

Erich N. Durlacher

Atlanta Office Managing Partner

Atlanta, GA
(404) 685-4313
edurlacher@burr.com



Erich serves as the Atlanta Office Managing Partner while practicing in the firm's Creditors' Rights and Bankruptcy and Lending Practice Groups. Erich represents clients in the resolution of complex commercial issues, the restructuring of performing and distressed credit facilities and swap agreements, and the maximization of debt and collateral recovery. Erich regularly advises financial institutions on structuring intercreditor agreements.

Erich has extensive experience representing companies, financial institutions, and other capital sources in debt restructurings, workouts, and forbearance agreements; the prosecution of receivership and other judicial actions to protect, preserve, and recover collateral; and Chapter 11 bankruptcy cases. Erich routinely represents the Chapter 11 asset purchasers in negotiating and structuring all stages of a 363 sale transaction from LOI through closing.

Erich has experience with the following kinds of lending/borrowing transactions: accounts receivable and inventory finance; cash flow finance; mezzanine finance; health care finance; equipment finance; letters of credit finance; real estate finance; loan syndications and participations; workouts, restructurings and forbearance arrangements; secured party sales; debtor-in-possession finance; and loan purchases and sales.

Erich is a member of the Firm's Electronic Transactions Group and the UCC Emerging Tech Task Force. He advises secured lenders, financial institutions, and other businesses in the structuring, collateralization, and enforcement of electronic contracts, smart contracts, and related digital assets and rights.

Experience

- Lead counsel in the successful reorganization of the nation's largest chain of Christian bookstores, with over 260 retail

PARALEGAL/ASSISTANT

Legal Practice Assistant

Billie J. Robinson
(404) 580-3318
brobinson@burr.com

CAPABILITIES

Creditors' Rights and Bankruptcy

Financial Institutions

Workouts, Restructurings, &
Enforcement

Debtor in Possession Financing

Section 363 Sales

Avoidance Actions

Bankruptcy Litigation

Lender Liability

Receiverships

Commercial & Corporate Finance

Commercial Real Estate Finance

Multifamily Housing

EDUCATION

J.D., Tulane University Law School
cum laude

B.A., Hampden-Sydney College

Certificate in Leadership in Law
Firms, Harvard Law School Executive
Education

Certificate in Sector Leadership
Master Class, Harvard Law School
Executive Education

Erich N. Durlacher

locations and annual revenues in excess of \$200 million.

- Represented the 363 stalking horse bidder and purchaser in the acquisition of substantially all of the assets of an international manufacturer of high quality fasteners and tack buttons.
- Represented secured lender in participation negotiations and workout involving over \$5M of debt secured by residential townhome units and raw land.
- Represented secured lender with a claim in excess of \$10M in a Chapter 7 case involving a Ponzi scheme with over \$100M of alleged fraud claims.
- Represented secured lender in loan workout and civil RICO litigation involving real estate loans in excess of \$15M to an operator of truck plazas and service stations in south Georgia.
- Represented secured lender in loan workout and restructuring of credit facilities in excess of \$35M to a Southeastern multifamily and residential subdivision developer and property manager.
- Represented secured lender in the loan workout, restructuring, and subsequent litigation involving in excess of \$29M in related real estate loans to a Southeastern residential subdivision developer.
- Represented secured lender in the loan workout and restructuring of approximately \$40M in related real estate loans to a Southeastern residential subdivision developer.
- Represented secured lender in loan workout, restructuring, and subsequent Chapter 11 case involving three loans in excess of \$19M secured by assisted living facilities in the Southeast.
- Represented secured creditor in a Chapter 11 case involving loans in excess of \$12M to a Southeastern residential subdivision and townhome developer.
- Represented secured creditor in a Chapter 7 case involving the recovery and subsequent sale and disposition of helicopter collateral worth approximately \$1.5M.
- Represented the 363 sale purchaser in the acquisition of substantially all of the assets of a manufacturer of file folders, envelope, and related paper products.
- Represented secured creditor in loan workout and subsequent liquidation of a specialty construction business with loans in excess of \$10M.
- Represented the secured lender in the successful reorganization of Chapter 11 case of an OEM automotive supplier.

