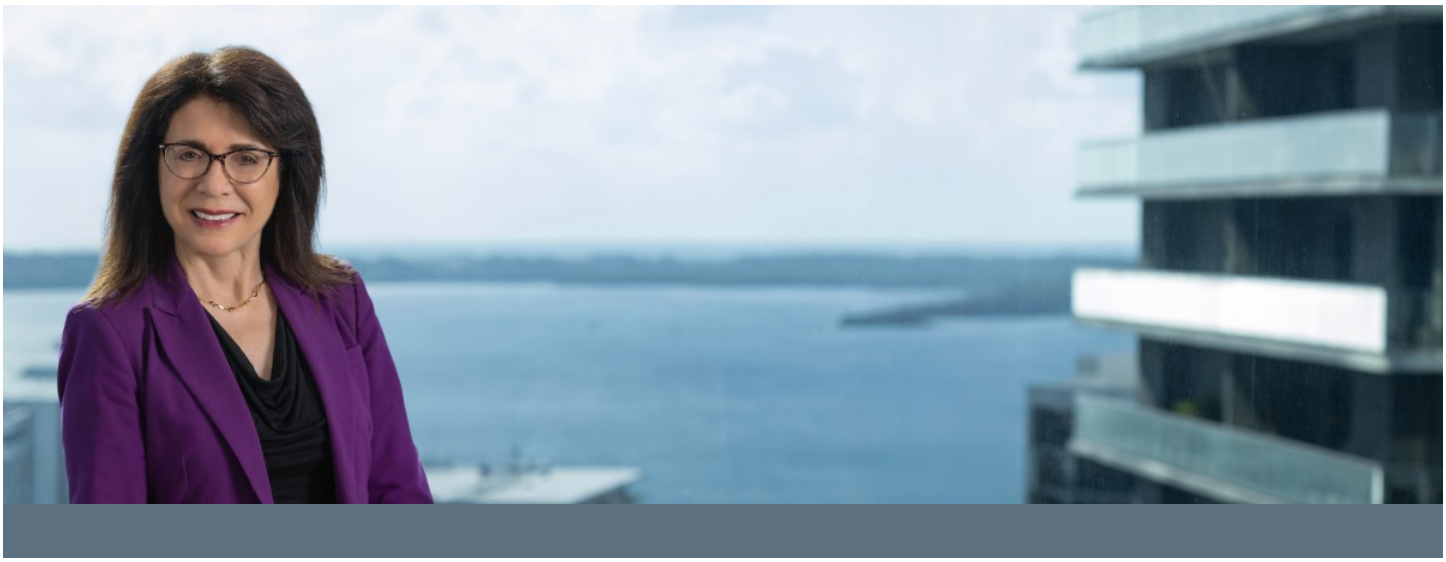
BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM



ILYSE M. HOMER

Partner

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Ilyse Homer is a partner at Berger Singerman, where she serves as the Director of Leadership, Attorney Development and Mentorship and as Practice Leader of the Firm's Business Reorganization Team. A seasoned bankruptcy and restructuring attorney, Ilyse has counseled clients for decades in the financial services, real estate, aviation, construction, hospitality, healthcare and retail sectors. Her practice focuses on bankruptcy, insolvency, creditors' rights, bankruptcy litigation and appeals, and assignments for the benefit of creditors under state law.

In addition to her legal practice, Ilyse has played a significant leadership role at Berger Singerman for nearly two decades. Her experience includes strategic planning, workload management and utilization, attorney mentorship, client intake, quality control and risk management. In her firmwide role as Director of Leadership, Attorney Development and Mentorship, she works closely with the Firm's Practice Leaders and attorneys to advance professional development, mentorship, performance and collaboration across practices.

Ilyse has been recognized by clients in Chambers USA for her strategic and effective counsel in bankruptcy and restructuring matters. She has also served for three consecutive years as a member of Law360's Bankruptcy Editorial Board.

