

## People



## Eyal Berger

Partner, Bankruptcy and Reorganization

Fort Lauderdale  
T: +1 954 712 6071

Boca Raton  
T: +1 561 862 4000

eyal.berger@akerman.com  
vCard

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Eyal Berger focuses his practice on complex business reorganizations, out-of-court debt restructuring, representation of Creditor Committees, assignments for the benefit of creditors, corporate dissolutions, Article 9 transactions, and the enforcement of creditors' rights. He also protects the interests of financial institutions and lessors as secured and unsecured creditors in a myriad of insolvency proceedings by assisting them in preserving, liquidating, or repossessing their collateral.

### Notable Work

**Chapter 11 Corporate Debtor Representation:** Represented public hospital located in Miami, Florida through a complex Chapter 11 proceeding wherein the debtor successfully consummated a sale of all its assets for \$40MM. The successful sale of the Debtor derived sufficient sale proceeds to fund a plan of reorganization while preserving the hospital as a going concern. *In re Pan American Hospital Corporation*, (Bankr. S.D. Fla. 2007) (J. Cristol)

**Pre-packaged Chapter 11 Subchapter V:** Created and implemented a novel strategy for pre-packaging a Chapter 11 Subchapter V bankruptcy on behalf of a health supplement supplier client, then obtained confirmation of the restructuring plan, allowing the client to exit bankruptcy in a nationwide record of 32 days. *In re BPI Sports, LLC*, Case No. 23-17463-SMG (Bankr. S.D. Fla. October 20, 2023) (J. Grossman)

**Representation of Unsecured Creditor Committees:** Represented the Official Committee of Unsecured Creditors in the Chapter 11 Estate of Rothstein Rosenfeldt and Adler, P.A., one of the largest nationwide ponzi scheme cases. Through the Committee's efforts the Debtor's estate successfully recovered sufficient funds to pay all unsecured creditors 100 percent of their allowed claims through a Liquidation Plan resulting in distributions in excess of \$70MM. *In re Rothstein Rosenfelt Adler, P.A.*, Case No. 09-34791-RBR (Bankr. S.D. Fla. July 17, 2013)

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### Areas of Experience

Chapter 11 Business Debtors  
Assignments for the Benefit of Creditors  
Bankruptcy and Reorganization  
Bankruptcy Trustees and Court Appointed Fiduciaries  
Creditors' Committees  
Preference and Fraudulent Transfer Litigation  
Financial Services

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### Education

J.D., University of Florida Levin College of Law, 2004, *magna cum laude*, Order of the Coif  
B.S., University of Florida, Psychology, 1999, *cum laude*  
B.A., University of Florida, Criminology, 1999, *cum laude*

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### Admissions

#### Bars

Florida

#### Courts

U.S. Bankruptcy Court, Northern District of Florida  
U.S. Bankruptcy Court, Middle District of Florida  
U.S. Bankruptcy Court, Southern District of Florida  
U.S. Bankruptcy Court, Eastern District of Michigan  
U.S. District Court, Northern District of Florida  
U.S. District Court, Middle District of Florida  
U.S. District Court, Southern District of Florida  
U.S. Court of Appeals, Eleventh Circuit  
U.S. District Court, Eastern District of Michigan

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### Languages

Hebrew

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### Related Content

**Representation of Purchaser/DIP Lender:** Represented a purchaser and Debtor-in-possession lender in the financing and ultimate acquisition of Gulfstream Airlines (\$75MM annual gross revenues) based out of Ft. Lauderdale, Florida in a contested sale approved by the Bankruptcy Court pursuant to 11 U.S.C. Section 363(f)(4). *In re Gulfstream International Group, Inc., et al.*, Case No. 10-44131-JKO (Bankr. S.D. Fla. January 20, 2011) (J. Olson)

Eyal Berger Tells *Bloomberg* Business Owners Are Taking Risks To Meet Subchapter V Debt Limits  
January 23, 2025

Akerman Lawyers Ranked in Florida by *Super Lawyers* Magazine  
July 16, 2024

*Chambers USA* Ranks Akerman Among the Nation's Best Law Firms in 2024  
June 06, 2024

**Defense of Avoidance Claims:** Represented client in Chapter 7 bankruptcy proceeding where the court held that the trustee was precluded from avoiding alleged fraudulent transfers aggregating in excess of \$37 million dollars pursuant to 11 U.S.C. Section 546(e) where transfers were made to acquire life settlement policies to be used as investments for various European investors holding indirect fractionalized interests in the acquired policies). *Parcside Equity, LLC v. Deborah Menotte*, Adv. Case No. 13-01479-EPK, ECF No. 481 (Bankr. S.D. Fla. September 11, 2015)

