

## Dain de Souza

### Founder

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#### **Education:**

JD, University of Chicago  
Law School, 2011

AB, University of Miami, Phi  
Beta Kappa, 2008

#### **Admissions:**

Florida Bar

Delaware Bar

U.S. District Court for the  
District of Delaware

U.S. District Court for the  
Southern District of Florida

U.S. District Court for the  
Middle District of Florida

U.S. Bankruptcy Court for  
the Southern District of Texas

U.S. Court of Appeals for the  
Second Circuit

U.S. Court of Appeals for the  
Third Circuit

U.S. Court of Appeals for the  
Eleventh Circuit

U.S. Supreme Court

**Dain is an experienced litigator and restructuring professional. He helps clients navigate business disputes, commercial litigation, investigations, and special situations, including a full range of bankruptcy, restructuring, and insolvency related matters.<sup>1</sup>**

A veteran trial and appellate litigator, Dain has successfully handled litigation proceedings at every level—representing clients in state and federal trial and bankruptcy courts through the US Supreme Court. He has successfully represented clients in litigation arising from bankruptcies, real estate and business transactions, assignments for the benefit of creditors, fraudulent and preferential transfers, data and logistics, contract disputes, class actions, business torts, and professional and fiduciary liability, among other areas. He has conducted corporate and internal investigations for fiduciaries and trustees, in addition to leading Fortune ranked companies, and has obtained successful resolutions in courts and through settlement.

Dain is a nationally recognized restructuring advisor. He has a wealth of experience in distressed situation disputes, workouts and planning, and transactions—allowing him to leverage deal side and courtroom experience to achieve client objectives. As part of this practice, Dain has represented debtors, trustees, lenders, purchasers, creditors, vendors and counterparties, potential litigation targets, and other parties in all aspects of complex chapter 11 reorganizations, workouts, and bankruptcy and insolvency related litigation.

With a background in special situations, Dain helps clients find practical solutions to legal and business risks. He is a strategic advisor that provides outside general counsel services, handles internal investigations, and counsels clients in regulatory and compliance matters, including regarding the Foreign Corrupt Practices Act, financial services laws and regulations, and distribution, logistics, and data management.

Prior to joining the firm, Dain practiced for years with Skadden, Arps, Slate, Meagher & Flom LLP in Delaware and Hunton Andrews Kurth LLP in South Florida, and as a partner at a national bankruptcy and litigation boutique. He

also served as a law clerk to the Honorable Christopher S. Sontchi in the US Bankruptcy Court for the District of Delaware.

Dain is admitted to practice before the US Supreme Court, the US Court of Appeals for the Second Circuit, the US Court of Appeals for the Third Circuit, the US Court of Appeals for the Eleventh Circuit, the US District Court for the Southern District of Florida, the US District Court for the Middle District of Florida, and the US District Court for the District of Delaware.

### **Representative Experience**

- Representing businesses, including leading Fortune ranked companies, in connection with chapter 7, 11, and 15 proceedings and disputes, distressed situation transactions and restructurings, assignments for the benefit of creditors, and adversary proceeding litigation, including debtors, lenders, purchasers, investors, creditors, potential litigants, and other parties in interest. By way of example, Dain's debtor representations include, among others:
  - Health care services and diagnostic testing company, Millennium Health, in chapter 11 reorganization involving over \$1 billion of debt and related appeals.
  - Global leader in battery and stored energy manufacturing and recycling, Exide Technologies, in chapter 11 proceedings involving approximately \$1 billion of outstanding prepetition debt.
  - National water and wastewater residuals management company, Synagro Technologies, in chapter 11 proceedings involving over \$500 million in long-term pre-petition debt.
  - Global biopharmaceutical company in chapter 11 proceedings and \$120 million asset sale, resulting in continued availability of drug to treat severe chronic gout.
  - Oil and gas business involved in storage and production in chapter 11 proceedings involving over \$300 million of prepetition funded debt and related litigation.
  - Global outdoor sports lifestyle company involved in retail and e-commerce, including design, development, and distribution of products, Quiksilver, Inc., in chapter 11 proceedings and restructuring involving approximately \$898 million in consolidated prepetition debt.
- Prosecuting and defending state and federal trial and appellate proceedings, counseling on current and potential business disputes, and advising on solutions to related legal and business risks, including:
  - Representations of financial institutions and investors in lawsuits alleging fraudulent transfers and other liability—such as in US Bankruptcy Court, US District Court, and US Courts of Appeal.
  - Prosecution and defense of trial and appellate proceedings in connection with corporate, deal, and related litigation, including on behalf of one of the largest European financial institutions in trial and appellate courts. Published appellate decisions include *In re Coudert Bros. LLP*, 809 F.3d 94 (2d Cir.).

