



# Kevin Newman

*Partner*

*Syracuse*

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## Education

- Albany Law School, JD
- State University of New York at Binghamton, BA

## Practices & Industries

- Commercial Litigation
- Real Estate
- Restructuring, Bankruptcy & Creditors' Rights

## Admitted to Practice

- New York

## Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the Eastern District of Michigan
- US District Court for the Eastern District of Wisconsin
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

## Biography

Kevin primarily concentrates his practice on commercial restructuring, bankruptcy, and real estate matters. He has extensive experience handling pre-bankruptcy counseling, bankruptcy cases, and commercial-lease negotiation, preparation, and enforcement. His practice also involves bankruptcy litigation, including preference and other avoidance actions and claim objections.

Kevin represents commercial real estate developers, trade vendors, lenders, and others in bankruptcy cases in New York State and across the country. He has been actively involved in many of the large retail cases filed during the last 32 years.

## Bar Associations

- Central New York Bankruptcy Bar Association, Former President
- New York State Bar Association, Former Bankruptcy Committee of Business Law Section Chair
- Northern District of New York Federal Court Bar Association

## Selected Memberships & Affiliations

- ICSC: Innovative Commerce Serving Communities

## Representative Experience

- Represents commercial landlords in bankruptcy cases filed by Rite Aid Corporation; YouFit Health Clubs, LLC; Ruby Tuesday, Inc.; Cineworld/Regal Cinemas; Party City Corporation; Bed Bath & Beyond, Inc.; Christmas Tree Shops, LLC; David's Bridal, LLC; Retailing Enterprises, LLC (Invicta Stores); Ascena Retail Group, Inc.; Belk, Inc.; Brooks

Brothers Group, Inc.; CEC Entertainment, Inc.; Christopher & Banks Corporation; Francesca's Holdings Corporation; GNC Holdings, Inc.; Guitar Center, Inc.; the Hertz Corporation; J.C. Penney Company, Inc.; L'Occitane, Inc.; Modell's Sporting Goods, Inc.; New York & Company; Pier 1 Imports, Inc.; Stage Stores, Inc.; Stein Mart, Inc.; Tailored Brands (Jos. A Bank, K&G, Men's Wearhouse); Tuesday Morning, Inc.; Sears, Roebuck and Co.; Toys "R" Us, Inc.; Forever 21, Inc.; rue21, Inc.; Sports Authority, Inc.; Gander Mountain Company; the Great Atlantic & Pacific Tea Company, Inc.; Gordmans Stores, Inc.; hhgregg, Inc.; Payless ShoeSource, Inc.; Gymboree Retail Stores, Inc.; RadioShack Corporation; Goody's Family Clothing, Inc.; Circuit City Stores, Inc.; Limited Stores, LLC; Styles For Less, Inc.; and Avenue Stores, LLC.

- Represented secured creditors, including municipalities, in bankruptcy cases and successfully challenged motions to use cash collateral, plans, and disclosure statements.
- Represented commercial landlords in bankruptcy cases and successfully opposed debtor-in-possession financing motions, bidding procedures, and sale/lease assignment motions; motions to extend time to assume or reject leases; plans; and disclosure statements.
- Represented secured creditors and commercial landlords in bankruptcy cases and successfully prosecuted motions for relief from the automatic stay.
- Represented commercial landlords in bankruptcy cases and successfully prosecuted motions to compel assumption or rejection of leases and surrender leased premises.
- Represents landlords of 143 stores in Ascena Retail Group, Inc. bankruptcy cases.
- Represents landlords of 83 stores in GNC Holdings, Inc. bankruptcy cases.

## Prior Experience

- Menter, Rudin & Trivelpiece, P.C., Shareholder

## Selected Community Activities

- Central New York Society for the Prevention of Cruelty to Animals, Volunteer
- St. Mary's Church, Pastoral Council

## Selected Honors

- *The Best Lawyers in America*®: Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Commercial Litigation, 2022–2024
- Martindale-Hubbell® AV Preeminent Peer Rated for Highest Level of Professional Excellence, 2011–2024
- Selected to *Super Lawyers* Upstate New York: Bankruptcy: Business, 2017–2019

## Selected Speaking Engagements

- International Council of Shopping Centers US Shopping Center Law Conference “Bankruptcy Basics in a Season of Viral Disruption”
- International Council of Shopping Centers US Shopping Center Law Conference, “Retail Chapter 11s – Quick Moving Cases and First Day Hazards”
- Capital Region Bankruptcy Bar Association and Central New York Bankruptcy Bar Association 20th Annual Bankruptcy Conference, “Leases in Business Cases, Large and Small: Asset or Liability?”
- International Council of Shopping Centers US Shopping Center Law Conference, “Lease Issues in Bankruptcy – Control/Getting Paid/Claims”
- International Council of Shopping Centers US Shopping Center Law Conference, “The Sale of Lease Designation Rights in Bankruptcy: Sleeping Giant or Paper Tiger?”

## Selected Media

- *USLAW Magazine*, “Retail Tenant Troubles: Pre-Bankruptcy Planning”
- Law360, “Retail Bankruptcies Raise Collection Questions For Landlords”
- *USLAW Magazine*, “Retail Bankruptcies Raise Collection Questions for Landlords”

## Selected Alerts & Blog Posts

- Feeling Rejected by the Cap? Lease Rejection Damages Explained
- Unsecured Creditors' Committees: What Are They and Should You Participate?

## Selected Publications

- Bankruptcy Basics for Retail Landlords
  - Issue 20—"Common Issues and Filings in Retail Tenant Bankruptcies"
  - Issue 19—"Plan and Disclosure Statement in Retail Tenant Bankruptcies"
  - Issue 18—"Filing Proofs of Claim in Retail Tenant Bankruptcies"
  - Issue 17—"Relief From the Automatic Stay in Retail Bankruptcies"
  - Issue 16—"Retail Landlords Strike Back!: Enforcing Rights Against Tenants in Chapter 11 Bankruptcy Cases"
  - Issue 15—"Subchapter V Retail Bankruptcy Cases: Part 2"
  - Issue 14—"Subchapter V Retail Bankruptcy Cases: Part 1"
  - Issue 13—"Store-Closing Sales and Going-Out-of-Business (GOB) Sales"
  - Issue 12—"Retail Real Property Leases: Lease Rejections"
  - Issue 11—"Retail Real Property Leases: Lease Amendments"
  - Issue 10—"Retail Real Property Leases – Assumptions/Assignments: Adequate Assurance"
  - Issue 9—"Retail Real Property Leases: Cure of Defaults"
  - Issue 8—"Real Property Leases: Debtor Obligations in Retail Bankruptcy Cases"
  - Issue 7—"Lease Disposition Timing in Retail Bankruptcy Cases"
  - Issue 6—"Lease Disposition Options in Retail Bankruptcy Cases"
  - Issue 5—"Chapter 11 vs. Chapter 7 Retail Bankruptcy Cases"
  - Issue 4—"Case Outcomes in Chapter 11 Retail Bankruptcies"
  - Issue 3—"Major Players"
  - Issue 2—"Impact of the Automatic Stay"
  - Issue 1—"First Day Motions: Part 1"
  - Issue 1—"First Day Motions: Part 2"

## Selected News

- Attorneys Published in *USLAW Magazine*

- Law360: Retail Bankruptcies Raise Collection Questions for Landlords