Education

J.D., *cum laude*, University of Miami School of Law

- University of Miami Law Review; Associate Editor
- Order of the Coif

B.S., *cum laude*, Brandeis University

Bar Admissions

Florida
U.S. Bankruptcy Court, Middle District of Florida
U.S. Bankruptcy Court, Southern District of Florida
U.S. Court of Appeals, District of Columbia Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Courts, Southern and Middle Districts of Florida

Practice Teams

Business Reorganization

Practice Areas

Appellate
Bankruptcy Litigation
Bankruptcy/Restructuring
Healthcare

Representative Matters

Ilyse regularly counsels clients in a broad range of complex litigation and transactional matters involving corporate restructurings in a wide variety of industries. Her recent representations include serving as counsel to:

- The Assignee of Crystal Cruises LLC in an Assignment for the Benefit of Creditors case involving various cross-border issues, more than 12,000 creditors and over $1.4 billion in filed claims.
- The Receiver of Solar Eclipse Investment Funds who was appointed to pursue $1.2 billion in claims held by 23 Funds and to wind down and dissolve the Funds once their assets have been liquidated and distributed in both state court and bankruptcy court. The Funds' owners and investors are companies including Geico Corporation, Progressive Casualty Insurance Company, The Sherwin Williams Company, People's United Bank, DV VNB Community Renewables Fund LLC, DV VNB Community Renewables Fund III, LLC, and Pardee Solar 1, LLC who invested in DC Solar, a billion-dollar Ponzi scheme.
- The Trustee of the Piper Aircraft Irrevocable Trust. Prior to representing the Trustee of the Trust, Ilyse represented the debtor who as a result of its reorganization, paid creditors 100% of their claims and created the Trust that thrives today.
- The Official Committee of Unsecured Creditors Taylor, Bean & Whitaker Mortgage Corp. (TBW). Prior to its bankruptcy, TBW was the largest independent mortgage originator in the United States. Headquartered in Ocala, Florida, TBW employed approximately 2,500 people across the United States in its main business and employed another 1,500 in various subsidiaries. This case involved an excess of $11 billion in claims.

- Austin Capital BMP Fund. ACM invested in the Rye Select Broad Market Prime Fund, LP (the “Prime Fund”) which was one of the largest “feeder funds” and claimants in the Bernard L. Madoff fraud cases. The Madoff fraud is one of the largest frauds ever committed in the country. The Prime Fund is a Settlement Class Member, as defined in the Stipulation of Partial Settlement dated February 25, 2011 in In re Tremont Securities Law, State Law and Insurance Litigation, District Court Case No. 08 CIV. 11117 (TPG). ACM suffered a total loss of approximately $154 million in the Prime Fund as a result of investments made over eleven years beginning in 1997. Ilyse was instrumental in mediations and confidential settlement discussions that ultimately resulted in the resolution of ACM’s claims in May of 2016, ACM received a very favorable settlement in this matter.
- The Espirito Santo Group of Portugal and its affiliates in the Bankest bankruptcy cases in Florida. These cases involved the largest bank fraud in South Florida history.
- The largest independent minority owned distributor of medical supplies in United States.
- An ad hoc committee of homeowners in a Chapter 7 debtor case, which resulted in a precedential ruling on the issue of standing from the Eleventh Circuit Court of Appeals.
- The Chapter 7 Trustees including one case where a debtor transferred in excess of $7 million to an offshore asset protection trust.
- Assignees, assignors and secured creditors in various assignment for the benefit of creditor cases
- Debtors in aviation related cases.
- Secured creditors in both state and federal court proceedings.

Throughout her career, Ilyse has been involved in numerous matters that have resulted in courts issuing published opinions. In particular, Ilyse is an expert at leading collaborative teams of lawyers at Berger Singerman LLP who seek to preserve and enhance the rights of the firm's clients, whether in the trial court or on appeal. A sampling of the published opinions in which Ilyse has been involved includes the following:

