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Gary F. Seitz

Gary F. Seitz is a Partner in the Philadelphia office. He concentrates his practice in the areas of commercial bankruptcy, commercial litigation and transportation including admiralty and maritime law. Gary serves as a Chapter 7 Panel Trustee in the United States Bankruptcy Court for the Eastern District of Pennsylvania and has served as Trustee in Chapter 7 and Chapter 11 cases in Pennsylvania, New Jersey and Delaware. He has extensive experience handling bankruptcy matters for creditors, asset purchasers and trustees. Gary also has expertise in admiralty and maritime litigation and transactions with particular emphasis on marine financing and vessel foreclosures. Gary is admitted to practice in the state and federal courts of Delaware, Pennsylvania and New Jersey, and the United States Court of Appeals for the Third and Fifth Circuits.

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Education

Tulane University School of Law, LL.M. in Admiralty 1988

University of Iowa College of Law, J.D. 1986

Shanghai Law Research Institute, Law and Trade Program 1984

Buena Vista University, B.A. magna cum laude 1983

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- Active admission to the state and federal bars of Delaware (2003), Pennsylvania (1988), New Jersey (1988); U.S. Courts of Appeal for the Third and Fifth Circuits.

Representative Matters

Fiduciary/Trustee/Receivership/Sequestrator:

- Serve as Member of panel of bankruptcy trustees and Chapter 11 Trustee in U.S. Bankruptcy Court for Eastern District of Pennsylvania. Major appointments include Matlack Systems, e.Spire Communications, Covenant Partners, Life of Purpose, Permagrain Products, Cavalier Industries, Brooks Provisions, Scimeca Foundation and Sno Mountain (Montage).
- Serve as off panel Chapter 7 and Chapter 11 Trustee in cases in New Jersey and Delaware.
- Serve as receiver in state and federal court receiverships.
- Serve as court appointed Sequestrator to administer commercial property to collect unpaid taxes and charges owed the City of Philadelphia.
- Operated various businesses as a fiduciary including ski resort, multi-tenant commercial buildings, telecommunications service provider, internet service provider, antique shop, and clothing manufacturer/importer.

Bankruptcy:

- Represent trustees, creditors, and creditors' committees, landlords, and asset purchasers in numerous bankruptcy cases filed in Pennsylvania, Delaware, and New Jersey.
- Involved in financing & carve-out negotiations, lease assumption & rejection matters, avoidance action litigation, and all aspects of liquidation, sale, or purchase of debtor's assets, including real estate.
- Represent trustees, receivers, creditors, asset purchasers, and creditors' committees in major cases, including Sears, Montgomery Ward, Uniroyal, Super American Tissue, Matlack, e.Spire Communications, MUMA, AxisTel, Permagrain, Discovery Zone, NGVSI, Eagle Geophysical, Uiterwyk, Global Homes, IT Group, SemCrude, Flying J, and WCI.

Business Litigation:

- Handled and supervised the representation of clients in a wide range of commercial and general business litigation. He has handled commercial, contract, corporate insurance, and real estate disputes, as well as general and business torts. He employs a tough-minded, business-oriented approach to the assessment and conduct of litigation and has enjoyed great success in achieving favorable results that meet the business objectives of his clients.
- Assisted in the recovery of damages resulting from arson fire against arsonists and fraudulent transfers made to their family members after their arrests.
- Supervised the resolution of over one hundred mechanics lien claims, over five hundred preference and fraudulent transfer cases, as well as hundreds of tax claims, including tax liens, in a telecommunications bankruptcy case.
- Preference recovery program in a major bankruptcy case that recovered over ten million dollars for the litigation trust in more than 1200 preference and fraudulent conveyance actions.
- Represented a machine shop in a commercial dispute over the fabrication of specialized equipment used in the steel processing industry that resulted in a settlement that pleased the client and was nearly three times the amount that the client's first firm contact recommended the claim was worth.
- Defended many companies that have been sued in bankruptcy court for preferential or fraudulent transfers. Have tried several cases to conclusion.

Business Transactions:

- Business practice involves both day-to-day advice for long-standing business clients, and transactional work, such as marine financing deals. Advise clients on matters of corporate governance, licensing, international trade and joint ventures:
- Assist client in the sale of technology concerning its electronic payment processing business to a large competitor.



