

Daniel Shamah

Partner



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Business Restructuring
Private Equity
Commercial Litigation

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New York

Daniel is a premier restructuring lawyer sought by clients for his experience in complex restructuring and insolvency matters. His skill set is unique among peers not only for his depth of experience at conventional bankruptcy and restructuring proceedings, but also for his demonstrated success as an experienced litigator handling disputes of complex commercial and financial instruments. Daniel's representations span a broad range of industries and practices, where he brings sector knowledge to advise clients on their legal needs. And, because of Daniel's creative approach and exceptional knowledge base, leading financial institutions, private equity sponsors, hedge funds, and public and private companies call on him to help them navigate a host of bankruptcy and restructuring issues.

At Cooley, Daniel has become a go-to counselor for companies in distress, having advised dozens of boards and management teams navigating all manner of challenging situations. When companies are on the precipice of insolvency, Daniel balances practical commercial considerations against the myriad legal risks their boards and management teams face. Daniel has worked at the center of some of the most widely publicized restructuring matters in the US. Before joining Cooley, his recent work included representing a private equity fund and individual former directors in fraudulent transfer and breach of fiduciary duty claims brought by the litigation trustee for Tops Friendly Markets, along with defending Wilmington Trust in breach of fiduciary duty claims arising out of foreclosure sales following the bankruptcy filings of LATAM Airlines and Norwegian Airlines. He also recently led an ad hoc group of lenders in the widely followed restructuring of nationwide gym chain 24 Hour Fitness. Daniel also has helped multiple private equity firms and other financial institutions in claims brought by litigation trustees arising out of their former portfolio companies and other investments. Daniel has deep experience advising companies and financial institutions in cross-border insolvency and Chapter 15 cases.

Daniel's representative experience includes:

Creditor experience

- Representing Vine Alternative Investments as the largest secured lender in the Chapter 11 bankruptcy case for Village Roadshow Entertainment Group
- Representing a crossover ad hoc group of shareholders and lenders in the out-of-court restructuring of national fitness chain 24 Hour Fitness; in this transaction, 24 Hour Fitness substantially deleveraged more than \$1 billion of secured debt in an uptier liability management exercise that garnered 99+% consent

- Representing Symbolic Capital Partners as the secured lender in numerous litigations with the litigation administrator for Celsius Network, one of the largest crypto exchanges to file Chapter 11
- Representing an ad hoc group of second lien lenders to K&N Engineering in its out-of-court restructuring*
- Representing an ad hoc group of Robertshaw term lenders in Chapter 11 cases and defending certain liability management transactions*
- Representing an ad hoc group of crossover lenders to 24 Hour Fitness in its Chapter 11 cases*
- Representing funds affiliated with Franklin Advisers as majority debtor-in-possession (DIP) lender and stalking-horse buyer in a Chapter 11 case for Appvion, successfully achieving roll-up of \$240 million of first lien debt at the outset of the case and acquiring substantially all of Appvion's assets in a credit bid as part of a contested section 363 sale*
- Representing a large secured creditor in the Energy Future Holdings Chapter 11 case, including taking the lead role in formulating a bankruptcy strategy to maximize the client's recoveries and a litigation strategy to address numerous contested matters*
- Representing an ad hoc group of first lien lenders in Fieldwood's prepackaged bankruptcy cases*
- Representing Capital One as reserved-base lending (RBL) agent in Castex's Chapter 11 case, successfully leading efforts to negotiate a consensual resolution of numerous open issues with the creditors' committee and to obtain confirmation of a plan over the objection of the former preferred shareholder*
- Representing Bank of America as RBL agent in Stone Energy's Chapter 11 case, leading restructuring support agreement (RSA) negotiations and defeating a motion to appoint an official equity committee*
- Representing a bondholder group that commenced an involuntary Chapter 11 bankruptcy case against an Indonesian shipping company that was attempting to restructure its obligations in Singapore and Indonesia*

