



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

July 31, 2025

A blue graphic with a pattern of white dots in the top left corner. It features three author portraits: Steven Herman, Kathryn Borgeson, and Sara Markov. Below the portraits, the text reads 'FEATURED IN Pratt's Journal of Bankruptcy Law'.

CADWALADER

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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