



JARRET P. HITCHINGS

Partner

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BIOGRAPHY

Jarret P. Hitchings is a member of the firm's Corporate and Finance Transactions Department, with expertise in restructuring, insolvency and special situations. In particular, Jarret's practice focuses on distressed asset and bankruptcy litigation, including federal bankruptcy and state court liquidation proceedings.

Jarret is active in matters across the country and internationally on behalf of debtors, creditors, fiduciaries, and foreign representatives in the United States. He has significant experience practicing in the country's principal business courts, including the United States Bankruptcy Courts for the District of Delaware and the Delaware Court of Chancery.

In addition to his litigation practice, Jarret regularly advises companies facing financial distress. He also counsels directors, officers, and other controlling parties with respect to fiduciary obligations in

insolvency scenarios. Jarret has particular experience in cross-board situations, advising foreign directors and officers on US bankruptcy and fiduciary duty proceedings.

PROFESSIONAL AFFILIATIONS

- American Bankruptcy Institute, Co-Chair for the Emerging Industries and Technology Committee
- INSOL International, Member
- International Insolvency Institute, NextGen Leadership Program (Member, Class X)
- Delaware State Bar Association, Litigation and Bankruptcy Sections

ADMISSIONS

- North Carolina, 2023

Pennsylvania, 2011

Delaware, 2011

EDUCATION

Villanova University, J.D., magna cum laude, Order of the Coif, 2010

Pennsylvania State University, B.A., 2007

RELATED PRACTICE AREAS

- Restructuring & Insolvency/Special Situations
- Finance
- Healthcare & Life Sciences
- Distressed Real Estate
- Financial Institutions

EXPERIENCE

- Lead bankruptcy litigation counsel to U.S. subsidiaries of multinational industrial engineering and construction firm in their chapter 11 cases, achieving approval of significant asset sales in support of global divestment.
- General bankruptcy and restructuring counsel to two major development projects in Los Angeles, each pursuing sales through chapter 11 bankruptcy.
- Lead bankruptcy transaction counsel to tech-focused healthcare company in connection with asset acquisition through section 363 sale.
- Lead bankruptcy counsel to consumer subscription-services company responsible for winding up bankruptcy estates.
- Lead counsel to real estate lender trusts pursuing collateral remedies and enforcement in borrower bankruptcies.
- Litigation counsel to secured lender and special loan servicer in connection with state law commercial loan default and foreclosure litigation before the Delaware Superior Court.
- Bankruptcy litigation counsel to secured lender in connection with the chapter 11 litigation, reorganization and refinancing of significant theme-park area hotel property.
- Lead US bankruptcy counsel to the foreign representatives and joint administrators of a Guernsey holding company in connection with chapter 15 recognition proceedings in the United States.
- Lead U.S. counsel to assignee in an assignment-for-the-benefit-of-creditors of Irish e-learning enterprise, winning approval of successful sale transaction and managing related litigation before the Delaware Chancery Court.
- Litigation counsel to Spanish pharmaceutical company in fiduciary duty and books-and-records litigation against American portfolio company in the Delaware Chancery Court.
- U.S. bankruptcy counsel to the foreign representatives and joint official liquidators for Cayman Island hedge fund in connection with the case administration and wind-down of chapter 15 cases for feeder-fund affiliates.
- Delaware counsel to the official committee of unsecured creditors of an international metals recycling company in connection with the company's successful chapter 11 restructuring.

RESOURCES

PUBLICATIONS

- Quoted, "[Bankruptcy Cases And Trends To Watch In 2023](#)," *Law360*, January 2, 2023
- Author, "In re Kidbox.com': The 1-2-3's of Obtaining Stay Relief in ABCs," *Delaware Business Court Insider*, June 15, 2022
- Co-author, "Proceed with Caution: Chapter 15 at the Intersection of the CSA and Bankruptcy Code," Turnaround Management Association Journal of Corporate Renewal, November 2021
- Quoted, "Proposed Federal Bankruptcy Venue Restriction Could Be a Blow for Delaware," *Delaware Business Court Insider*, June 30, 2021
- Author, "Is Chapter 15 Available to a Cannabis MSO? In the Face of Uncertainty, Tread Lightly," *INSOL World*, 2nd Quarter 2021
- Author, "Chancery Considers Measure of Damages in Case Involving Cancer Therapeutics Company," *Delaware Business Court Insider*, June 16, 2021
- Quoted, "Suit Over Brooks Brothers Sale Shows Chap. 11's Shadow," *Women's Wear Daily*, May 21, 2021
- Co-author, "Rejection of FERC-Regulated Agreements: Is *In re Ultra Petroleum* the Last Word?" *American Bankruptcy Institute Journal*, February 2021
- Author, "Chancery's Narrow Construction of Forum Selection Clause Preserves Venue of Fiduciary Duty Litigation in Del.," *Delaware Business Court Insider*, June 24, 2020
- Co-author, "Sympathy for the Debtor? Not When It Comes to Student Loans," *Law.com*, November 14, 2019
- Author, "Don't Be a Maverick: Chancery Reinforces Limits on Attorney-Client Privilege," *Delaware Business Court Insider*, August 21, 2019
- Co-author, "Limitations on the Utility of Testimony Elicited During a Section 341 Meeting," *The Legal Intelligencer*, May 23, 2019
- Co-author, "Approval of Fee Defense Provisions in Retention Agreements Post-'ASARCO'," *The Legal Intelligencer*, February 15, 2018
- Co-author, "Court: Debt to Paramour Obtained by Fraud Partially Nondischargeable," *The Legal Intelligencer*, October 6, 2017

- Co-author, "One Contract, Indivisible, With Defenses and 'Kiwi' for All," *The Legal Intelligencer*, July 3, 2017
- Co-author, "Pssst, Can You Keep a Secret? Unperfected 'Secret' Liens as a Preference Defense," *American Bankruptcy Institute Journal*, June 2017
- Author, "Colleges Should Note A New Trend Among Bankruptcy Trustees," *Law360*, October 12, 2016
- Co-author, "A Tale of Two States: Puerto Rico and Chapter 9," *The Legal Intelligencer*, June 30, 2016

SPEAKING ENGAGEMENTS

- Panelist, North Carolina Bar Association's Bankruptcy Section, *Hot Topics in Bankruptcy* (November 2022)
- Panelist, *Around the World: Updates on Amendments to Insolvency Regulations and Their Significance*, International Insolvency Institute Annual Meeting (September, 2022)
- Panelist, *The Basics of Blockchain and its Effects on Your Next Restructure*, *American Bankruptcy Institute*, Annual Spring Meeting (April 2022)
- Panelist, *Beyond the Surface of Venue: Real World Bankruptcy Practice in 2018*, National Conference of Bankruptcy Judges, Annual Meeting (October 2018)

RELATED INSIGHTS

Events

May 23, 2023

Lawyers present at Charlotte in-house CLE Institute

News

Jan 09, 2023

Lawyer quoted in 'Law360' on anticipated 2023 crypto insolvency trends

News

Sep 13, 2022

BCLP lawyer presents at annual conference of International Insolvency Institute