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Eric Fromme is an experienced litigator and counselor who advises domestic and international clients facing high-stakes challenges. He also assists private equity funds, hedge funds and other strategic buyers in developing opportunities in the distressed debt arena. A substantial portion of his practice also involves advising boards of directors on corporate governance and fiduciary duty issues and litigation arising therefrom.

Eric has advised clients on, and litigated at the trial and appellate levels, the significant legal issues that arise in today's business climate, ranging from the need to delever a client's balance sheet to defending "bet the company" litigation.

Representative Matters

Some of Eric's more notable matters over the past few years include the following:

Traffic Control and Safety Corporation Mr. Fromme represented Fifth Street Finance Corp., a lender, equity owner, and litigation defendant. He engineered Fifth Street's acquisition of TCSC's assets and led the successful negotiation for a global settlement of all claims, which included state and federal equitable subordination claims against his client.

Evergreen Holdings, Inc. Mr. Fromme represented a parent guarantor and succeeded in obtaining the release of all guaranty claims against his client.

Delta Petroleum Corporation Mr. Fromme represented a group of executive and non-executive employees facing challenges to their contractual rights. He ultimately negotiated a settlement pursuant to which his clients received substantial recoveries.

Ritchie Construction Mr. Fromme represented a construction company and oversaw a process by which value was maximized and the claims against Mr. Fromme's clients were paid substantially in full.

Miralink Corporation. Mr. Fromme assisted his client in selling its intellectual property portfolio and satisfying substantial claims against his client.

Affiliated Media, Inc., the second largest newspaper company in the United States. Mr. Fromme handled a complex transaction which resulted in his client successfully delevering its balance sheet.

Kenner & Company, a private equity fund. Mr. Fromme represented this existing equity holder in maintaining ownership of Atrium Corporation, a window and patio door manufacturer, by negotiating a deal in which his client partnered with a new source of capital and defeated the claims of certain trade creditors.

Scotia Pacific Company, LLC, a redwood timber company. Mr. Fromme represented Scotia Pacific in highly contentious litigation with bondholders holding over \$800 million of claims against it, and in resolving thorny corporate governance and fiduciary issues.

Almatis, a European-based alumina company. Mr. Fromme worked with a cross-border team of advisors to develop a plan to restructure Almatis' balance sheet. Implementing the strategy involved litigation in the United States and in a specialized Dutch court of equity.

Nortel Networks Inc.: Mr. Fromme represented a private equity firm in its attempted acquisition of Nortel's enterprise solutions business, which had operations in the United States, Canada, Europe, the Middle East and Africa.

Lehman Brothers, Inc., a global financial services firm. Mr. Fromme represented the SIPC Trustee relating to cross-border issues in the liquidation of Lehman Brothers.

Hoop Holdings, LLC and its subsidiaries, former operators of several hundred Disney Stores in the United States and Canada. Mr. Fromme led a team of advisors working with Hoop to negotiate with its licensor and to deal with difficult corporate governance issues.

James Hardie Industries Ltd., an international industrial building materials company. Mr. Fromme represented James Hardie in matters relating to potential liability due to exposure to asbestos products, and in entering into a 40-year Funding Agreement to compensate asbestos claimants in Australia.

APPELLATE DECISIONS

In re Scotia Pacific Co., LLC, 508 F.3d 214 (5th Cir. 2007) (holding, among other things, company conducted "substantial business" other than operation of the real estate and thus did not qualify as a single asset real estate company).

ARTICLES

Los Angeles Lawyer: Singled Out - Chapter 11 Provides Only Temporary Respite to an Entity in a Single Asset Real Estate Bankruptcy

Los Angeles Daily Journal: Stern v. Marshall Bankruptcy Case: Bombshell or Dud? (Part I and II)

Los Angeles Daily Journal: Reorganization For One: Chapter 11 for High Net Worth Individuals



American Bankruptcy Institute Journal: Feeling Inadequate? What's Enough, and When Must a Debtor Pay It?

Daily Bankruptcy Review: The European Travelers Guide to Chapter 11

Publications

A Bankruptcy Attorney's Top Five Tips for Businesses Facing Covid-19 Challenges

News

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Lolli and Pops Unlocks \$3 Million to Keep Stores Open

Eric J. Fromme Joins Theodora Oringher PC

Practice Areas

Business and Commercial Litigation

Healthcare

Construction

Appellate

Bankruptcy, Restructuring and Creditors' Rights

Corporate Governance

Intellectual Property Litigation

Labor and Employment

Real Estate Litigation

Antitrust, Trade Secrets and Unfair Competition

Admissions

Bar Admissions

State Bar of California

U.S. Supreme Court

U.S. Court of Appeals for the Ninth Circuit

U.S. District Courts for the Central, Eastern, Northern and Southern Districts of California

Education

Santa Clara University School of Law (J.D.)

cum laude



**THEODORA
ORINGHER**
COUNSELORS AT LAW

ERIC J. FROMME, Senior Attorney

University of California, Berkeley (B.A.)

Professional Recognition

Best Lawyers in America[©] 2013-2021

Speaking Engagements

Being Secured Ain't What It Used To Be

Negotiating the Terms of the Purchase and Sale

Complex Financial Restructuring Program

Recent Hot Plan Confirmation Issues

What Bankruptcy Lawyers Need to Know About New Requirements for Drafting

Disclosure Statements in 2011

Single Asset Real Estate Status: Slippery Slope to the Fast Track