

# SAMUEL J. CAPUANO

## Partner

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Samuel Capuano is a partner on Berger Singerman's Business Reorganization Team. He handles a broad range of cases focusing on matters involving commercial insolvency and litigation in bankruptcy cases, Assignment for the Benefit of Creditors cases, receiverships, post-judgment proceedings, and out-of-court workouts. Sam works with a broad spectrum of clients, including representing debtors, creditors, trustees, assignees, and receivers. He also routinely represents landlords, tenants, asset purchasers, officers, directors, equity and other interest holders.

When working with his clients, Sam strives to understand their ultimate goals and collaboratively design and implement a strategy to succeed. Sam understands that having substantive knowledge of the law is critical, but he also believes that practicality and common sense must inform every strategic choice. He is motivated by finding creative, efficient, and practical solutions to his client's problems, and he is honest, open, and transparent in his advice.

Sam has been named to *The Best Lawyers in America*® "Ones to Watch" for 2021-2023. In addition, he was recognized as a Florida Super Lawyers Rising Star from 2017 to 2023.

## Education

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J.D., *cum laude*, University of Florida Frederic G. Levin College of Law  
B.S. in Finance, University of Florida, Warrington College of Business

## Bar Admissions

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Florida  
U.S. District and Bankruptcy Courts for the Southern District of Florida  
U.S. District and Bankruptcy Courts for the Northern District of Florida  
U.S. District and Bankruptcy Courts for the Middle District of Florida  
U.S. Court of Appeals, Eleventh Circuit

## Practice Teams

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## Practice Areas

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Bankruptcy/Restructuring  
Bankruptcy Litigation  
Complex Commercial Litigation

## Representative Matters

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- Represents Assignee of Crystal Cruises LLC in an Assignment for the Benefit of Creditors case involving various cross-border issues, more than 12,000 creditors and over \$1.4 billion in filed claims. Assisted the Assignee in the administration of the estate and in the pursuit and recovery of millions of dollars for the benefit of creditors.
- Represents dozens of judgment debtors and defendants in post-judgment proceedings in multiple jurisdictions, including representing defendants in subsequent transferee fraudulent transfer cases seeking the recovery of tens of millions of dollars.
- Represents Assignee of Quick Weight Loss Centers LLC in an Assignment for the Benefit of Creditors case involving more than 40 stores across multiple states. Assisted the Assignee in continuing to profitably operate the business during the case resulting in a sale of the operating business.
- Represented Chapter 7 trustee of failed technology and blockchain company 5Barz International, Inc., as special litigation counsel against former officers, directors, and others, resulting in 7-figure settlement.
- Represented ophthalmological surgical center and optometry store group, Brevard Eye Center, Inc., in Chapter 11 cases including in defeating a motion to dismiss at a multi-day trial and in related adversary litigation resulting in confirmed plan of reorganization.
- Represented pharmaceutical development company, DemeRx, Inc., in Chapter 11 case resulting in confirmed plan of reorganization, the issuance of new stock to debtor-in-possession lenders, and the establishment of a litigation trust.
- Represented secured judgment creditors in Chapter 11 cases of Recycling Revolution, LLC, resulting in favorable settlement and consensual plan of reorganization providing for meaningful recovery on judgment.
- Represented owner and executive officer of failed national insurance companies in various related guaranty and bankruptcy matters.
- Represented Assignee of Integro Building Systems of America, Inc. in Assignment for the Benefit of Creditors cases of failed construction business and recovered funds via settlement with vendors and the negotiated removal of tax liens.
- Represented secured lender bank in borrower's involuntary bankruptcy case, resulting in an agreed dismissal of the case on terms favorable to the lender.
- Represented Chapter 7 trustee of commercial fishing company Ocean Warrior, Inc., as lead trial and appellate counsel resulting in final judgment against principal later affirmed on appeal. *In re Ocean Warrior, Inc.*, 835 F.3d 1310 (11th Cir. 2016).
- Defended bank against Chapter 15 trustee's claims in RICO, money laundering and fraud litigation.
- Represented ownership group of Five Guys restaurant franchisee in contested Chapter 11 proceedings and related fraud litigation.
- Represented dozens of companies and individuals in various industries in out-of-court workouts.

## Awards & Honors

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- *Chambers & Partners USA: America's Leading Business Lawyers*, Bankruptcy/Restructuring (Up & Coming), 2024
- *The Best Lawyers in America*®, "Ones to Watch" 2021-2022; 2024
- *Florida Super Lawyers*, "Rising Star", 2017-2024

## Community Activities / Associations

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- Bankruptcy Bar Association of the Southern District of Florida
  - Second Vice President, 2023-2024
  - Board Director
- National Conference of Bankruptcy Judges
  - NextGen Program, 2020 - 2021
- Uniform Law Commission
  - Committee on Assignments for the Benefit of Creditors
- American Bankruptcy Institute
  - Business Reorganization Committee

## In the News

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Samuel J. Capuano and Erin Hoskins Elected First Vice President and Director for The Bankruptcy Bar Association of the Southern District of Florida 2024-2025 Term  
May 29, 2024

The Bankruptcy Bar Association of the Southern District of Florida Installed Samuel J. Capuano as Second Vice President and Erin Hoskins as Director for its 2023-2024 Term  
September 11, 2023

FleetOwner Features Sam Capuano in, "Attorney: Yellow's Chapter 11 timeline 'very aggressive'"  
August 10, 2023

Travel Weekly Quotes Samuel Capuano in, "There will be money for travel advisors in Crystal Cruises liquidation"  
July 5, 2023

South Florida Business Journal Quotes Sam Capuano in, "Lake Worth Beach pharmacy consulting company in liquidation with over \$30 million in debt"  
January 24, 2023

TravelWeekly Quotes Sam Capuano in, "Progress made in Crystal claims process, but travel advisors must wait"  
January 23, 2023

Miami Today Quotes Sam Capuano in, "Experts Expect Miami's Business Bankruptcies to Increase"  
January 19, 2023

MiamiToday Quotes Sam Capuano in, "Negative Economic Feeling Doesn't Translate to Bankruptcies"  
December 14, 2022

Twenty-three Berger Singerman Attorneys Recognized in 2022 Edition of Florida Super Lawyers  
June 27, 2022

Thirty-nine Berger Singerman Attorneys Recognized in the 2022 Edition of Best Lawyers In America  
August 19, 2021

Nineteen Berger Singerman Attorneys Recognized in 2021 Edition of Florida Super Lawyers  
June 24, 2021

Berger Singerman's Bankruptcy Litigation Practice Recognized As 2021 "Litigation Departments of the Year"  
By Daily Business Review  
March 29, 2021

South Florida Business Journal Quotes Sam Capuano in, "Integro Building Systems shuts Florida operations, leaving \$16M in debt"  
March 26, 2021

Berger Singerman Announces 2021 Elevations  
January 5, 2021

Thirty-Five Berger Singerman Attorneys Recognized in the 2021 Edition of Best Lawyers In America  
August 19, 2020

## **Publications**

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Daily Business Review, "Middle Market Mindset: Options for Struggling Companies"  
March 27, 2023

Daily Business Review "Making Partner During a Pandemic: How COVID Changed Everything"  
May 10, 2021

## **Prior Affiliations**

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- Aaronson Schantz Beiley, P.A.
- Tabas, Freedman & Soloff, P.A.
- Intern for the Honorable William Hoeveler, United States District Court for the Southern District of Florida