



Stephan E. Hornung Partner

As a member of the firm's Restructuring & Bankruptcy and Litigation Groups, Stephan Hornung focuses his practice on representing financial institutions, creditors and other parties in interest in commercial litigation in state and federal courts, including bankruptcy courts, across the country. Much of his work includes enforcing a creditor's rights under state law and the Bankruptcy Code and defending complex litigation claims or avoidance actions brought by a creditors' committee or bankruptcy trustee. Stephan has been recognized by *Super Lawyers* for Business Litigation since 2014.

New York

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Related Services

- Litigation
- Restructuring & Bankruptcy

Education

- J.D., *cum laude*, St. John's University School of Law, 2007
- B.A., Colgate University, 2003

Representative Matters

- Counsel to eight secured lenders in the Chapter 11 proceeding of Miami Metals I, Inc. (f/k/a Republic Metals Refining Corporation) in multi-party litigation with the debtors' former customers over the debtors' precious metals inventory.
- Counsel to a secured lender in state and bankruptcy court litigation against a failed hemp processor, including negotiation of the subsequent sale of substantially all of the hemp processor's assets.
- Special counsel to the Financial Oversight and Management Board for Puerto Rico in lift-stay and related litigation in the U.S. District Court for the District of Puerto Rico and in the Court of Appeals for the First Circuit, and in connection with conflict issues, from the Board's inception in 2016 through the confirmation of Puerto Rico's plan of arrangement in 2022.
- Counsel to secured lenders and equipment lessors in state and federal court receiverships in New York, New Jersey and Kentucky.
- Counsel to a financial institution in a breach of contract action brought by the estate of a former executive.
- Counsel to a financial institution serving as owner trustee in a breach of contract action brought by holders of residential mortgage-backed securities issued by fifteen Delaware statutory trusts. We secured a complete dismissal of all claims asserted in a decision that was affirmed by the Third Circuit.
- Counsel to a financial institution serving as owner trustee in multiple litigations in New York and Delaware arising out of student loan securitizations.
- Counsel to the Chapter 11 Trustee of Fletcher International, Ltd., a master fund that was part of a complex master-feeder fund structure. Our investigation was the basis for the trustee's report, which in turn was the basis for the trustee's plan of liquidation. The plan was confirmed over objections from the debtor's principal.
- Counsel to a multimedia company in connection with multiple claims in The Weinstein Company LLC's Chapter 11 bankruptcy in Delaware and in connection with asset sales in other entertainment industry

bankruptcies.

- Counsel to investors in and the manager of a large fuel distribution and gas station management company in hotly-contested Chapter 11 proceedings commenced by an investor-dealer. We worked with the chapter 11 trustee to confirm the trustee's plan following a multi-day trial.
- Counsel to creditors in Chapter 11 bankruptcies across the country, including Black News Channel, LLC, Frontier Communications Corporation, Global Eagle Entertainment, Inc., Cinemex USA Real Estate Holdings, Inc., iPic-Gold Class Entertainment, LLC, Sears Holdings Corporation, Rdio, Inc., Open Road Films, LLC, AOG Entertainment, Inc., Republic Airways Holdings, Inc., iHeart Media, Inc., Toys "R" Us, Inc., and Relativity Media, LLC.
- Counsel to defendants in avoidance actions threatened or commenced in the Sizmek, Inc., Abeinsa Holdings Inc., Maxus Energy Corporation, and ITT Educational Services, Inc. bankruptcies.
- Counsel to a financial institution in multiple litigations arising out of a \$20 million check-kiting scheme and subsequent Chapter 7 bankruptcy.
- Counsel to financial institution in an arbitration relating to ownership interests in an investment management firm.
- Counsel to financial institution as a defendant in a fraudulent conveyance action arising out of a Ponzi scheme.
- Counsel to a financial institution as a defendant in a subprime "put back" litigation brought by monoline insurer CIFG.
- Counsel to a financial institution in litigation involving the failed securitization of a \$300 million warehouse line of credit secured by 51 real estate loans and, following the successful litigation, in the workout of all 51 loans, including subsequent litigation in various jurisdictions across the country.
- Counsel to a financial institution in litigation over the liquidation of a municipal bond portfolio securing a \$500 million revolving credit facility.

Memberships

- Member, American Bankruptcy Institute
- Member, Association of the Bar of the City of New York; Bankruptcy and Corporate Reorganization Committee, Co-Chair Third-Party Release Subcommittee, 2017-2018

Admitted to Practice

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

- U.S. District Court for the District of New Jersey