



## SHERYL P. GIUGLIANO / PARTNER

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### EDUCATION

- St. John's University School of Law (LL.M., 2010)
- St. John's University School of Law (J.D., 2008)
- University of Michigan (B.A. in Political Science, 2003)

### PRACTICE AREAS

- Commercial Litigation
- Corporate & Securities
- Corporate Restructuring & Bankruptcy
- Financial Services, Banking & Bankruptcy

Sheryl P. Giugliano is a Partner at Ruskin Moscou Faltischek, P.C., and a member of the Corporate Restructuring & Bankruptcy Practice Group and the Corporate and Securities Department. Her experience includes restructuring, bankruptcy, and litigation. Sheryl works with companies facing solvency issues to identify a solution and implement a strategic response, which includes negotiating with interested parties, creditors, and shareholders, and may also include filing for bankruptcy protection, or facilitating an out-of-court wind down.

She represents middle-market companies facing operational or litigation issues, guiding them through the Chapter 11 or Chapter 7 process to a successful reorganization or liquidation. Sheryl also represents trustees and receivers by assisting in the analysis and recovery of assets and prosecution of litigation claims, as well as secured and unsecured creditors identifying and enforcing their rights, assisting in their efforts to extend financing or consent to the use of cash collateral. In addition, Sheryl has represented contract counterparties negotiating for the highest possible cure payment or claim, defendants in preference and fraudulent conveyance actions (both in bankruptcy litigation and negotiating settlements to avoid protracted litigation), and purchasers in bankruptcy auctions.

As a member of the Corporate & Securities Department, Sheryl represents both early stage and middle market businesses on a variety of financial and other legal issues, including mergers and acquisitions, financings and other complex business transactions and agreements. Sheryl also advises clients with respect to corporate governance issues and related matters.

Sheryl's litigation experience includes representing parties in bankruptcy litigation and general commercial matters. She has represented parties engaged in contract disputes in state and federal court, as well as arbitration matters before AAA and JAMS, and mediation, successfully and efficiently represents clients to achieve the optimal outcome.

Sheryl was selected as a New York Metro "Rising Star" by Super Lawyers for 2015-2021 and received the Turnaround Management Association Long Island Chapter 2016 "Spirit Award" for Outstanding Service.

She earned her LL.M. degree in Bankruptcy from St. John's University School of Law, and has utilized her extensive experience in bankruptcy to expand her practice as a business-oriented lawyer.

#### **Publications:**

- "With Lenders Asleep at the Wheel, Unsecured Creditors Should Consider Involuntary Bankruptcy," American Bankruptcy Institute Journal, January 2022, Co- author.
- "Judicial Operations During COVID: Lessons Learned That May Remain After COVID," AIRA Journal, Vol. 34 No. 3 - 2021, Co-author.
- "Compensation for Services Rendered Prior to Retention Order is Authorized, Even Without Nunc Pro Tunc Approval," The Bankruptcy Strategist, July 2020.
- "SCOTUS: No Safe Harbor Protection Where Financial Institutions are Mere Intermediaries," The Bankruptcy Strategist, April 2018.
- "Expansion of the Barton Doctrine to Unsecured Creditors' Committees," The Bankruptcy Strategist, April 2017.
- "The Intent of Section 546(e)," The Bankruptcy Strategist, February 2017.
- "Seventh Circuit Takes the Road Less Traveled, and Looks to the Substance of 546(e)," The Bankruptcy Strategist, September 2016.
- "Valuing Bids in Bankruptcy Auctions," The Bankruptcy Strategist, March 2016 (co-author with Adam L. Rosen).
- "Spotlight on the Section 546(e) Rift," Law360, November 2015.
- "Assignment of Rents: Substance Over Form and Meaning of 'Property of the Estate'," Bloomberg BNA Real Estate Law & Industry Report, Vol. 6, No. 4, February 2013 (co-author with Adam L. Rosen).

#### **Speaking Engagements:**

- Panelist, Clearing the Last Hurdle in Chapter 11 – Evolving Confirmation Issues That May Trip the Unwary, New York, New York (2021)
- Co-Speaker, The Hidden Opportunities (and potential threats) In Financially Distressed Situations, Uniondale, New York (2021)
- Co-Chair, 20th Annual Advanced Restructuring & Plan of Reorganization Conference, Association of Insolvency & Restructuring Advisors, New York, New York (2021)
- Moderator, "USBC EDNY Pro Bono Initiative: Part 2" (2021)
- Panelist, AIRA Annual Pre-Conference Financial Advisors' Toolbox (2021)