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- Counseling international trading company engaged in importing bulk fragrance products from abroad
- Assisting company in registering its trademarks
- Advising bank on structure of financing deal, cross-colateralization and documentation issues in connection with a loan to build a tug boat
- Representing Chinese bidders in their effort to purchase industrial assets out of bankruptcy
- Representing numerous corporations and limited liability companies in the process of formation and in connection with their corporate governance

Transportation:

- Maritime adviser to the trial team that defended the owners of a Duck boat filled with passengers that was sunk when overrun by a tug and barge
- Represent unpaid charterers and suppliers in a series of ship arrests and attachments in the Delaware River Port
- Represent the successful bidder in the acquisition of a of a
- Assisted a ship design firm in successfully preventing the bankruptcy sale of a vessel to insiders and assisted in successfully prosecuting claims for pre-petition services in bankruptcy court
- Defended trucking companies in preference, fraudulent conveyance and overcharge litigation commenced in Delaware bankruptcy court
- Assisted an ocean carrier in resolving title and potential multiple liability with regard to competing claims to containerized goods
- Assisted trustees and debtors-in-possession as special maritime counsel
- Assisted top-twenty transportation and logistics creditor in getting appointed to the Official Committee of Unsecured Creditors, advised company with respect to its responsibilities, prosecuted claims including critical vendor, carrier and warehouse liens.
- Prepare and analyze ship and yacht finance and sale documents
- Prosecute claims for damage caused by oil spills with the National Pollution Fund
- Represent marine lenders and borrowers, ship owners-operators, yacht owners, marine insurers, and terminal operators in litigation cases covering the spectrum of maritime law including marine finance, insurance, vessel casualties, cargo loss and damage, and lien execution

Mediation/Arbitration:

- Trained and experienced member of the panel of court approved mediators for the United States Bankruptcy Courts for the Eastern District of Pennsylvania and the District of Delaware.
- Member of the panel of court approved arbitrators for the United States District Court for the Eastern District of Pennsylvania.
- Panel Member, National Arbitration Forum.
- Arbitrator/Mediator, Transportation ADR Council.

Expert Witness:

- Engaged and qualified to provide expert opinion, reports and testimony by various parties in bankruptcy cases involving issues such as the reasonableness of trustee and professional fees in bankruptcy cases, the duty of care of trustees in bankruptcy, fiduciary duties of officers and directors when the company is in the zone of insolvency and the standard of care owed by a maritime attorney in connection with a vessel sale contract and liens. See, for example, *Miller v. Dutil* (In re Total Containment Inc.) 2008 Bankr. LEXIS 284 (Bankr. ED Pa. January 28, 2008).

Professional Affiliations

- National Association of Bankruptcy Trustees, Board Member 2015-2022, President 2022-23
- NABT Foundation, Incorporator 2022
- Maritime Law Association (Procter in Admiralty)
- Transportation Law Association, Bankruptcy and Admiralty Committees Co-chair
- EDPA Bankruptcy Conference – Local Rules Committee



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Community Involvement

- General Counsel, Great Wall Chinese School (1994–2014)
- Board Member, The Miquon School (2003–2008)
- Board Member & Corporate Secretary, Plymouth-Whitemarsh Band Boosters, Inc. (2009–2012)

Special Recognition

- Gary is AV® Preeminent Peer Review Rated by Martindale Hubbell, earning the highest rating available for legal ability and ethics by both attorney peers and clients for his practices in both Philadelphia and Wilmington since 2003.
- No. 8 on List for New Assignments Largest Bankruptcy Cases, The Deal Magazine (2009)
- Approved Real Estate Instructor, Delaware Real Estate Commission since 2009.
- Received a delegation from the National Association of Bankruptcy Trustees to attend the working session of the United Nations Commission on International Trade Law (UNCITRAL)'s Working Group V – Insolvency, held at the United Nation's offices in Vienna, Austria. December 2023.

