

In the News

O'Melveny's Rapisardi, Zujkowski Co-Author New York Law Journal Article on Seventh Circuit Ruling



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O'Melveny & Myers partner John Rapisardi and counsel Joseph Zujkowski co-authored a September 5, 2013, *New York Law Journal* article, titled "[Seventh Circuit Addresses Questions Left Open by 'Stern v. Marshall.'](#)" The piece focuses on the US Supreme court ruling in *Stern v. Marshall* that US bankruptcy courts lacked constitutional authority to enter a final decision on a debtor's state law counterclaim against one of its creditors, and the Seventh Circuit's recent ruling on the issues left open in the case. In the article, the authors write that "[a]lthough the Seventh Circuit's conclusion with respect to the appropriate remedy may be sound from a strictly textual standpoint, it raises some troubling practical considerations," including "the court's final conclusion—that a bankruptcy court cannot issue proposed findings of fact and conclusions of law in core matters—is arguably contrary to the intent of Congress, embodied in the overall framework of 28 USC §157, to enable bankruptcy judges to author reports and recommendation on issues arising in a bankruptcy case where the court is barred from entering a final order."

Rapisardi is Co-Chair and Zujkowski is a member of O'Melveny's Restructuring Practice, and they reside in the Firm's New York office. New York Restructuring Practice associate Matthew Kremer also assisted in the preparation of the article.