

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

- **Vital Pharmaceuticals, Inc., et al** a/k/a Bang Energy (Chapter 11, Southern District of Florida); Special litigation counsel to Liquidating Trustee, investigating and prosecuting claims against former officers, directors, and insiders
- **Furniture Factory Ultimate Holding, L.P., et al** (Chapter 11, District of Delaware); Special litigation counsel to Liquidating Trustee, investigating and prosecuting claims against former officers, directors, and insiders
- **Olympia Sports Acquisitions, LLC, et al.** (Chapter 11, District of

Delaware) Special litigation counsel to Liquidating Trustee, investigation and pursuing claims against former officers, directors, and insiders

- **Wireless Advocates, LLC** (Chapter 7, Western District of Washington); Special litigation counsel to Trustee, investigating and pursuing claims against former officers, directors, and insiders
- **Pareteum Corporation** (Chapter 11, Southern District of New York); Special litigation counsel to Liquidation Trustee of the TEUM Liquidating Trust, investigating and pursuing claims against former officers and directors, as well as other third parties
- **Masten Space Systems, Inc.** n/k/a Space Case (Chapter 11, District of Delaware); Special Litigation Counsel to the Liquidating Trustee of the Masten Space Systems, Inc. Liquidating Trust, investigating and pursuing claims against former officers
- **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, investigated and asserted claims against former directors and officers, resulting in recoveries of \$15.5 million to 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
- **Orchids Paper Products, et al** (Jointly administered Chapter 11, District of Delaware); Special litigation counsel to the Liquidating Trustee of OPP Liquidating Company, Inc., investigating and prosecuting claims against former directors and officers
- **Liberty Power Corp, LLC** (Assignment for the Benefit of Creditors, Broward County Circuit Court, Florida); General counsel to Assignee, investigating claims against the former directors and officers
- **South Atlantic Regional Center, LLC** (Chapter 7, Southern District of Florida); Counsel to the Trustee, investigating and prosecuting claims against former officers and directors, as well as third parties, resulting in recoveries to date of more than \$5.5 million
- **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, investigated and prosecuted claims against directors and officers, as well as unrelated third parties, resulting in recoveries in excess of \$3.2 million for creditors

- **UVLrx Therapeutics, Inc.** (Chapter 7, Middle District of Florida); Special litigation counsel to Trustee, investigated and prosecuted claims against former directors and officers, resulting in a settlement and entry of consent final judgment in excess of 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, investigated and asserted claims against former directors and officers, resulting in a recovery of \$5.5 million for creditors
- **Allied Aerofoam Products, LLC** (Assignment for the Benefit of Creditors, Hillsborough County Circuit Court, Florida); Special litigation counsel to Assignee, investigated and prosecuted claims against former directors and officers, resulting in a recovery of \$2.4 million for creditors
- **SMF Energy Corporation** (Chapter 11, Southern District of Florida); Special litigation counsel to the Liquidating Trustee, investigated and prosecuted claims against former directors and officers, resulting in a recovery of over \$5 million for creditors
- **Advanced Blast Protection, Inc.** (Chapter 11, Southern District of Florida); Special litigation counsel to the Liquidating Trustees, investigated and prosecuted claims against former officers and directors, resulting in a recovery of \$1.95 million for creditors
- **Probate Estate of Victor Posner** (Miami-Dade County Circuit Court, Florida); Special litigation counsel to Curator for the Estate, investigated and asserted claims against surety bond for removed personal representative's breaches of fiduciary duty, resulting in a recovery of \$12 million for creditors
- **E-Brands Restaurants, LLC, et al**, (Chapter 11, Southern District of Florida); Special counsel to Plan Administrator, investigated and prosecuted claims against former directors and officers, resulting in a recovery of \$1 million (policy limits) to creditors
- **Scott Acquisition Corp.** (Chapter 7, District of Delaware); Special litigation counsel to Trustee, investigated and prosecuted claims against directors and

officers, as well as professional malpractice claims, resulting in a recovery in excess of \$4.5 million 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, investigated and asserted claims against former directors and officers, resulting in a significant recovery for creditors
- **Puglia Engineering, Inc.** (Chapter 7, Western District of Washington); Special litigation counsel to Trustee, investigated and asserted claims against former directors and officers, resulting 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, investigated and asserted claims against former officers and directors, resulting in a recovery of \$2 million for creditors; and against hedge fund, resulting in a recovery of an additional \$2.25 million for creditors
- **Papa Washington, LLC and P.J. Sound Pizza, LLC** (Receivership, King County Superior Court, Washington); Special counsel to Receiver, investigated and prosecuted claims against former directors and officers, resulting in a recovery of \$1.6 million for creditors
- **ATIF, Inc.** (Chapter 11, Middle District of Florida); Special litigation counsel to the Trustee of the Creditor Trust, investigated and asserted claims against former officers and directors, resulting in a recovery of \$2.25 million for creditors
- **MFPI Group, Inc.** (Chapter 7, Southern District of Florida); Special litigation counsel to Trustee, investigated and prosecuted breach of fiduciary duty claims against the former directors and officers, which resulted in a significant recovery for creditors
- **CareSync, Inc.** (Assignment for the Benefit of Creditors, Hillsborough County Circuit Court, Florida); Special litigation counsel to Assignee, investigated and asserted claims against former directors and officers, resulting in a recovery of \$1.4 million for creditors
- **Astor & Black Custom, LLC** (Chapter 7, Southern District of Florida); Counsel to Trustee of, investigated and prosecuted claims against former directors and officers, resulting in a recovery of \$2.5 million for creditors
- **Panelfold, Inc.** (Assignment for the Benefit of Creditors, Miami-Dade

County Circuit Court, Florida); Special litigation counsel to Assignee, investigated and prosecuted claims against former directors and officers, resulting in a significant recovery to creditors

- **Saco Trading, LLC** (Assignment for the Benefit of Creditors, Miami-Dade County Circuit Court, Florida); Special litigation counsel to Assignee, investigated and prosecuted claims against former directors and officers, resulting in a significant recovery for creditors