



## Elizabeth Usinger

### Partner

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Elizabeth Usinger is a partner in the firm's Commercial Litigation department and a member of the firm's Bankruptcy and Creditors' Rights and Loan Workout practice groups. She represents financial institutions, municipalities, businesses and individuals in complex commercial disputes, including breach of contract, shareholder disputes, construction litigation, fraudulent conveyances, bankruptcy litigation, and equitable claims. Elizabeth manages all stages of civil litigation, from commencement, pre-answer motion practice, discovery, and expert disclosure through summary judgment, trials, and appeals. Elizabeth is also experienced in alternative dispute resolution through arbitration, mediation and settlement negotiations.

Elizabeth's construction law practice includes representing heavy construction contractors and subcontractors in breach of contract and delay claims arising out of public and private construction contracts, including with agencies of the City and State of New York; representing contractors as debtors in bankruptcy and adversary proceedings; claim preparation and negotiation; and contract drafting, interpretation, and compliance. She is also experienced in change order negotiations, payment and performance bond claims, lien law matters, and resolving subcontractor and vendor claims. Elizabeth has successfully resolved the majority of her clients' construction disputes pre-litigation or pre-trial through the use of ADR.

## Practices

- Commercial Litigation
- Banking and Financial Services Litigation
- Construction Contract Dispute Resolution
- Banking and Financial Services
- Bankruptcy Litigation
- Bankruptcy and Creditors' Rights

- Commercial Foreclosures/ Total Debt Restructuring
- Loan Workout

## Industries

- Construction
- Energy and Utilities
- Financial Institutions

## Bar Admissions

- New York
- New Jersey
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the District of New Jersey

## Education

- J.D., St. John's University School of Law, 2007
- B.A., Boston College, 2001

## Representative Experience

- Successfully represented small business in appeal from denial of forgiveness of a Small Business Administration Paycheck Protection Program loan.
- Successfully defended individual client in federal district court and on appeal to Second Circuit, obtaining dismissal of lawsuit on basis of *res judicata*.
- Represented heavy construction contractor in mediation of dispute arising out of public construction contract with the City of New York.
- Represented lender in fraudulent conveyance claims resulting in unwinding of real property transfers.
- Represented private lender in enforcement of personal guaranty agreements.
- Represented receivership in litigation and settlement of contract dispute.

## Professional and Community Activities

- Member, Nassau County Bar Association, 2008—Present
- Member, New York State Bar Association, 2008—Present

- Member, Professional Women in Construction, New York Chapter, 2014—Present
- Member, Construction Financial Management Association, 2017—Present
- Member, Lawyer Assistance Committee, New York State Bar Association, 2021—Present

## Honors and Awards

- Super Lawyers Rising Star, 2015—2018
- Articles and Notes Editor, St. John's Law Review
- Outstanding Women in Law 2016 Recipient, Hofstra University School of Law
- Fellow, Construction Lawyers Society of America, 2019
- Professional Women in Construction "20 under 40", 2019

## Publications

- "Why Junior Lawyers Should Consider Becoming Mediators" Nassau Lawyer, June 2021
- "Lessons Learned: What Should We Carry Forward as We Emerge From COVID-19", NYSBA Women in Law Section, WILS Connect, 2021 Vol. 2