- *Piper Aircraft, Inc. v. Capra*, No. 19-cv-23303-KMW (S.D. Fla. Oct. 23, 2020):
  - Affirming an order of the Bankruptcy Court denying a motion seeking to compel the post-confirmation Piper Aircraft Corporation Irrevocable Trust to resolve claims resulting from a fatal aircraft crash where the aircraft was manufactured years after the manufacturer purchased the assets, including type-certificate for the accident aircraft, from the Chapter 11 Debtor, Piper Aircraft Corporation.
- *In re Taylor, Bean & Whitaker Mortgage Corp*., No. 5:19-cv-607-Oc-39 (M.D. Fla. Sept. 23, 2020):
  - Granting post-confirmation liquidating trustee’s motion to dismiss appeal of discovery orders for lack of jurisdiction because respondents failed to meet standards to take an immediate appeal of interlocutory order.
- *Luria v. Thunderflower*, LLC (In re Taylor, Bean & Whitaker Mortgage Corp.), Adv. Pro. No, 3:11-ap-693-JAF (Bankr. M.D. Fla. Sept. 28, 2018):
  - Granting plaintiff partial summary judgment on state and federal fraudulent transfer claims
- *In re Able Body Temporary Services*, Inc., 632 Fed. App’x 602 (11th Cir. 2016) (per curiam):
  - Affirming U.S. District Court’s affirmance of U.S. Bankruptcy Court’s order overruling Regions Bank’s objection to proposed settlement motion holding, in part, that an evidentiary hearing was not required before the Bankruptcy Court could approve a proposed compromise.
- *Regions Bank v. Herendeen*, No. 8:14-cv-01631-SDM (M.D. Fla. Feb. 25, 2015), aff'd, 632 Fed. Appx. 602 (11th Cir. 2016):
  - Affirming order of bankruptcy court approving a settlement entered into by the chapter 7 trustees in related cases over the objection of lender which proposed to continue litigation being compromised.
- *In re Scantling*, 754 F.3d 1323 (11th Cir. 2014)
  - Court of Appeals for the Eleventh Circuit resolved a dispute among the Circuits and holds that a so-called "Chapter 20" debtor ineligible for a discharge in her chapter 13 case may nevertheless strip off valueless liens on her principal residence. A Chapter 20 debtor is a person who previously obtained a

discharge of debt in a Chapter 7 bankruptcy case and then filed a Chapter 13 case to restructure certain debt not satisfied in the Chapter 7 case, like home mortgage debt. This ruling has significant implications for thousands, if not tens of thousands, of individuals whose mortgage debt, including second-lien debt in the form of home equity lines of credit, exceeds the value of their homes.