Presentations & Publications

- Lecturer, “An Introduction to Adversary Proceedings” to be presented July 11, 2013 at the City Of Philadelphia Annual CLE program
- Lecturer and Author, “Commercial Chapter 7 Issues – Operating Chapter 7 Cases” to be presented at the American Bankruptcy Institute, Mid-Atlantic Conference, August 2013
- “Basic Bankruptcy for Transportation Lawyers,” presented at the Transportation Lawyers Annual Conference, May 2013
- Lecturer, “What does a Chapter 7 Trustee do?” presented at the Eastern District of Pennsylvania Bankruptcy Law Clerk luncheon, May 2013
- Lecturer and Author, “Do Your Transportation Contracts Evidence a Trust? -- Bankruptcy Issues for Transportation Lawyers” presented at the Transportation Lawyers Conference, May, 2011
- Lecturer and Author, 5th, 6th and 7th Annual Landlord-Tenant Law presentations on “Landlord-Tenant Mediation / Dispute Resolution” and “Ethical Considerations”, Wilmington, DE, 2009 – 2012
- Lecturer and Author, Commercial Evictions from Start to Finish, Wilmington, DE, 2011
- Author, “Experts in Bankruptcy Litigation” chapter in Litigators on Experts, published by the American Bar Association 2010
- Lecturer and Author, “Maritime Issues in Bankruptcy” presented at the Tulane Admiralty Law Institute, New Orleans, March 2009
- Author, “Interaction Between Admiralty and Bankruptcy Law: Effects of Globalization and Recurrent Tensions” 83 Tulane Law Review 1339 (2009)
- Lecturer, “Commercial and Residential Evictions” presented in Wilmington, DE May 2009
- Lecturer, “Property Issues in Business Bankruptcies” and “Electronic Filing” presented in Wilmington, DE January 2009 and March 2010, sponsored by Sterling Educational Services
- Speaker, Pennsylvania Bar Institute's Annual Bankruptcy Institute CLE held in 2007 "Serial Filings, Automatic Stay, Discharge ability and Exemptions," 2009, 2010 and 2012 "Stump the Experts" panel.
- Co-author, “Delaware Trade Secrets” chapter in Trade Secrets and Agreements Not To Compete: A State-by-State Compendium, published by DRI, June 2008, republished 2012.



ASSOCIATION IN 2005 and again in 2006.

- Lecturer, "First Preferred Ship Mortgages, Maritime Liens and Yachts," presented in connection with the National Marine Banker's Association meeting, September 2004.
- Lecturer, "An Introduction to Bankruptcy Reorganization in America," presented at the Taiwan-American Chamber of Commerce Conference, Taipei, Taiwan, October, 2003.
- Co-author, "Limit of Amount Insured" published by the ABA Tort and Insurance Practice Section in cooperation with the Maritime Law Association of the United States.
- Co-author, "Enforcing Ship Mortgages in Default," presented in connection with the National Marine Banker's Association meeting, September 2000.
- Lecturer, "An Introduction to Some of the Legal Risks of Running a Nonprofit School" presented at the CSAUS Third Annual Conference, Washington D.C., December 1999.

Reported Cases

Jackson v. Egyptian Navig'n Co., 364 F.3d 113 (3d Cir. 2004) affirming 222 F. Supp. 2d 700 (E.D. PA 2002); (successful motion for summary judgment dismissing longshoreman's claim against a shipowner)

Kirsch v. Prekookeanska Plovidba, 971 F.2d 1026 (3d Cir. 1992) (successful motion for summary judgment dismissing longshoreman's claim against a shipowner for open and obvious condition)

Phoenician Mediterranean Villa, LLC v. Lisa M. Swope, Esquire, Tr. of the Bankr. Estate of J&S Props., LLC (In re J&S Props., LLC), 872 F.3d 138 (3rd Cir. 2017) (amicus for trustee successfully arguing qualified immunity applies to discretionary actions taken by a trustee to preserve the bankruptcy estate's assets)

Fahnsestock v. Reeder, 223 F.Supp.2d 618 (E.D.Pa.2002) (motion to dismiss for lack of admiralty subject matter jurisdiction granted in case involving a pleasure boat accident because the river was not actually navigable or susceptible to being navigated without modification from its current state)

In re Vessel Club Med, 90 F. Supp. 2d 550; (D. NJ 2000) (State proceedings stayed in admiralty when claimant waived res judicata as to limiting liability, not liability, and shipowner could litigate limitation issue in federal court; but no stipulation as to vessel's value)

Pt. Kearnton Selaras v. M/V CARTAGENA DE INDIAS, 951 F. Supp. 1196, vacated in part on grant of reconsideration 959 F. Supp. 270 (E.D. Pa. 1997) (motion for summary judgment on package limitation defense in cargo damage case)

