



David S. Catuogno

Partner

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OVERVIEW

David Catuogno is a partner in the firm's Finance practice. He focuses his practice on the representation of creditors, particularly institutional lenders and franchisors. In representing franchisors, David has been admitted pro hac vice in dozens of federal jurisdictions, diligently protecting the intellectual property and financial interests of his clients on a nationwide basis by collecting post-petition fees, maximizing recovery on pre-petition claims and insuring that post-petition operations comply with the franchise system standards.

David also represents several financial institutions and lenders in conjunction with challenged secured and unsecured loans in Chapter 7 and Chapter 11 bankruptcy proceedings as well as in state court proceedings and pre-litigation work-outs.

Earlier in his career, David focused on representing trustees and fiduciaries in litigation and general administrative matters in varied industries, recovering substantial sums for the fiduciary estates through continuing operations, pursuing avoidance claims, and selling tangible and intangible assets. He has continued his practice representing trustees and fiduciaries throughout his career. David is also experienced in representing debtors in proceedings under Chapter 7, Chapter 11, and Chapter 13.

PROFESSIONAL BACKGROUND

Prior to joining the firm, David was a partner for a national law firm on its bankruptcy and creditors rights and franchise teams.

ACHIEVEMENTS

- Recognized in *NJ Monthly* as New Jersey Super Lawyer, 2010-2023
- Named in "Top Lawyers Of Bergen County" by *201 Magazine*, 2014-2018
- AV rated by Martindale Hubbell
- Former Master in the William H. Gindin Bankruptcy Inn of Court
- Member of District II B Ethics Committee, 2003 – 2007 (Appointed by the Supreme Court of New Jersey)

PROFESSIONAL / CIVIC ACTIVITIES

- New Jersey State Bar Association
- Bergen County Bar Association
- American Bar Association
- International Franchise Association
- New Jersey Governor-Elect Chris Christie's Transition Team, Member, 2009
- Franklin Lakes Parks & Recreation Foundation, 2007-Present
- Franklin Lakes Recreation Commission, Member, 1999-2006; Chair, 2005
- Franklin Lakes Republican Party, Municipal Committee, Member 2002-2006; 2010-Present; Chairman 2004-2006; 2010-2016
- Passaic Valley Sewerage Commission, Commissioner, 2015-2018

EDUCATION

- J.D., Seton Hall University School of Law, 1990 (*cum laude*), *Seton Hall Law Review: Member, 1988-1989; Associate Editor, 1989-1990*
- B.S., American University, 1986

ADMISSIONS

- Bar of New Jersey
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

OTHER PUBLICATIONS

- "The Automatic Stay," Chapter 3, *The Bankruptcy Handbook for Franchisors & Franchisees*, 2018
- "Franchisee Chapter 11: A Primer for Franchisors," *LJN's Franchising and Business Alert, Volume 14, Number 5*, February 2008

- “Bankruptcy Fraud: Civil and Criminal Consequences,” *Business Crimes, Chapter 34: Matthew Bender Publications, Pub. 265, Rel 2-99*, 1999
- “Special Needs for Law Enforcement Excuse Toxicological Testing of Railroad Employees in Skinner vs NTSB,” *20 Seton Hall Law Review No. 2/3*, 482, 1990

NEWS & EVENTS

- 6 April 2022, Challenges Continue: Problems, Solutions for the Distressed Franchisee, Hosted by Franchise Times
- 1 March 2022, K&L Gates Names Nearly 40 New Partners, Of Counsel, and Government Affairs Advisors Across Firm

AREAS OF FOCUS

- Restructuring and Insolvency

INDUSTRIES

- Consumer Products
- Franchising