Debtor experience

- Representing Clearside Biomedical in its Chapter 11 case
- Representing a public company in considering strategic alternatives and potential Chapter 11 implications
- Representing Isagenix Worldwide in its out-of-court restructuring*
- Representing Puerto Rico Electric Power Authority in its historic restructuring of more than \$9 billion in debt*
- Representing Standard Amusements in a contested Chapter 11 case to take over operations of Rye Playland, defeating a motion by Westchester County (New York) to dismiss the Chapter 11 case and leading the contested confirmation process*
- Representing Verso Corporation in its Chapter 11 cases, successfully leading negotiations over a litigation protocol to avoid protracted and complex litigation at the outset of the bankruptcy cases over intercompany agreement, along with successfully rejecting and renegotiating numerous supply contracts, saving Verso millions of dollars*
- Representing Cal Dive in its Chapter 11 cases, successfully litigating several disputes – including overcoming an objection to DIP financing and defeating a motion to appoint an official committee of maritime class lienholders*
- Acting as one of the lead lawyers representing joint provisional liquidators in obtaining recognition under Chapter 15 for a Cayman provisional liquidation proceeding*

Other litigation and business restructuring experience

- Representing recreational boat manufacturer Malibu Boats in a range of litigation matters arising out of the bankruptcy of Tommy's Boats, Malibu's largest dealer
- Representing the Fisker Owners Association, a nonprofit formed by more than 3,500 Fisker vehicle owners, in the Chapter 11 case of Fisker Automotive; in this groundbreaking representation, Daniel and team successfully negotiated a plan of liquidation that ensured ongoing access to critical replacement

- parts and adequate funding for federally mandated recall service for all Fisker vehicle owners
- Defending Wilmington Trust in breach of fiduciary duty claims arising out of foreclosure sales following the bankruptcy filings of LATAM Airlines and Norwegian Airlines*
- Representing a private equity fund and individual former directors in fraudulent transfer and breach of fiduciary duty claims brought by the litigation trustee for Tops Friendly Markets*
- Representing an outside director in fraudulent transfer and fiduciary duty claims brought by the Sears estate*
- Representing a large private equity firm defending a series of lawsuits brought by the litigation trustee for Core Media, former owner of “American Idol” and other television assets*
- Representing reorganized Remington entities with respect to post-confirmation litigation trust matters following Remington’s 2018 prepackaged bankruptcy cases*
- Representing a financial institution in Madoff and Fairfield bankruptcy cases in connection with fraudulent conveyance and avoidance action lawsuits*
- Representing a financial institution in the Tribune Company bankruptcy case in Delaware and related multidistrict litigation in connection with allegations that a multibillion-dollar leveraged buyout constituted a fraudulent conveyance, and financial advisory services provided in connection with the leveraged buyout constituted malpractice and aided and abetted breaches of fiduciary duties*
- Leading the effort to prepare an expert report on the solvency of a \$50 billion mortgage origination business on behalf of a large financial institution defending claims that it was successor-in-interest to a mortgage originator it acquired and that it impliedly assumed the mortgage originator’s obligations*

*Representation handled before joining Cooley

Education

Georgetown University Law Center JD, cum laude, lead articles editor for The Tax Lawyer

Columbia University AB, English Literature, cum laude, with distinction

Admissions & Credentials

New York

Court Admissions

US District Court for the Eastern District of New York

US District Court for the Southern District of New York

US District Court for the Northern District of Florida

US Court of Appeals for the Second Circuit

US Court of Appeals for the Third Circuit

Rankings & Accolades

- Lawyers Alliance for New York – Cornerstone Award (2023)
- Super Lawyers – Top rated for Business Litigation and Bankruptcy (2018 – 2024)
- Leading Lawyer – The Legal 500 US: Finance: Corporate Restructuring (including Bankruptcy) (2018)

Memberships & Affiliations

American Bankruptcy Institute, member