In re Lyubarsky, 615 B.R. 924 (Bankr. S.D. Fla. 2020) (successful award of punitive damages for violation of the automatic stay)

In re J & L Structural, 313 B.R. 382 (W.D.Pa. 2004) (avoidance action issues regarding dismissal of main case and limitations)

Transcon. Refrigerated Lines, Inc. v. New Prime, Inc., 494 B.R. 816 (Bankr. M.D. Pa. 2013) (non-core pre-petition matters not within court's jurisdiction post confirmation)

In re Scimeca Found., Inc., 497 B.R. 753 (Bankr. E.D. Pa. 2013) (approval of trustee sale, carve-out with secured creditor, termination of leaseholds and evictions)

Grassi Fund Admin. Servs. v. Crederian, LLC (Del. Ch. 2022) (approval of "Liquidating Trustee's Report and Recommendation for Relief")



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counts); 392 B.R. 149 (Bankr.E.D.Pa. 2008) (under Lattery and Lita, a trustee "could not recover damages [pursuant to a RICO claim] for an increased level of insolvency")

In re AxisTel Communications, Inc., 312 B.R. 258, 59 Fed.R.Serv.3d 157, 59 Fed.R.Serv.3d 337, 43 Bankr.Ct.Dec. 106 (Bankr.D.Del. 2004) (successful motion to amend avoidance action complaint)

In re Eagle Enterprises, Inc., and Liberty Recovery Systems, Inc., 265 B.R. 671(E.D. Pa. 2001)(affirmed denial of motion for relief from the automatic stay on theory of proposed alter ego, joint venture, and agency claims but proposed tortious interference claim was not subject to stay)

Reardon v. Hahn Yelena Corp., 265 B.R. 533; (E.D. Pa. Bkcty 2001) (since the debtor lacked standing to remove the pre-petition personal injury action to the bankruptcy court, the bankruptcy court properly remanded the action to the state court)

In re Eagle Geophysical, Inc., 256 B.R. 852; 37 Bankr. Ct. Dec. 33; 2001 AMC 1808 (DE Bkcty 2001) (while creditor had a claim against the debtor for ship conversion services, it had no lien under the Federal Maritime Lien Act on debtor's vessel, creditor held only an unsecured claim in bankruptcy)

Johnson v. Chester Hous. Auth. (In re Johnson), 250 B.R. 521; 2000 Bankr. LEXIS 797 (E.D. Pa. Bkcty 2000) (Trustee's motion to vacate the discharge in a Chapter 7 bankruptcy action was denied because unsophisticated debtor attempted to comply truthfully with the requirements of the Bankruptcy Code)

Ilva U.S.A. Inc. v. M/V BOTIC, 1992 AMC 2805 (E.D. Pa. 1992), 1992 U.S.Dist.LEXIS 16663, 1993 AMC 240 (E.D. Pa. 1992), 1993 AMC 2445 (3d Cir. 1993) (various service and liability issues regarding cargo claim)

St. Paul Fire & Marine Ins. Co. v. Thyphin Steel Co., 1999 AMC 2752, (S.D. NY 1999) (Motion to strike package limitation defense granted because carriers did not explicitly mention COGSA, or that statute's liability limitation in their bills of lading)

Taylor v. 42 Foot Egg Harbor Hull, 1995 AMC 582 (D. NJ 1994) (salvage and custodia legis hearings, priorities dispute over yacht and arrest)

In re Tug MOHAWK, 1995 AMC 1312 (D. Md. 1995) (limitation of liability and adequacy of stipulation to lift federal court stay)

Key Bank of Maine v. Dunbar, 28 U.C.C.R. Serv. 2d (Callaghan) 398 (E.D. Pa. 1995) (successful defense of lender liability claims)

In re Munyan, 143 F.R.D. 560, 1992 AMC 1635 (D.N.J. 1991) (successful motion in limine to admit Coast Guard and Marine Police reports)

In Re: Uiterwyk Corporation, 109 B.R. 478; (MD FL Bkcty 1990) (motion for a charging lien claim and recovery of prepetition legal services rendered to the debtor in connection with prosecution of the debtor's claim against the Government of Iran in the Iran-United States Claims Tribunal)

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