

## Amy E. Vulpio

Partner

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Amy Vulpio focuses her practice on creditor and debtor representation, bankruptcy appellate work and bankruptcy-related commercial litigation. Amy's experience representing both creditors and debtors gives her the breadth of perspective needed to advise her clients as to the priorities and motivations of the party across the table. Using this understanding, Amy works closely with her clients to formulate creative legal strategies and helps her clients achieve their goals through negotiation or litigation.

Amy represents creditors in diverse industries who require assistance in confessing judgment, obtaining relief from the automatic stay, filing and litigating proofs of claim, responding to various motions and adversary complaints, including preference and fraudulent conveyance actions, and otherwise asserting their rights in Bankruptcy Court. Amy's clients include financial institutions and other secured lenders, insurance companies, lessors, trade creditors and other businesses and individuals whose interests are implicated in bankruptcy proceedings.

Amy also has broad experience with debtor representation, including facilitating out-of-court workouts, preparing bankruptcy petitions, filing and prosecuting claims objections and prosecuting preference and fraudulent conveyance actions.

In the bankruptcy appellate context, Amy prepares appellate briefs, presents oral arguments and prosecutes appeals on a variety of bankruptcy-related topics. She also has general commercial litigation experience.

Amy serves as Chair of the Steering Committee of the Eastern District of Pennsylvania Bankruptcy Conference and previously chaired the Education Committee. From 2016-2020, Amy co-chaired the Greater Philadelphia Network of the International Women's Insolvency and Restructuring Confederation (IWIRC), which hosted the 2018 IWIRC Leadership Summit, and Amy now serves as Vice Director of Communications and Social Media on IWIRC's international Board.

Amy serves as President on the Board of Directors of the Consumer Bankruptcy Assistance Project (CBAP), a non-profit organization that provides

### Practice Areas

Financial Restructuring and Bankruptcy

### Bar and Court Admissions

Pennsylvania

New Jersey

U.S. Court of Appeals for the Third Circuit

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the District of Colorado

### Education

Georgetown University Law Center, JD, 1999

Williams College, BA, *cum laude*, 1996

### Memberships

Eastern District of Pennsylvania Bankruptcy Conference

International Women's Insolvency & Restructuring Confederation (IWIRC)

Turnaround Management Association (TMA) and TMA's Networking Organization of Women

bankruptcy representation to low-income Philadelphia residents. Amy also provides pro bono legal services to CBAP clients.

While at Georgetown University Law Center, Amy served as Senior Focus Editor of the Georgetown International Environmental Law Review and authored "From the Forests of Asia to the Pharmacies of New York City: Searching for a Safe Haven for Rhinos and Tigers," 11 Georgetown Int'l Envtl. L. Rev. 463 (1999).

### **Representative Matters**

- Represented international technology company as creditor in various bankruptcy matters, including contract assumption and assignment disputes, prosecution of pre-and-post-petition claims, and plan confirmation disputes
- Obtained summary judgment in favor of petitioning creditor in involuntary bankruptcy proceedings in which putative debtor sought compensatory damages of nearly \$30 million plus punitive damages
- Represented commercial landlord in connection with restaurant tenant's bankruptcy case
- Represented nursing home debtors in their Chapter 11 bankruptcy proceedings
- Assisted prospective purchaser with performing due diligence, submitting bids, and participating in auction conducted under Section 363 of the Bankruptcy Code
- Successfully petitioned for appointment of a receiver of a 455-room hotel in downtown Tulsa, Oklahoma
- Advised mortgage insurer concerning permissibility of rescinding mortgage insurance policy and prosecuted claims for rescission based upon breach of representation and warranties, resulting in successful settlement
- Successfully obtained dismissal of borrower's bankruptcy proceedings to enable secured lender to proceed with sheriff's sale on commercial real estate
- Represented limited liability company members in connection with contested buy-out and dissolution proceedings
- Defended disability insurer in Bankruptcy Court litigation alleging wrongful termination of disability benefits
- Defendant putative involuntary petitioner in sanctions proceedings following dismissal of involuntary bankruptcy case
- Defended numerous adversary proceedings seeking avoidance of preferential transfers, and negotiated successful settlements of same
- Successfully moved for relief from the automatic stay to pursue debtors' insurance coverage
- Successfully moved to compel debtor to assume contract to manufacture and timely deliver multi-million dollar power generator
- Obtained relief from the automatic stay to cancel contract with debtor so that client could enter into new contract with financially stable supplier
- Successfully opposed bankrupt third-party administrator's motion to sell client's contract to inadequately licensed purchaser
- Recovered over \$900,000 from debtor's bankruptcy estate under theories of express and constructive trust and equitable subordination
- Represented automotive parts manufacturer as debtor in Chapter 11 proceedings and Bankruptcy Court approved sale of its assets

