



Scott Cargill

Of Counsel

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Scott has a wealth of experience navigating complex insolvency issues and has been involved in some of the largest corporate restructuring cases in the country. He has represented the interests of creditors' committees, investor groups, financial institutions, and debtors in numerous restructuring and insolvency proceedings in bankruptcy courts. Scott has advised clients on complex issues, including the auction and sale of debtor assets, setoff rights, preference and fraudulent transfer liability issues, substantive consolidation, and employee retention programs. He has also represented parties in connection with negotiations over the purchase and sale of claims in insolvency proceedings.

Most recently, Scott represented customers and creditors in the multibillion-dollar liquidations of Lehman Brothers and MF Global, which involved novel and complex issues concerning the intersection between bankruptcy law applicable in Chapter 11 cases and the law governing the liquidation of business entities under the Securities Investor Protection Act of 1970 (SIPA).

Scott has lectured on numerous bankruptcy- and insolvency-related issues for industry credit groups and professional organizations across the country, discussing topics including trends in Chapter 11 cases, preference liability issues, litigation tactics in insolvency proceedings, the intersection between the Bankruptcy Code and the Uniform Commercial Code, and obligations relating to service on creditors' committees. He is a frequent contributor to periodicals published by the National Association of Credit Management and the American Bankruptcy Institute on topics ranging from the "safe harbor" provisions of the Bankruptcy Code to emerging issues concerning the purchase and sale of bankruptcy claims.

EXPERIENCE

- > Represented creditor and customer interests in the liquidations of Lehman Brothers and MF Global.
- > Advised a financial institution on the enforceability of customer contract provisions in the event its customer files for bankruptcy protection.
- > Counseled investment funds on the purchase and sale of claims in Chapter 11 and SIPA cases.
- > Represented investment funds concerning their rights and obligations under derivatives contracts upon the insolvency of a counterparty.

Published Opinions

- > *In re G-I HOLDINGS, INC. f/k/a GAF Corporation*, 327 B.R. 730, 45 (Bankr.D.N.J. 2005).

NEWS & INSIGHTS

Publications

- > February 2021
"A Primer on Selling Bankruptcy Trade Claims," *Business Credit*
Bruce S. Nathan, Scott Cargill
- > October 2020
"Critical-Vendor Status: An Additional Preference Defense?," *ABI Journal*
Bruce S. Nathan, Scott Cargill, John P. Schneider
- > 1Q 2020
"Consignment Done Right: Perfect and Notify for Enforceable Rights in Bankruptcy," *The Credit & Financial Management Review (The Credit Research Foundation)*
Bruce S. Nathan, Scott Cargill, John P. Schneider
- > 1Q 2019
"Paid New Value Does Not Count as a Preference Defense – The Last Frontier," *CRF News*
Bruce S. Nathan, Scott Cargill

- > March 2019
"Trade Creditor's Risk-Mitigation Tools and Remedies Manual," *American Bankruptcy Institute*
 Bruce S. Nathan, Scott Cargill, Eric Chafetz, Lowell A. Citron, Theodore C. Sica, Marc S. Kurzweil
- > October 2018
"Rethinking Reclamation as a Trade Creditor Remedy," *American Bankruptcy Institute Journal*
 Bruce S. Nathan, Scott Cargill
- > December 2017
"Third Circuit Applies Plain Meaning to "Receipt" Under §503(b)(9)," *American Bankruptcy Institute Journal*
 Bruce S. Nathan, Scott Cargill
- > February 10, 2017
"Another Court Rules Electricity is a 'Good' Entitled to Bankruptcy Code Priority," *NACM eNews*
 Bruce S. Nathan, Scott Cargill
- > October 2016
"Purchasing Claims Free and Clear of a Debtor's Defenses," *American Bankruptcy Institute Journal*
 Bruce S. Nathan, Scott Cargill
- > March/April 2016
"Spotting the Sinking Ships," *The Financial Manager*
 Bruce S. Nathan, Kenneth A. Rosen, Scott Cargill
- > October 2015
"Debtor Setoff Rights Can Endanger Recoveries on § 503(b)(9) Claims," *American Bankruptcy Institute Journal*
 Scott Cargill
- > July/August 2015
"Section 503(b)(9) Priority Claims Under Attack," *Business Credit*
 Scott Cargill
- > October 2014
"Limits on Foreign Goods Sellers' § 503(b)(9) Priority Rights," *American Bankruptcy Institute Journal*
 Scott Cargill

In the Media

- > December 23, 2020
 Lowenstein's representation of the Official Committee of Unsecured Creditors of **NORPAC Foods, Inc.**, in the confirmation of the company's Plan of Liquidation is noted in the **Global Legal Chronicle**. The plan is the product of a Chapter 11 case that saw the successful liquidation of all of NORPAC's operations, inventory, real estate, and equipment. Lowenstein served as counsel to the Unsecured Creditors Committee in NORPAC's Chapter 11 case and continues to represent the post-effective date Committee. The Lowenstein team is led by **Bruce S. Nathan, Jeffrey D. Prol, Scott Cargill,** and **John P. Schneider**. [View Lowenstein's news announcement about this matter.](#)
- > May 16, 2018
 The **Global Legal Chronicle** highlights Lowenstein Sandler's selection as legal counsel to represent Gibson Brand's Official Committee of Unsecured Creditors in its Chapter 11 bankruptcy proceedings. The article notes that the Lowenstein team is led by **Jeffrey Cohen** and **Kenneth A. Rosen** and includes **Wojciech F. Jung, Andrew David Behlmann, Scott Cargill,** and **Keara Waldron**. Lowenstein's Delaware co-counsel on the engagement is Adam Landis of Landis Rath & Cobb LLP.

EDUCATION

- > New York University School of Law (J.D. 1998)
- > Rutgers, The State University of New Jersey (B.S. 1995)

ADMISSIONS

- > New York
- > New Jersey
- > Arizona