- *Leslie S. Osbourne v. Denise J. Dumoulin*, 55 So. 3d 577 (Fla. 2011)
  - Supreme Court of Florida holds that, for the purpose of the statutory personal property exemption available under Fla. Stat. section 222.25(4), a debtor in a federal bankruptcy case does not receive the benefits of Florida's constitutional homestead exemption where the debtor owns homestead property but does not claim the exemption in bankruptcy and the trustee's administration of the property is not otherwise impeded by the existence of the exemption.
- *Lawrence v. Goldberg*, 573 F.3d 1265 (11th Cir. 2009)
  - Court of Appeals for the Eleventh Circuit holds, in part, that the Barton doctrine (provides that, in cases outside of bankruptcy where a receiver is appointed, the appointing court must approve any suit against the receiver to ensure a consistent and equitable administration of the receivership property, because a judgment against a receiver would be satisfied out of the receivership property) applied to suit by debtor against the chapter 7 trustee and trustee's professionals where the crux of the suit involved efforts to collect and reduce to money an offshore asset protection trust (an offshore asset protection trust is a "self-settled trust" where the settlor and the beneficiary are one and the same, and the trustee is nominated by the settlor and the trustee is either an individual who is not a U.S. Citizen or a trust company with no U.S. office or affiliation) found to constitute property of the bankruptcy estate.
- *In re Piccadilly Cafeterias, Inc.,* 2007 WL 1138867 (11th Cir. 2007)
  - Court of Appeals for the Eleventh Circuit holds that Bankruptcy Code section 1146(a)'s stamp tax exemption applies to pre-plan transactions deemed necessary to consummation of a confirmed chapter 11 plan. This ruling was later reversed by the United States Supreme Court which sided with circuit courts of appeal located in the Third and Fourth Circuits which have held that the exemption contemplated by section 1146(a) only applies to transfers under a chapter 11 plan.
- *Chames v. De Mayo*, 972 So. 2d 850 (Fla. 2007)
  - Supreme Court of Florida holds that there can be no waiver of the homestead protection provided for in Florida's constitution in respect of an unsecured claim as distinguished from a secured (mortgage) claim.
- *In re Westwood Community Two Ass'n, Inc.,* 2006 WL 940647 (11th Cir. Apr. 12, 2006)
  - Court of Appeals for the Eleventh Circuit affirms order of the District Court denying fees and ordering fees received by trustee's counsel be disgorged because counsel had no right to be paid from funds derived from an improper assessment against non-debtor homeowners where such funds were not estate property and because counsel ran the risk of non-payment and disgorgement if the estate turned out to be insolvent.
- *Lawrence v. Goldberg*, 2006 WL 2269802 (11th Cir. Sept. 19, 2005)
  - Court of Appeals for the Eleventh Circuit affirms district court's denial of debtor/appellant's writ of prohibition and mandamus based on his to meet the strict requirements for such extraordinary relief in connection with his incarceration for civil contempt for failure to comply with turnover order concerning the res of an offshore asset protection trust.
- *Cowan Liebowitz & Latman, P.C. v. Kaplan*, 2005 WL 610162 (Fla. Mar. 17, 2005)
  - Supreme Court of Florida holds that parties may assign claims for legal malpractice committed in preparing private placement memoranda, thereby receding from dicta in prior case law purporting to prohibit the assignment of all legal malpractice claims.
- In re Piper Aircraft Corp., 362 F.3d 736 (11th Cir. 2004)
  - Court of Appeals for the Eleventh Circuit affirms denial of post-confirmation motion by a claimant who had a contingent financial interest in the Piper Aircraft Irrevocable Trust to compel the trustee for the Trust to furnish certain records that the trustee supplied to actuaries in connection with a recomputation process directed by the Trust where the claimant had received all documents required by the Trust and movant failed to negotiate a provision requiring the trustee to provide further documentation.
  - Affirming denial of post-confirmation motion to compel the trustee for the Piper Aircraft Irrevocable Trust to furnish certain records that the trustee supplied to actuaries in connection with a re-computation

process directed by the Trust where movant had received all documents required by the Trust and it failed to negotiate a provision requiring the trustee to provide further documentation.

- *In re World Wide Web Systems, Inc.*, 328 F.3d 1291 (11th Cir. 2003)
    - Court of Appeals for the Eleventh Circuit affirms denial by the District Court of defendants/appellants' motion to vacate default judgment in avoidance action where defendants/appellants' failed to establish "excusable neglect," that is, a meritorious defense that might have affected the outcome; granting the motion would not result in prejudice to the non-defaulting party, and a good reason existed for failing to reply to the complaint.
- *In re Westwood*, 293 F.3d 1332 (11th Cir. 2002)
    - Court of Appeals for the Eleventh Circuit reverses district court and holding that unofficial committee of homeowners had standing as an aggrieved party to appeal from bankruptcy court orders which denied reconsideration of allowed claims against debtor-homeowner association for punitive damages and fees.
- *In re Lawrence*, 279 F.3d 1294 (11th Cir. 2002)
    - Court of Appeals for the Eleventh Circuit affirms order [of what court] directing debtor to turn over to the chapter 7 trustee the res of an offshore asset protection trust and holding the debtor in contempt and ordering him incarcerated until he purged the contempt by complying with turnover order.
- *In re Lawrence*, 235 B.R. 498 (S.D. Fla. 1999)
    - United States District Court holds that the debtor's pension plan was not "ERISA-qualified" under the Supreme Court's decision in Patterson v. Shumate , and therefore, the debtor's interest in such pension plan could not be excluded from the "property of the estate" of the debtor, and further, the debtor could not avail him/herself of a special state law exemption.
- *In re Piper*, 58 F.3d 1573 (11th Cir. 1995)
    - Court of Appeals for the Eleventh Circuit affirms district court opinion which applied the "prepetition relationship" test, rather than the "conduct" test in determining whether future claimants had pre-confirmation product liability claims against the debtor and adopting modified prepetition relationship test termed "Piper test". Under Piper test, debtor's prepetition conduct gives rise to claim to be administered in case only if there is a relationship established before confirmation of the debtor's plan between identifiable claimant or group of claimants and that prepetition conduct.