- Represented fractional jet ownership company in negotiating out-of-court workout with over 100 trade creditors and fractional owners, administered the distribution of settlement funds to them, and then formally dissolved corporation
- Obtained relief from the automatic stay to permit mortgagee to pursue its state-law remedies against industrial real property in New Jersey
- Represented computer-based training simulation company as debtor in Chapter 11 proceedings and successfully transferred venue of breach of contract litigation against them to Bankruptcy Court and successfully moved to extend automatic stay to debtor's principal; successfully moved to reject burdensome lease of office space
- Represented medical software developer as debtor in Chapter 11 proceedings; successfully moved to reduce and equitably subordinate \$11 million claim of former officer and shareholder, precluding any recovery by him; and assisted debtor with formulating and confirming plan of reorganization
- Represented financial printing company in Chapter 11 proceedings; assisted the debtor in selling its business under auspices of Bankruptcy Code and successfully objected to dozens of proofs of claim filed by vendors and former employees
- Negotiated and drafted forbearance agreements on behalf of secured lenders
- Objected to the adequacy of debtors' disclosure statements in order to force the debtor to provide additional information concerning the treatment of creditors' claims
- Objected to confirmation of debtors' plans of reorganization to ensure fair and equitable treatment and maximize creditor's distribution
- Advised insurer concerning insured's assumption of liabilities following stock acquisition and represented insurer at mediation, culminating in successful settlement
- Successfully moved to extend insurance neutrality to insurer and negotiated terms of insurance neutrality stipulation
- Advised client concerning debtor's ability to avoid pre-bankruptcy insurance settlement as fraudulent conveyance
- Moved to withdraw the reference from the Bankruptcy Court to permit insurance coverage litigation to proceed in District Court
- Advised debtors regarding directors' and officers' liability under Pennsylvania Wage Payment and Collection Law (WPCL) and prosecuted adversary proceedings to enjoin WPCL litigation brought by former employees

### **Recognition & Involvement**

Amy was recently selected by her peers for inclusion in *The Best Lawyers in America* 2021 list in the practice areas of Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation - Bankruptcy.

### **In the News**

Best Lawyers® Recognizes 43 White and Williams Lawyers  
August 20, 2020

Lawdragon Recognizes Amy Vulpio as Leading US Bankruptcy and Restructuring Lawyer  
July 31, 2020

13th Annual Coverage College Hosts Over 400 Insurance Professionals  
November 1, 2019

White and Williams Hosts 2018 IWIRC Leadership Summit  
July 27, 2018

White and Williams Sponsors the Eastern District of Pennsylvania Bankruptcy Conference  
*Convene at the Cira Center (Philadelphia, PA) | January 18, 2018*

White and Williams Elects Four Lawyers to Partnership, Promotes Six Associates to Counsel  
January 6, 2017

Coverage College Celebrates Its 10th Anniversary  
September 22, 2016

Gary Biehn Presents Company of the Year Award at World Trade Centers Day Awards and Celebration  
May 10, 2016

Coverage College® 2014 Brings Over 600 Students Together for Eighth Annual Insurance Industry Event  
October 3, 2014

Two Business Lawyers Serve on Committee for Annual Bankruptcy Conference  
January 20, 2012

## **Events**

Buyer Beware: Issues and Strategies for Addressing Dangers in Acquiring Financially Distressed Companies  
Webinar | November 12, 2020 | 2:00 PM - 3:00 PM EST

