



Eric B. Fisher Partner

Eric B. Fisher's practice focuses on bankruptcy litigation and complex commercial disputes. He represents creditors' committees, ad hoc creditor groups, litigation trusts, bankruptcy trustees, and other stakeholders in high-stakes matters. Eric has significant trial and appellate experience, having served as lead trial counsel in bench and jury trials in the Southern District of New York, the Delaware Superior Court and other trial courts, and having argued numerous appeals before the Second Circuit and other appellate courts, including successfully arguing an issue of first impression before the Delaware Supreme Court.

He has also litigated matters in a variety of arbitration forums, including AAA, JAMS, and FINRA, and has counseled clients in business breakups, dissolutions, and buyout situations. Prior to joining Binder & Schwartz, Eric served as an Assistant United States Attorney in the Southern District of New York, where he represented the United States in bankruptcy, civil rights, employment, and regulatory matters. For many years, he chaired the Federal Bar Council's Bankruptcy Litigation Committee and served on the Advisory Committee for the American Bankruptcy Institute's spring conference in New York City. He also served on the Business Bankruptcy Advisory Committee for the Bankruptcy Court for the Southern District of New York. Eric has published and spoken extensively on bankruptcy and litigation topics.

Representative Matters

- Prosecuted repurchase litigation on behalf of a special servicer acting for a commercial mortgage-backed securities trust, successfully achieving repurchase of an entire pool of loans by a major global bank.
- Served as special bankruptcy counsel to independent public school districts throughout the country in the bankruptcy proceedings of Purdue Pharma LP, Mallinckrodt PLC, and Endo International, achieving meaningful recoveries for the class of public school district creditors in all three cases.
- Acted as Special Counsel for the Creditors' Committee in the chapter 11 proceedings of General Motors in connection with the prosecution and resolution of an objection to a \$2.67 billion claim by a noteholder group, which was settled favorably for GM creditors mid-trial.
- Prosecuted a \$1.5 billion avoidance action against JPMorgan and a syndicate of lenders on behalf of the post-confirmation litigation trust in the General Motors bankruptcy case, achieving a favorable outcome following appeals to the U.S. Court of Appeals for the Second Circuit and the Delaware Supreme Court and a bellwether trial before the U.S. Bankruptcy Court for the Southern District of New York.
- Served as bankruptcy counsel to Terry Bollea, professionally known as Hulk Hogan, in connection with his judgment against Gawker Media LLC, resolving the matter favorably following a hearing in which Gawker's CEO was cross-examined.

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Representative Matters (continued)

- Represented a foreign bank in connection with the resolution of complex derivatives disputes in the chapter 11 proceedings of Lehman Brothers Holdings Inc., achieving a favorable resolution based on expert testimony regarding the valuation of derivative positions.
- Prosecuted a malpractice claim against a global law firm on behalf of the plan administrator in the Redwood Holdings bankruptcy case, raising novel questions about the valuation of pre-revenue venture stage companies and resolving the matter successfully on the eve of trial.
- Represented a family of investment funds as defendants in significant litigation arising out of the collapse of Bernard L. Madoff Investment Securities, involving claims that defendants knew or should have known of the Madoff Ponzi scheme, and obtained a successful resolution on behalf of the defendants.
- Defending a major private credit fund against fraud claims in connection with the \$300 million sale of a portfolio company that subsequently entered financial distress and bankruptcy proceedings, in a matter that remains ongoing.

Honors & Affiliations

- Selected as one of the New York Metro Area's Top 100 Lawyers by Super Lawyers
- Federal Bar Council, Co-Chair Bankruptcy Litigation Committee
- New York City Bar Association
- American Bankruptcy Institute, Author and Speaker

Education

- Columbia University School of Law, J.D., 1995, Harlan Fiske Stone Scholar
- Yale University, B.A., magna cum laude, 1992

Clerkships

- Foreign Law Clerk to Justice Mishael Cheshin, Supreme Court of Israel

Bar & Court Admissions

- New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. Court of Appeals for the Second Circuit