



## Susan G. Rosenthal

**Partner**

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### **PRACTICE AREAS**

- Bankruptcy and Restructuring
- Litigation
- Finance
- Intellectual Property

### **INDUSTRIES**

- Financial Services

### **OVERVIEW**

Ms. Rosenthal is a partner in the Business Trial and Finance & Bankruptcy Practice Groups in the firm's New York office.

### **Areas of Practice**

Ms. Rosenthal concentrates her practice in corporate and commercial litigation, representing businesses and financial institutions in areas such as contract interpretation, the Uniform Commercial Code, equipment leasing, secured transactions and lender liability. She also conducts investigations for businesses, banks and financial institutions, as well as representing businesses, banks and financial institutions in defense of class actions. She has successfully litigated cases in federal, state and bankruptcy courts throughout the country (i) proving that a personal property lease is a true lease and not a conditional sale under the Uniform Commercial Code; (ii) enforcing the rights of assignees of commercial paper where debtors assert among other defenses (a) fraud (b) lack of consideration (c) non-negotiability of the instrument (d) oral modifications and/or amendments to contracts; (iii) defeating attempts to equitably subordinate debt; and (iv) defeating vendors' claims for the purchase price of equipment from financial institutions that finance the end-users.

In addition, Ms. Rosenthal has litigated all types of business disputes before courts and arbitration panels, including international arbitrations on claims, from corporate dissolutions to trademark infringement and fraud. She is also an experienced appellate practitioner.

### **EDUCATION**

- J.D., New York University School of Law, 1974
- B.A., Harpur College, State University of New York at Binghamton, 1971

### **ADMISSIONS**

- Federal courts for the Southern, Eastern and Northern Districts of New York
- U.S. Court of Appeals for the Second, Third and Eleventh Circuits
- Supreme Court of the United States

### **HONORS**

- Named as one of the "Legal Elite Litigation List," *Avenue Magazine*, 2011
- Recognized in *New York Super Lawyers*, 2010

**MEMBERSHIPS**

- Court-appointed mediator, U.S. District Court for the Southern District of New York
- Court-appointed arbitrator, U.S. District Court for the Eastern District of New York
- Member, Equipment Leasing and Finance Association, served on the Legal Committee and on the Credit and Collections Committee

**ARTICLES**

- Detecting Signs and Taking Action When a Loan Default Is Imminent, *New York Law Journal*, August 13, 2009
- "Troubled Lessors: Implications of Lessor Insolvency on Vendors, Assignees, and Lessees", *Journal of Equipment Lease Financing*, Fall 2008
- "Forum Selection Clauses: Despite Presumption of Validity, They Can Still Come Under Attack", *New York Law Journal*, Special Litigation Section, April 3, 2006
- Susan G. Rosenthal and Paul Bent, "The Mediation Solution", *Equipment Leasing Today*, February 2005
- Edward Castagna and Susan G. Rosenthal, "Know When to Hold Them, Know When to Fold Them," *Law Journal Newsletters, Equipment Leasing Newsletter*, April 2004
- Susan G. Rosenthal and Scott H. Wyner, "Whaddaya mean, give back the check?!", *Equipment Leasing Today*, February 2000
- The Metlife Decision: An Unsettling Precedent, *The International Leasing Encyclopedia*, updated May 1999