

Biographical Sketch

I have been an attorney in New York for more than 32 years, specializing in bankruptcy and commercial litigation. I have been with the same firm, Zeichner Ellman & Krause, for over 30 of those years, appearing in bankruptcy and state courts in the Eastern and Southern Districts of New York, as well as bankruptcy courts in other states, including New Jersey, Texas, Michigan, and Connecticut.

I am actively involved in alternative dispute resolution as a mediator, arbitrator and counsel to parties in those matters. Prior to being a lawyer, I was an Assistant Principal and teacher in New York City public high schools. This unique combination of experience and skills has served me well as a mediator, arbitrator and counsel.

Name Peter Janovsky
Address Zeichner Ellman & Krause LLP
1211 Ave. of the Americas, NY, NY 10036

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Tel: 212-826-5339 (W); 917-716-1931 (C)
Email: pjanovsky@zeklaw.com

I. Professional	Accrediting Agency or Jurisdiction	Date of Admission
Attorney	New York	1988
	Connecticut	1987
	Washington, D.C.	1990

II. Professional Organization	Date of Admission	Active/Inactive
NY State Bar Association	1995	Active
Association of the Bar, NYC	2019	Active

III. General professional experience:

32 years of experience as a litigation and bankruptcy attorney at Zeichner Ellman & Krause, (1990-2021) and Kaye Scholer et al (1988-1990).

Prior to that, experience as an educator – Teacher of Social Studies and Assistant Principal, New York City high schools

IV. General pertinent experience:

I currently serve as mediator and arbitrator in Part 137, New York Courts, attorney-client fee disputes. I also am on the mediation panel for New York Small Claims Courts.

V. Mediation training:

Arbitration, Cardozo Law School: 2018; 24 Credits; numerous instructors. Chair: Charles J. Moxley, Jr., Esq., Edna Sussman, Directors.

Mediation: Fordham Law School: 2019-20; 40 credits; Simeon H. Baum Stephan A. Hochman, Instructors.

ADR Section, 2020 NYSBA Conference, 4 Credits.

VI. Pertinent bankruptcy training:

- Practiced 32 years in Bankruptcy Courts, encompassing numerous lift- stay motions, cash collateral negotiations, preference and fraudulent conveyance prosecution and defense, and plan litigation.
- Obtained judgment in S.D.N.Y. Bankruptcy Court trial on conversion and aiding and abetting claims 616 B.R. 295 (2020).
- Represented supermarket chain as debtor in bankruptcy proceeding, writing majority of motions and pleadings leading to successful asset sale.
- Achieved favorable settlement for developer in complex construction lien litigation removed to Bankruptcy Court.
- Obtained lift of automatic stay in WorldCom Bankruptcy releasing \$34M+ in cash collateral. *In re WorldCom*, 2003 Bankr. LEXIS 2440 (Bankr. S.D.N.Y.)

VII. General pertinent business or legal experience:

- Represented clients in several mediations in New York Supreme Court Commercial Division cases
- Litigated family real estate dispute toward favorable 8-figure settlement in simultaneous litigation and arbitration proceedings.
- Obtained verdict for Plaintiff in month-long jury trial after 50 depositions in over six states.
- Achieved dismissal of RICO allegations against major banks in federal District Court for the Southern District of New York, including *Abra Constr. Corp. v. Merchs. Bank*, 258 Fed. Appx. 379; and *Eshel v. Fleet Bank et al.*, 96 Civ. 9705. Successfully argued appeal before 2nd Circuit.

- Lead attorney in case to obtain cross-border relief for domestic bank client through attachments in New York, permitting entry in Israel of judgments and recovery of assets located there.

VII. Areas of Expertise

Bankruptcy and Commercial Litigation

ADR

IX. Other Pertinent Information

Honors

Selected as Metro-NY “Super-Lawyer,” 2021

Selected Publications:

“Small Business Bankruptcies under Subchapter V” New York Law Journal, January 19, 2021

“Dirt for Debt” in Bankruptcy Plans of Reorganization, New York Law Journal, October 11, 2019

Real Estate and the Supreme Court Online Sales Tax Decision, Real Estate Finance & Investment, June 30, 2018

Promises, Promises: Contracts, Fraud and Third Parties, Real Estate Finance & Investment, August 12, 2013

Enforceability of Automatic Stay Waivers in Bankruptcy Cases, Real Estate Finance & Investment, July 3, 2013

Relief Under Section 304 of the Bankruptcy Code: Clarifying the Principal Role of Comity in Transnational Insolvencies, 64 Fordham L. Rev. 2591 (with S. Krause and M. Lebowitz) (1996)

Front Pay: A Necessary Alternative to Reinstatement Under the Age Discrimination in Employment Act, 53 Fordham L. Rev. 579 (1984)

X. Fee Structure

Range of \$450-550 per hour and reimbursement of expenses

X. Pro bono preferences: Brooklyn

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