limited Liability Entities in Bankruptcy Subcommittee – Business Bankruptcy Committee, American Bar Association
  - Executive Committee Member, United Way Young Leaders – United Way of Miami-Dade
  - Member, Miami Dade Bar Association
  - Member, American Bar Association
  - Member, American Bankruptcy Institute
  - Member, United Way Young Leaders
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## In The News

- [BAST AMRON PARTNER DAIN DE SOUZA, RE-APPOINTED TO SERVE AS CO-CHAIR OF THE PARTNERSHIPS & LIMITED LIABILITY ENTITIES OF THE ABA'S BUSINESS BANKRUPTCY COMMITTEE](#)
- [BAST AMRON PARTNER DAIN DE SOUZA, RECOGNIZED BY THE ABA FOR OUTSTANDING CONTRIBUTIONS TO BANKRUPTCY PROFESSION](#)
- [BAST AMRON PARTNER DAIN DE SOUZA, RE-APPOINTED TO SERVE AS AN EXECUTIVE COMMITTEE MEMBER OF UNITED WAY MIAMI'S YOUNG LEADERS MIAMI](#)
- [8 BAST AMRON ATTORNEYS INCLUDED IN 2024 BEST LAWYERS IN AMERICA® "BEST LAWYERS"](#)
- [BAST AMRON PARTNER DAIN DE SOUZA, RE-APPOINTED TO SERVE AS MIAMI DADE BAR BANKRUPTCY COMMITTEE CHAIR](#)
- [DAIN DE SOUZA MODERATED THE "WHAT'S HAPPENING IN OUR BANKRUPTCY COURTS" PANEL AT FLORIDA LAW CON](#)
- [BAST AMRON PARTNER DAIN DE SOUZA, NAMED TO MIAMI DADE BAR'S YOUNG LAWYERS SECTION INAUGURAL 40 UNDER 40](#)
- [BAST AMRON PARTNER DAIN DE SOUZA, APPOINTED TO SERVE AS](#)

MIAMI DADE BAR BANKRUPTCY COMMITTEE CHAIR

- Bast Amron Adds Hunton Andrews Insolvency Atty In Miami- LAW360
  - BAST AMRON ADDS NEW PARTNER TO LITIGATION AND INSOLVENCY PRACTICE
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