



#### Location

New York, NY

Houston, Texas

#### Education

NYU Law School (J.D., 2007)

University of Texas (B.S., *magna cum laude*)

University of Texas (B.B.A., *summa cum laude*, 2003)

#### Areas of Practice:

Complex & High-Stakes Litigation

- Business Divorce Matters - Shareholder Oppression Claims, Partnership Litigation, and Private Company Transactions
- Bankruptcy, Third Party & Professional Liability

Business Insolvency & Restructuring

## CHARLES M. RUBIO

Partner

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Charles Rubio is a partner based in Diamond McCarthy's New York office. He is an experienced business attorney who represents clients in a broad range of corporate, financial and real estate transactions as well as commercial disputes. Charles's practice has a special emphasis representing debtors, creditors and other parties in bankruptcy cases and out-of-court restructurings. Charles advises clients desiring to enter into sophisticated business arrangements and draws on his business and finance background to implement elegant legal solutions to complex problems. Prior to joining Diamond McCarthy, Charles was an associate in the Financial Restructuring Group in the New York office of Milbank, Tweed, Hadley and McCloy LLP.

Charles advises clients in all stages of a business life-cycle. He counsels clients on business formation issues and has worked with entrepreneurs focused on start-up companies. Charles advises growth-stage businesses in connection with negotiating and implementing financing arrangements and other capital raises. In addition, he handles a wide-range of commercial disputes including litigation involving contract disputes, breach of fiduciary duties, preference actions and fraudulent transfer claims. Charles also advises clients during the wind-down phase of a business. These representations include counseling businesses and management on their rights and responsibilities during insolvency situations and representing clients in connection with distressed asset sales and restructurings.

#### Representative Cases

##### Corporate and Finance Transactions

- Represented owner of apartment complex in a \$9.2 million refinancing and rehabilitation loan.
- Represented manufacturer in connection with a \$10 million refinancing and construction loan for a warehouse.
- Represented liquidation trustee in the establishment of a multi-million dollar litigation/liquidation trust.
- Represented co-beneficiary of trust in the establishment of a \$14 million liquidation trust.

Real Estate

Admitted to Practice:

New York

Texas

- Represented a group of owners in the wind-down and closing of a business venture.

#### Commercial Litigation

- Served as lead counsel for defense of land developer in state court litigation involving claims of fraud, breach of contract and deceptive trade practices which resulted in a favorable settlement for the client.
- Served as lead counsel for the defense of limited partners in a commercial real estate dispute which resulted in a favorable settlement for the clients.
- Represented defendant in a fraudulent transfer action involving the acquisition of a company which resulted in a favorable settlement for the client.

#### Bankruptcy Cases

- *In re Lehman Brothers Holdings, Inc.\** Counsel to Official Committee of Unsecured Creditors. Advised the client on restructurings and loan workouts involving tens of millions of dollars of real estate loans and private equity investments. Also advised the client on settlement of swap agreements.
- *In re Dreier LLP*: Counsel for the Chapter 11 trustee of Dreier LLP. Represented client in connection with hundreds of millions of dollars of claim disputes. *In re Howrey LLP*: Counsel for the Chapter 11 Trustee of Howrey LLP. Advised client in connection with lien disputes and debtor-in-possession financing issues.
- *In re Intermet Corporation.\** Counsel to debtor in possession in Chapter 11 case of auto parts manufacturer. Advised client in all aspects of the restructuring process.
- *In re Land Tejas Spring Trails Ltd.*: Represented equity owners in Chapter 11 bankruptcy case involving the restructuring of a 1,000 acre master planned community in Houston, Texas and successfully confirmed chapter 11 plan which allowed owners to retain equity stake in the bankrupt entity.
- *In re Michael Glyn Brown*: Advised Chief Restructuring Officer of a medical business on fiduciary duties and business planning matters.
- *In re ATP Oil & Gas Corporation*: Successfully moved for appointment of an official committee of equity security holders.
- *In re VI Acquisition Corp. and VICORP Restaurants, Inc.\** Counsel to Official Committee of Unsecured Creditors. Advised client in all aspects of the restructuring process.

\* Representation occurred prior to joining Diamond McCarthy LLP.