

A Vote for Allegheny: DBSD North America

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In a recently published decision, *In re DBSD North America Inc.*, 421 B.R. 133 (Bankr. S.D.N.Y. 2009), Hon. Robert E. Gerber of the U.S. Bankruptcy Court for the Southern District of New York “designated,” or disqualified, the vote to reject the debtors’ proposed plan of reorganization that was cast by the sole holder of the debtors’ pre-petition first-lien debt. The court ordered this extreme remedy pursuant to the debtors’ request after determining that the claimholder had voted as a “strategic investor” rather than as a “traditional creditor.”

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