**Representation of Liquidating Trustee:** Represented Michael Goldberg as the liquidating trustee for the estate of Elcom Hotel & Spa, LLC, a luxury hotel resort and spa that included 185 luxury residential condominium units and 124 hotel condominium units. Through Akerman's representation, the Liquidating Trustee was able to substantially reduce the claims asserted against the Liquidating Trust while effectuating the disbursement of in excess of \$5MM recovered by the Liquidating Trustee. *In re Elcom Hotel & Spa, LLC*, Case No. 13-10029 (Bankr. S.D. Fla. Feb. 3, 2011) (Doc No. 1144)

**Representation of Chapter 11 Trustee:** Represented Les S. Osborne as the Chapter 11 Trustee of the S&I Investments bankruptcy estate wherein Akerman assisted the Trustee in successfully assuming and assigning the Estate's interest in a lucrative 99-year lease notwithstanding numerous legal challenges interposed by the lessors and other third parties asserting claims against the debtor's estate. As a result of Akerman's representation, the Trustee prevailed at trial and numerous appeals at both the District Court and Eleventh Circuit Court of Appeals and was able to confirm a Chapter 11 Plan funding 100% of allowed claims asserted against the debtor's estate. *In re S & I Investments*, Case No. 08-26220-RBR (Bankr. S.D. Fla.)

## Related Professional Experience

- Judicial Clerk Extern to the Honorable Michael G. Williamson, Bankruptcy Judge and the Honorable Paul M. Glenn, Chief Bankruptcy Judge, Middle District of Florida

## Affiliations

- Palm Beach Gator Club, Member
- NCBJ-NextGeneration, Organizing Committee Member, 2014-2023, Class of 2012
- American Bankruptcy Institute Public Hearing, Task Force on Subchapter V, Testimony Contributor, 2023

## Honors and Distinctions

- *Chambers USA*, 2020-2024, Ranked in Florida (South Florida) for Bankruptcy/Restructuring
- *Best Lawyers*, 2020-2025, Listed in Florida for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, and Litigation - Bankruptcy

- *Best Lawyers*, 2022, Listed as “Lawyer of the Year” for Litigation - Bankruptcy in Fort Lauderdale
- *Super Lawyers Magazine*, 2024, Listed in Florida for Creditor Debtor Rights; 2009-2019, Listed in Florida as a “Rising Star” for Bankruptcy & Creditor/Debtor Rights
- *Fort Lauderdale Illustrated*, Recognized as a “Top Lawyer in Broward County” for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2022
- *Florida Trend’s Legal Elite*, 2013, Listed as an “Up & Comer”
- Book Award in Civil Procedure

## Published Work and Lectures

- National Conference of Bankruptcy Judges Annual Meeting, Speaker, “How to Confirm a Pre-Negotiated Subchapter V Plan,” September 19, 2024
- American Bankruptcy Institute 2024 Central States Bankruptcy Workshop, Speaker, “SubV Creditor Issues,” June 18, 2024
- ABI Annual Spring Meeting, Speaker, “Sub V vs. Traditional 11? Confirmation and Other Key Plan Issues,” April 19, 2024
- ABI Alexander L. Paskay Memorial Bankruptcy Seminar, Speaker, “Chapter 11 Updates and Core Issues,” February 15, 2024
- NABT Annual Conference, Speaker, “Navigating Bankruptcy Estate Tax Issues,” August 18, 2023
- National Conference of Bankruptcy Judges, Speaker, “Gradually, Then Suddenly: The Bankruptcy of Detroit, a documentary film presented in connection with NCBJ’s Behind the Bench,” October 21, 2022
- The Palm Beach County Bar Association’s Bankruptcy and Real Estate Committees CLE, Speaker, “Assignment for the Benefit of Creditors (‘ABC’) Is this Bankruptcy in the State Court?” May 25, 2022
- National Association of Bankruptcy Trustees, Moderator, “Re-defining the Scope and Application of the Equitable Mootness Doctrine in the Eleventh Circuit,” March 31, 2022
- National Conference of Bankruptcy Judges & American Bankruptcy Institute, Moderator, “The City of Detroit Bankruptcy: Revisiting Motown’s Art of the Deal,” March 9, 2022
- National Conference of Bankruptcy Judges (NCBJ), Insolvency 2020 Restructuring, Insolvency & Distressed Debt Virtual Summit, Speaker, “Now That You Are Employed, Here’s How to Avoid Stubbing Your Ethical Toe,” October 8, 2020