- Defense of mortgage servicers and financial technology (fintech) companies in connection with individual and class action claims in state courts, federal courts, and arbitration proceedings.
- Representation of leading global distribution and logistics companies in connection with actual and potential disputes, including global testing and logistics company in federal trial court proceedings.
- Prosecution and defense of actions seeking recoveries for business torts, including defense of limited liability partnership in litigation and contested proceedings successful at each level from trial court through the US Supreme Court.
- Successful bankruptcy litigation and appeals, including defense of \$1.2 billion restructuring transaction in appeal to US Court of Appeals for the Third Circuit.
- Representation of companies and participants in the energy and oil & gas industries in connection with actual and potential disputes relating to operations, including prosecution of bet-the-company litigation cases and construction and lien litigation.
- Representation of international airline company in federal court in connection with complex commercial litigation and related disputes.
- Representation of global business in spirit and beer industry in connection with global distribution and supply-chain matters and related disputes.
- Representation of investors and participants in real estate, retail and e-commerce, and hospitality in connection with actual and potential disputes and recovery initiatives.
- Representation of companies, investors, and family offices in connection with e-discovery, litigation/deal planning, and outside general counsel matters, including claims recovery, business risks, and general corporate matters.
- Representing trustees, receivers and assignees, and creditors in the investigation of claims, including:
  - Wireless Advocates, LLC (Chapter 7, Western District of Washington); Special litigation counsel to Virginia Burdette, Chapter 7 Trustee of the bankruptcy estate of Wireless Advocates, LLC, resulting in a \$14 million recovery for creditors.
  - Crystal Cruises LLC (Assignment for the Benefit of Creditors, FL); Special litigation counsel to the Assignee of Crystal Cruises LLC, resulting in a \$15.5 million recovery for creditors.
  - Furniture Factory Ultimate Holding, L.P., et al (Chapter 11, District of Delaware); Special litigation counsel to Liquidating Trustee.
- White collar, regulatory, and compliance representations, including (a) manufacturers and distributors in connection with global investigations and (b) financial institutions and their employees in enforcement negotiations and investigations before regulatory authorities.
- Lenders, secured creditors, investors, and financial institutions in connection with financings, distressed mergers, and acquisitions, and related disputes and proceedings, including (a) financings and

acquisitions by global retailers involved in e-commerce, (b) cross-border workouts, (c) 363 sales, (d) debtor in possession financing by lenders and investors.

### **Awards and Recognitions**

- Kathryn R. Heidt Memorial Award, presented by the [American Bar Association's Business Bankruptcy Committee](#), October 2023
- Best Lawyers In America– Listed in Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, August 2023 - 2025
- Florida Super Lawyers – Bankruptcy and Business Litigation, Creditor Debtor Rights, June 2025
- Honoree, [Miami Dade Bar's Young Lawyers Section](#) 40 Under 40 awards, February 2023

### **Publications**

- [A Road Map for Structured Dismissals – Bankruptcy Section of the Federal Bar Association](#)

### **Speaking Engagements**

- Speaker, “Bankruptcy Uncovered” panel at Florida Law Con’s state-wide all-virtual conference, March 2025
- Program Chair, “Don’t Forget Insolvency Issues: Insolvency Considerations All Practitioners Should Know,” presented by the American Bar Association Business Bankruptcy Committee, ABA Business Law Section Fall Meeting, September 2024
- Moderator, “What’s Happening in Our Bankruptcy Courts” panel at Florida Law Con’s state-wide all-virtual conference, March 2023
- Moderator, Real World Applications of Charter, Bylaw, and Related Provisions in LLCs, Partnerships, and Business Entities, ABA Business Law Section’s Virtual Annual Meeting, September 2021

### **Professional & Community Activities**

- Co-Chair, Miami Dade Bar Association Bankruptcy Committee
- Co-Chair, Partnerships and Limited Liability Entities in Bankruptcy Subcommittee – Business Bankruptcy Committee, American Bar Association
- Co-Chair, United Way Young Leaders – United Way of Miami-Dade
- Member, Miami Dade Bar Association, Bankruptcy Bar Committee, Co-Chair
- Member, American Bar Association
- Member, American Bankruptcy Institute
- Member, United Way Young Leaders

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<sup>1</sup> Attorney Advertising. Prior results do not guarantee a similar result. Nothing on desouzalegal.com, including the contents herein, is intended to create an attorney-client relationship. The contents and any publications herein or therein should not be deemed legal advice, and you should not rely on any part as legal advice related to your particular circumstances. The contents are provided for informational purposes only. If you have questions about the contents of desouzalegal.com, please contact Dain de Souza at desouza@desouzalegal.com.