LICENSED IN

Georgia

Louisiana

ADMITTED IN

State Courts of Georgia

Louisiana State Courts

U.S. District Court & Bankruptcy Court - Northern District of Georgia

U.S. District Court & Bankruptcy Court - Middle District of Georgia

U.S. District Court & Bankruptcy Court - Eastern District of Louisiana

U.S. District Court & Bankruptcy Court - Middle District of Louisiana

U.S. District Court & Bankruptcy Court - Western District of Louisiana

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Eleventh Circuit

Erich N. Durlacher

- Represented lead bank in the workout, restructuring, and subsequent litigation involving loan participations exceeding \$50M to regional community banks.
- Represented secured lender in the loan workout and restructuring of loans in excess of \$15M to the manufacturer of luxury yachts.
- Represented the secured lender in the foreclosure and subsequent litigation of multi-million dollar loans to a transportation logistics company.
- Represented secured lender in a lien priority dispute with a general contractor involving a loan in excess of \$20M.
- Representation of national and regional banks in multiple foreclosures sales, confirmation actions, and receivership actions.
- Represented secured lender in a loan workout and collateral disposition involving over \$5M of debt secured by the leasing portfolio assets of a distressed finance company.
- Represented a leading bank holding company as one of the three largest participants in a \$50 million syndicated loan group in the Chapter 11 bankruptcy cases of a fast-food restaurant chain and its 182 quick-service restaurants (QSRs). He also advised the bank holding company in the Chapter 11 bankruptcy case of a minority-owned restaurant franchisee with 20 to 30 QSRs in South Carolina.
- Represented a leading financial institution on the successful secured party sale of the assets of a distressed IT services provider and an out-of-court restructuring that avoided borrower bankruptcy and resulted in a substantial repayment of bank debt.
- Represented a global financial services company, the agent and largest participant, in a \$50 million pre-petition loan syndicate and \$85 million post-petition loan facility, in the successful 363 asset sale of a finished vehicles (new and used) logistics business.
- Represented a leading France-based high growth start-up specializing in remote diagnostic technologies and its subsidiary on the strategic and successful acquisition of a competitor's assets in a contested Chapter 11 363 auction sale process.
- Represented leading commercial landlords, based in Tennessee, in the Chapter 11 sale of a quick-service restaurant (QSR) franchise location to the corporate parent.
- Represented a leading placement agency for physicians, CRNAs, physician assistants, nurse practitioners, and psychologists at healthcare facilities across the US in the Chapter 9 municipal bankruptcy case of the Tulare Local Healthcare District in California.
- Represented a leading regional bank on the negotiated restructuring of a healthcare company's credit facility in anticipation of a Chapter 11 bankruptcy filing and ultimate repayment in full of the bank debt, together with fees.
- Represented a regional bank in a \$10,000,000 revolving loan and term loan facility secured by all assets for a leading electrical contractor in the renewable energy, utility, and industrial construction sector.
- Represented a regional bank in an increased revolving loan and term loan facility (\$6,000,000) secured by all assets for a private equity sponsor-owned metal stamping and fabrication company.
- Represented a regional bank in a \$10,000,000 secured revolving loan facility in the healthcare industry.

Erich N. Durlacher

- Represented a home health care company, as borrower, for a restructured and increased, all asset secured, revolving credit facility and multi-draw acquisition term loans.

Honors & Recognition

- Listed in *The Best Lawyers in America*® Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law since 2021, Litigation-Bankruptcy since 2023
- Named, *Lawdragon* 500 Leading U.S. Bankruptcy and Restructuring Lawyers (2022-2023)
- Named, *Chambers USA*, Bankruptcy/Restructuring (2009-2023)
- Benchmark Litigation "Future Star" (2016-2018, 2021, 2023)
- *Georgia Super Lawyers*, Bankruptcy & Creditor/Debtor Rights (2014-2018)
- *Georgia Super Lawyers*, "Rising Star," Bankruptcy & Creditor/Debtor Rights (2005, 2009-2011)
- *Atlanta Business Chronicle*, Who's Who in Law & Accounting (2016)
- *Georgia Trend*, "Legal Elite" (2012)
- *Atlanta Magazine's* "Georgia Rising Stars" (2009-2011)
- Martindale-Hubbell AV Preeminent® Peer Review Rating

News

- Burr & Forman's Atlanta Office Moves to 1075 Peachtree
Firm News, 11.13.2023
- 9 Burr & Forman Partners Have Been Recognized by *Benchmark Litigation*
Firm News, 10.06.2023
- Best Lawyers® 2024 Honors 242 Burr Attorneys, Including 17 "Lawyers of the Year"
Firm News, 08.17.2023
- Seven Burr Attorneys Named to *Lawdragon's* 2023 List of Leading Bankruptcy & Restructuring Lawyers
Firm News, 06.29.2023
- 61 Burr & Forman Attorneys Ranked in 2023 *Chambers USA*
Firm News, 06.01.2023

Speaking Engagements

- Erich Durlacher to discuss "The Shootout at the OK Corral: Insolvency Litigation Targeting D&O's and Lenders" at the TMA Atlanta Chapter Dinner Panel
Speaking Engagement, 09.21.2023
- Presenter, "How to Prepare Your Business for an Economic Downturn" at Burr & Forman's In-House Counsel Summit
Speaking Engagement, 09.30.2022
- Panelist, "Lenders and D&O's in the Cross Hairs of High-Stakes Bankruptcy and Insolvency Litigation" at the TMA Southeast Regional Conference

Erich N. Durlacher

Speaking Engagement, 08.23.2022

- Moderator, "Investing in Colombia: Nearshoring & Economic Incentives in the Manufacturing, Technology, Infrastructure, and Energy Industries"
Speaking Engagement, 04.21.2021
- TMA Panelist, "When the Money Train Ends - Deals and Steals Post PPP Stimulus," 2021 Distressed Investing Conference
Speaking Engagement, 02.23.2021

Articles

- Erich Durlacher Details Economic Downturn Considerations for Financial Institutions in Bankruptcy Strategist
Article, 11.03.2022
- *You Can Come In, But You Can't Stay* - Judge Grossman Dismisses Debtor's Case for Re-designating Under the SBRA After Deadlines Have Passed. *Seven Stars on the Hudson Corp.*, Case No. 19-17544-SMG, (Bankr. S.D. Fla. Aug. 7, 2020).
Articles / Publications, 08.20.2020
- Georgia Legislature Passes COVID-19 Liability Shield in Big Win for Georgia Businesses
Articles / Publications, 08.12.2020
- Are You Down with PPP? Not if You're a DIP: SBA Seeks to Exclude Debtors in Bankruptcy Proceedings from Receiving PPP Loans.
Articles / Publications, 05.05.2020
- Trump Signs Bankruptcy Bills Providing Economic Relief for Small Businesses, National Guard, Veterans, and Family Farmers
Articles / Publications, 08.26.2019

Civic Activities

- Georgia Chamber of Commerce, Board of Directors
- HomeStretch, Budget Mentor
- Neighborhood HOA, Secretary

Professional Activities

- American Bankruptcy Institute
- Turnaround Management Association
- Secured Finance Network
- State Bar of Georgia
- State Bar of Louisiana

Erich N. Durlacher

- American Bar Association