



The Impact of In re 301 W N. Ave., LLC, on the Enforcement of Bankruptcy-Remote Protections

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Cadwalader attorneys Steve Herman, Kathryn Borgeson and Sara Markov authored an article, “**The Impact of In re 301 W N. Ave., LLC, on the Enforcement of Bankruptcy-Remote Protections**,” published in the July-August 2025 edition of *Pratt's Journal of Bankruptcy Law*.

In the article, the authors analyze a recent bankruptcy court decision in *In re 301 W N. Ave., LLC*, where the court upheld “the enforceability of provisions requiring an independent manager’s consent prior to a borrower filing for bankruptcy.”

The ruling “represents a significant development at the intersection of corporate governance, commercial real estate, and bankruptcy law and reinforces the role of structured corporate governance mechanisms in protecting lenders from undesired bankruptcy filings.”

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