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Appellate Court Reverses Disallowance of Lender's Post-Bankruptcy Legal Fees

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In a Nov. 26, 2018 opinion, the U.S. District Court for the District of Delaware reversed the bankruptcy court's disallowance of an undersecured lender's fees, ruling that the Bankruptcy Code "does not limit the allowability of unsecured claims for contractual post-[bankruptcy] attorneys' fees." In this article, of counsel Michael Cook discusses why the U.S. Court of Appeals for the Third Circuit should have no hesitation in affirming the Delaware district court's decision.

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