



Frank A. Monaco, Jr.

Profile

A certified business bankruptcy attorney with 30 years of experience, Frank Monaco's practice consists largely of representing debtors, creditor committees, individual creditors and other interest holders, including secured lenders, indenture trustees, government agencies, trade creditors, equipment lessors, landlords, asset purchasers, bondholders and stockholders. His bankruptcy experience covers all matters of litigation and transactions, including involuntary petitions, avoidance actions, relief from stay proceedings, trustee motions, sale and purchase of assets, executory contracts and lease issues, post-petition financing, disclosure statements, plan confirmations and representing liquidating trustees and plan administrators in the wind-down of estates. Frank Monaco has been a Chapter 11 Trustee and a liquidating trustee. He has been a frequent speaker at bankruptcy seminars and conferences.

In addition, Frank is certified mediator and serves as an arbitrator in business disputes and bankruptcy cases. He has a proven success rate in reaching settlement in both consensual and court-appointed mediations. Frank has mediated more than 50 cases in Delaware. He has served as an arbitrator in numerous Delaware Superior Court cases.

Frank Monaco regularly represents clients in commercial litigation disputes in the Chancery, District and Superior Courts of Delaware. Examples of recent commercial litigation cases he has handled in Delaware include:

Chancery Court

- Bayer CropScience, LP vs. E.I. DuPont Company
- Scion Energy Partners, LLC/Scion Capital Partners, LLC
- Peter Maltby v. Security Networks, LLC

District Court

- Dennis Buckley, Trustee of DVI Liquidating Trust vs. O'Hanlon

Superior Court

- Steve Anderson/Arthur John's Fine Rugs, LLC v. BPG Properties, LLC
- Health Solutions Network v. Grigorov

Illustrative Representations

- State of Montana and Her Majesty the Queen in Right of Canada in the W.R. Grace Asbestos Case
- U.S. Bank National Association as indenture trustee in numerous cases including the Insilco, FLYi, Inc. and Scott Cable cases
- Bank of New York in the Finova Group, Inc.

Areas of Practice

Bankruptcy and
Creditors' Rights /
Mediation

Contact Information

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- Marathon Oil in the Pacific Energy cases
- ConocoPhillips in the SemCrude cases
- Wells Fargo/Wachovia Bank as secured lenders in the Anchor Blue, Hub Holdings and WCI Homes committees
- Gateway, Inc. as a secured creditor in the MPC case
- Law Debenture Trust Company of New York as indenture trustee in connection with the Kaiser Aluminum, Majestic Star Casino and American Business Financial Services cases
- Westernbank Puerto Rico in the Inyx and as secured lender in the Nutritional Sourcing case
- Transamerica in connection with the SantaFeMineral case.
- Rural Telephone Finance Cooperative in connection with an involuntary petition of Innovative Communication Corporation and Jeffrey Prosser and Emerging Communications, Inc. in the Virgin Islands
- Fluor Enterprises Inc. in connection with the Orion Refining and Pillowtex Corporation cases. He was involved in a decision in favor of Fluor Enterprises, Inc. in the Orion Refinery case which resulted in a \$21 million dollar judgment in the client's favor
- Greatbanc as administrator of the ESOP in the Tribune cases

Numerous Committee Representations, including the following:

- Official Committee of Unsecured Creditors in Owens Corning (special counsel)
- Official Committee of Unsecured Creditors in Sleepmaster
- Official Committee of Unsecured Creditors in Classic Communications
- Official Committee of Unsecured Creditors in Ameriserve Food
- Official Committee of Unsecured Creditors in DVI, Inc.
- Official Committee of Unsecured Creditors in SGP
- Official Committee of Unsecured Creditors in MCMS
- Official Committee of Unsecured Creditors in Holliston Mills
- Official Committee of Unsecured Creditors in MMC
- Official Committee of Unsecured Creditors in Razor Technologies
- Official Committee of Unsecured Creditors in Blitz
- Official Committee of Unsecured Creditors in Allen Family Foods

Debtor Representation

- Counsel to the Debtors in the American Classic Voyages Co. case
- Counsel to the Debtors in the Global Capacity case
- Counsel to the Debtors in the Vermillion case

Involvement in the following major bankruptcy cases:

- Columbia Gas Systems
- Continental Airlines
- Loewen Group International
- Marvel Entertainment

- Safety-Kleen
- W.R. Grace
- Federal Mogul
- Kaiser Aluminum
- IT Group
- Mariner Health
- Stone & Webster
- AHM
- Tribune
- Smurfit-Stone

Professional Activities

Certified mediator.

Member of the Bars of Delaware and Pennsylvania, American Bar Association and American Bankruptcy Institute; Member of the Board of Directors, American Bankruptcy Institute (ABI), Former Member of the Board of Directors, American Board of Certification; Co-Chair for the Mid-Atlantic ABI Bankruptcy Conference; Former Co-Chair of the ABI Fraud Task Force; Nomination Committee of the Delaware State Bar Association – Bankruptcy Section, Member of Delaware Inns of Court; Faculty of the ABI Bankruptcy Litigation Skills Symposium.

Admitted to the bar: 1981, Delaware; 1982, Pennsylvania. Admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Third Circuit, U.S. District Court for the District of Delaware and U.S. Tax Court.

Education

B.A., with high honors, 1978, University of Delaware.

J.D., 1981, Villanova University School of Law.

Prior Legal Experience

Partner and head of bankruptcy department, 1987-2007 of Monzack and Monaco, P.A., Wilmington, DE.