

# ALFA International

# Business Litigation

## Practice Group Newsletter - June 2019

### Inside This Issue

- 1 Featured Member
- 3 Case Law Updates
- 3 Subcommittee Focus
- 3 Upcoming Events



**Denise D. Dell-Powell**



Orlando, FL

## Featured Member – Denise D. Dell-Powell

### Practice Description

New BLPG member, Denise Dell-Powell, is the Chair of Dean Mead's Bankruptcy and Creditors' Rights Practice Group. She has more than 25 years of experience in bankruptcy and creditors' rights, and distressed property including CMBS foreclosures, workouts and bankruptcy matters. Her experience includes representation in the hospitality, restaurant, healthcare and agricultural industries.

In Denise's business litigation practice, she represents parties in federal and state court, with experience trying both jury and non-jury trials. She handles matters that include real estate, mortgage foreclosure, receiverships, lender liability, commercial evictions, partnership disputes and other real estate based litigation.

Denise's legal skills and experience in bankruptcy law earned her the distinction of being one of only 900 Fellows nationwide elected to the prestigious American College of Bankruptcy. She is recognized as a leading practitioner in her field in numerous publications including *Chambers USA*, *The Best Lawyers in America*, *Florida Trend's Legal Elite*, and *Florida Super Lawyers*.

Denise earned her law degree from the Walter F. George School of Law at Mercer University in 1991. She received her B.S. degree from Florida State University in 1986.

### Interesting Career Highlight

Denise represented a Lender in a Chapter 11 case in which the Debtor owned and operated a golf course in the Central Florida area. The golf course was operating at a loss. At the hearing to confirm the Debtor's Chapter 11 plan, the principal of the Debtor testified that his plan to turn the business around was to have a "sports" themed golf course with each hole as a different sport. The baseball hole would have a sand trap in the shape of a baseball. The 18<sup>th</sup> fairway would be lined like a football field with

a sand trap in the shape of a football. At the end of his testimony, Denise said, “So basically a giant putt-putt course”. Confirmation was denied and the case dismissed.

### **Interests Outside the Law**

When Denise isn't working, she likes to go to her family's cabin in the North Georgia mountains where they all enjoy hiking, fishing, white water rafting and relaxing.

Denise also likes to run. She has run the Boston Marathon, Chicago Marathon and Disney Marathon.



## Case Law Updates

### **Appellate Court Affirms Chapter 11 Bankruptcy Plan Leasing Property to Cannabis Business**

By David A. Lerner - Plunkett Cooney

The U.S. Court of Appeals for the Ninth Circuit recently held that a Chapter 11 Plan of Reorganization could be confirmed in a case where a landlord was receiving rent from someone involved in a state authorized cannabis business. To see more, [click here](#).

### **Delaware Court of Chancery Sustains Stockholder Inspection Arising from Facebook / Cambridge Analytica Scandal**

By Jonathan G. Strauss, Laura G. Readinger, K. Tyler O'Connell – Morris James LLP

The Court of Chancery held that stockholder-plaintiffs had a sufficient “credible basis” to investigate Facebook's documents concerning its alleged widespread but secret business practice of “whitelisting” – monetizing the personal data of Facebook users who accessed certain applications on Facebook, as well as that of their Facebook friends. To see more, [click here](#).

## Subcommittee Focus – Cyber-Security

A new subcommittee focusing on cyber-security is now being formed. If you or anyone in your firm has an interest in participating on this new subcommittee, contact Devin Chwastyk at McNees Wallace – 717.237.5482.

## Upcoming BLPG Steering Events

**July 1, 2019** – Deadline for submission of breakout session proposals for 2020 ICS.

**July 15, 2019** – Steering Committee call at 1:00 p.m., EDT/10 a.m. PDT

**September 5-6, 2019** – BLPG Seminar in Chicago – *Building an Optimal Dispute Resolution from the Ground Up*