- Contributor, “Business Bankruptcy 101 for Small/Mid-Size Firm and Solo Practitioners,” New York City Bar, New York, New York (2021).
- Moderator, “Judicial Operations During COVID-19 (Who can be in the room where it happens?),” Association of Insolvency & Restructuring Advisors, New York, New York (2020).
- Co-Moderator, “Leadership: Women’s Division Program: How We Are Coping During COVID,” New York Institute of Credit, Virtual Smorgasbord (2020)
- Panelist, “COVID-19 Survival Skills: The New Normal and How to Adjust Your Business and Its Relationships,” Turnaround Management Association – Long Island Chapter, Virtual Webinar Series (2020)
- Panelist, “A Lifeline for Small and Medium-Sized Businesses in Distress: A Practical Guide to the Small Business Reorganization Act (SBRA) as Supercharged by the CARES Act,” New York City Bar Association, New York, New York (2020)
- Moderator, “Litigation Funding Through the Life of Bankruptcy Case,” Association of Insolvency & Restructuring Advisors, New York, New York (2019).
- Panelist, “Ethics: Who is the Client?,” American Bankruptcy Institute, Mid-Level Professional Developmental Program, New York, New York (2019).
- Panelist, “Fraud Litigation, Enforcement & Contentious Insolvency,” Knect 365 Asset Recovery in America Conference, New York, New York (2019).
- Moderator, Judiciary Night: Women in the Law – A Look Back at 50+ Years, Turnaround Management Association, Long Island Chapter (2019).
- Panelist, Business Bankruptcy Basics Part I: Creditor Strategies at the Beginning of the Bankruptcy Case, American Bar Association, Webinar (2019).
- Panelist, Business Bankruptcy Basics Part II: Creditor Strategies During the Middle and End of the Bankruptcy Case, American Bar Association, Webinar (2019).
- Panelist, Association of Insolvency and Restructuring Advisors 35th Annual Conference “Financial Toolbox,” Boston, Massachusetts (2019).
- Panelist, Association of Insolvency and Restructuring Advisors 33rd Annual Conference “Financial Toolbox,” Dallas, Texas (2017).
- Moderator, Creditors’ Rights and Bankruptcy Litigation Committee of the Commercial and Federal Litigation Section of the New York State Bar Association, “In-House Insights in Bankruptcy Litigation,” New York, New York (2017).
- Moderator, Turnaround Management Association, Long Island Chapter, “Politics and the Economy,” Woodbury, New York (2016).
- Panelist, Association of Insolvency and Restructuring Advisors 32nd Annual Conference “Financial Toolbox,” Coronado, California (2016).

## Memberships

- New York Institute of Credit, Women’s Division
  - Co-President (2021)
  - Member (2020)

- Turnaround Management Association, Long Island Chapter
  - Vice President Programming (2020 - 2021)
  - Co-Vice President Programming (2019)
  - President (2018)
  - President Elect (2017)
  - Board of Directors – Member (2014 - 2016)
  - Member (2014 - Present)
- Chapter 11 Lawyers Advisory Committee, U.S. Bankruptcy Court for the Eastern District of New York
  - Member (2018 - present)
  - Junior Lawyers' Workshop Committee, Member
  - Large Chapter 11 Cases Committee, Member
  - Subchapter V Committee, Member
- New York City Bar Association, Bankruptcy and Corporate Reorganization Committee
  - Member (2016 - present)
  - Voidable Transactions Subcommittee, Member (2020 - 2021)
  - Confirmation Issues Subcommittee, Co-Chair (2020 - 2021)
  - Third Party Release Subcommittee, Chair (2019 - 2020)
  - Third-Party Release Subcommittee, Co-Chair (2018 - 2019)
- New York State Bar Association
  - Member (2010 - 2020)
  - Federal and Commercial Litigation Section, Member (2017 - Present)
  - Bankruptcy & Creditors' Rights Litigation Committee, Co-Chair (2017 - 2020)
- American Bankruptcy Institute
  - Member (2010 - 2020)
- Association of Insolvency and Restructuring Advisors
  - Member (2016 - 2017)
- The New York Bar Foundation
  - Fellow (2020)
- Turnaround Management Association, New York Chapter
  - Programming Committee member (2015 - 2017)

#### Press Releases /Alerts

- RMF Attorney Sheryl P. Giugliano Named Chair the Chapter 11 Lawyers' Advisory Committee for the US Bankruptcy Court for the Eastern District of New York (Press Releases)
- Twenty-Five Ruskin Moscou Faltischek Attorneys Named As New York Metropolitan Area Super Lawyers For 2021 (Press Releases)

- RMF Attorney Sheryl P. Giugliano Named Co-President of the Women's Division of New York Institute of Credit (Press Releases)
- What Satisfies the Due Diligence Requirement for Bringing a Preference Action? (Alerts, Corporate Restructuring & Bankruptcy)
- RMF Attorney Sheryl P. Giugliano Presents at AIRA's Annual Pre-Conference Financial Advisors' Toolbox (Announcements)
- RMF Attorney Sheryl P. Giugliano To Present At TMA Long Island's Virtual Recruitment and Informational Program (Announcements)
- RMF Attorney Sheryl P. Giugliano To Present Virtual CLE at New York City Bar (Announcements)
- Pennsylvania District Court Rules that the Automatic Stay does not Apply to Actions by the United States Department of Labor Under the Fair Labor Standards Act (Corporate Restructuring & Bankruptcy)
- Day Traders Provide Lifeline to Traditional Investors (Alerts, Corporate Restructuring & Bankruptcy)
- Consolidated Appropriations Act, 2021 (PPP II) Potentially Important Changes to the Bankruptcy Code Impacting Commercial Parties (Alerts, Corporate Restructuring & Bankruptcy)
- RMF Attorney Sheryl P. Giugliano Moderates Panel At The Association of Insolvency & Restructuring Advisors 19th Annual Advanced Restructuring and Plan of Reorganization Conference (Announcements)
- Seventeen Ruskin Moscou Faltishek Attorneys Named As New York Metropolitan Area Super Lawyers For 2020 (Press Releases)
- Ruskin Moscou Faltishek, Welcomes Sheryl P. Giugliano To The Firm. (Press Releases)
- RMF Attorney Sheryl P. Giugliano To Co-Moderate New York Institute of Credit Virtual Smorgasbord Panel (Announcements)
- Bankruptcy Q&A: What Commercial Landlords Need To Know (Articles, Corporate Restructuring & Bankruptcy)

