

Think Real Estate, Winter 2019

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PRACTICES Commercial Real Estate Leasing, Real Estate

Welcome to the Winter 2019 issue of *Think Real Estate*, a resource for timely legal analysis of issues affecting the real estate industry and your business' bottom line. Our real estate lawyers represent clients in areas critical to the real estate industry and are engaged in every facet of buying, selling, developing, operating, leasing, capitalizing and financing real estate for operators, investors, and users for both U.S. and foreign companies. For more information about our people and capabilities, visit our [Real Estate Practice Group](#) page.

Dual Collateral Loans and Clogging the Equity of Redemption

In June 2018, a New York court held – for the first time in a written decision – that a borrower's right of redemption was not clogged where a lender holding both a mortgage lien and a pledge of the equity interests sought to sell the equity interests in a UCC foreclosure sale. While many have heralded the decision as a conclusive determination that lenders are not at risk by taking both forms of collateral as security for a loan, as set forth below, there are a number of reasons to be more circumspect about the implications of the decision.

[Read more.](#)

Attorney Spotlight

Geoffrey Raicht – Partner

Geoffrey is a veteran insolvency lawyer who has handled numerous complex in-court and out-of-court restructurings for a wide array of public and private corporate clients. Throughout his 18 years of practice, Geoffrey has advised clients in all aspects of restructurings including providing counsel to companies and their boards of directors seeking to navigate distress situations and secured and unsecured lenders (including hedge and private equity funds) looking to either make a strategic investment or maximize their recovery.

In addition, he counsels parties in cross-border restructurings and has significant experience in "Chapter 15" which is the process for foreign insolvency proceedings to be granted recognition in the United States. He was also recognized by *Legal 500* (Legalese) in 2011 and 2012 as one of the leading lawyers in his field. He is a member of the American Bankruptcy Institute, Turnaround Management Association, and the International Association of Restructuring, Insolvency & Bankruptcy Professionals (INSOL).

Emilie Cooper – Partner

Emilie Cooper is an accomplished litigator with significant experience handling disputes in the real estate and hospitality arenas. She has successfully represented companies and individuals, including real estate and hotel investors, developers, lenders, owners, managers, and operators, in a wide variety of matters and through all stages of complex litigation.

Emilie's knowledge of the real estate and hotel industries, particularly in New York, has been invaluable to both plaintiffs and defendants in high stakes litigations and arbitrations, including breach of contract, fraud, breach of fiduciary duty, commercial tort suits, securities and foreclosure actions. Moreover, her industry knowledge enables her to better understand her clients' business needs and goals, and consider how best to achieve them, through litigation or otherwise. Emilie also frequently advises clients concerning the potential litigation implications of their agreements and transactions, providing a unique litigator's point of view in a transactional context.

Emilie regularly devotes time to pro bono cases, and has successfully obtained asylum for several clients fleeing persecution, including an Ethiopian orphan who originally came to the United States to seek medical treatment for complications from her amputated leg.