Getting Ahead of the Tidal Wave: Bankruptcy Basics and Pre-Bankruptcy Risk Mitigation Strategies  
Webinar | June 24, 2020 | 2:00 PM - 3:00 PM

Bankruptcy 101: What Every Claims Professional Needs to Know About Bankruptcy  
Webinar | December 10, 2019

Coverage College 2019  
October 24, 2019

Pennsylvania Bar Institute 24th Annual Bankruptcy Institute  
PBI Bankruptcy Institute | September 25, 2019

UCC Article 9 and Title 11 U.S.C.  
PBI Annual Bankruptcy Institute (Philadelphia, PA) | October 24, 2018

Is Your Chapter 11 Sale Really "Free and Clear"?  
PBI Annual Bankruptcy Institute (Philadelphia, PA) | October 26, 2017

Wave of Energy Bankruptcies Floods Insurers with Insolvency Issues  
White and Williams Coverage College | September 22, 2016

Garlock Sealing Technologies, Asbestos Trust Transparency And Other Recent Developments Affecting Insurers In The Bankruptcy System  
White and Williams Coverage College | October 2, 2014

Top Commercial Cases of the Year  
Pennsylvania Bar Institute 18th Annual Bankruptcy Institute | October 17, 2013

Eastern District of Pennsylvania Bankruptcy Conference's Great Debate  
November 28, 2012

Today's Fast-Paced Bankruptcy: Don't Blink You Might Miss It  
White and Williams Coverage College | October 4, 2012

Amy Vulpio Serves as Panelist and Discusses Non-Recourse Carve Outs  
Eastern District of Pennsylvania Bankruptcy Conference Spring Program | June 7, 2012

White and Williams LLP and NAWBO presented "Legal Essentials for Small Business Owners"  
Philadelphia, PA | January 27, 2010

## **Publications**

Key Takeaways From "Buyer Beware: Issues and Strategies for Addressing Dangers in Acquiring Financially Distressed Companies"  
November 2020

What Middle Market Lenders Need to Know about Subchapter V  
*Journal of Corporate Renewal* | October 2020

Hidden Costs in Bargain Acquisitions of Businesses: Exposure to Fraudulent Transfer Claims  
*Commercial Litigation Alert* | August 18, 2020

Recipe for Survival: What Restaurants Should "Takeaway" From Recent Retail Bankruptcies  
*Financial Restructuring and Bankruptcy Alert* | May 6, 2020

New Subchapter V May be the Bankruptcy Lifeline Small Businesses Need to Survive COVID-19  
*Financial Restructuring and Bankruptcy Alert* | March 23, 2020 (Updated April 15, 2020)

Garlock Five Years Later: Recent Decisions Illustrate Ongoing Obstacles to Asbestos Trust Transparency  
*The Complex Insurance Coverage Reporter* | July 18, 2019

Jevic: Structured Dismissals Must Respect Creditor Priority, but Survive Supreme Court Scrutiny (For Now)  
*Financial Restructuring and Bankruptcy Alert* | April 14, 2017

Residential Mortgage Lenders and Servicers Beware of Changes to Rule 3002.1  
*Financial Restructuring and Bankruptcy Alert* | November 30, 2016

Flipping Through The New Bankruptcy Forms  
*Law360* | December 2, 2015

Form Reform: Major Bankruptcy Form Overhaul Takes Effect December 1, 2015  
*Financial Restructuring and Bankruptcy Alert* | December 1, 2015

New Jersey Superior Court Sides with Insurers in Dispute Concerning Assignability of Policies  
*Financial Restructuring Alert* | October 10, 2014

A Majestic Departure: The Third Circuit Narrows Interpretation Of “Property Of The Estate” Based On Debtor’s Lack Of Control  
*Financial Restructuring and Bankruptcy Alert* | August 21, 2013

### **Cases & Deals**

White and Williams Secures Summary Judgment in Involuntary Bankruptcy Dispute  
August 29, 2019

White and Williams LLP Helps Land 100% Recovery for Unsecured Creditors of Phoenix Payment Systems, Inc.  
March 17, 2015