In addition to reported case law, Ilyse has led efforts, and drafted legal briefs, submitted in the following appellate cases:

- *Brief Amicus Curiae of the Business Law Section of the Florida Bar in Support of Neither Party* in the *Wellness International Network, Ltd., et al. v. Richard Sharif*, Supreme Court Case No. 13-935 (September 16, 2014) – The United States Supreme Court ruled that Article III permits the exercise of the judicial power of the United States by bankruptcy courts on the basis of litigant consent, and that implied consent based on a litigant's conduct is sufficient to satisfy Article III.
- *Brief Amicus Curiae of the National Association of Bankruptcy Trustees in Support of Appellants and Reversal of the District Court* in *Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities, LLC v. IDA Fishman Revocable Trust, et al.,* United States Court of Appeals for the Second Circuit Case No. 12-2557(L) (Feb. 14, 2014) – The Second Circuit ruled that the "stockbroker defense" in Code § 546(e) does not bar avoidance actions brought by a bankruptcy trustee seeking to recover transfers made pursuant to a Ponzi scheme. The bankruptcy trustee sought review by the Supreme Court of the Second Circuit's decision, but the United States Supreme Court denied the trustee's petition for certiorari.
- *Brief Amicus Curiae of the National Association of Bankruptcy Trustees in Support of Petition* in the *Official Committee of Unsecured Creditors of Quebecor World (USA) Inc. v. American United Life Insurance Company, et al.,* Supreme Court Case No. 13-455 (November 12, 2013) -- The United States Supreme Court denied the petition for a writ of certiorari on February 24, 2014. The NABT had an interest the Court's granting of the petition to resolve the circuit split, provide uniformity in application of the Bankruptcy Code and correct the Second Circuit's interpretation of § 546(e) which severely restricts a trustee's ability to

effectively administer an estate through use of the trustee's avoidance powers.

- *Brief Amicus Curiae of the Business Law Section of the Florida Bar in Support of Neither Party* in the *Executive Benefits Insurance Agency v. Peter H. Arkison,* Supreme Court Case No. 12-1200 (September 16, 2013) – The United States Supreme Court affirmed the ruling of the lower court. The amicus brief filed on behalf of the Business Law Section of the Florida Bar addressed the issue of whether (1) a fraudulent transfer action filed by a bankruptcy trustee may be finally adjudicated by a bankruptcy court, and (2) bankruptcy courts can issue final judgment in non-core matters "related to" bankruptcy cases when the parties consent.
- *Brief Amicus Curiae of the National Association of Bankruptcy Trustees in Support of Respondents* in the *Chadbourne & Park LLP et al. v. Samuel Troice, et al.,* Supreme Court Case Nos. 12-79, 12-86 and 12-88 (July 25, 2013) – The United States Supreme Court affirmed the ruling of the lower court. The NABT had an interest in the case because an overly restrictive application of SLUSA would limit the ability of bankruptcy trustees to exercise their fiduciary duties, particularly in cases where NABT members are serving as liquidating trustees.

Awards & Honors

- *Legal 500's "US Elite: Miami and Florida"*
  - Finance and Restructuring, 2026
- *The Best Lawyers in America*®, 2018-2027
- *Chambers & Partners USA*, America's Leading Business Lawyers,
  - Bankruptcy/Restructuring (Florida), 2017-2026
  - Bankruptcy Litigation, 2020-2026
- Florida Super Lawyers, 2021-2026
- *Florida Trend's* "Legal Elite", 2021-2022
- Lawdragon 500 US Bankruptcy and Restructuring Lawyers, 2019-2020; 2022-2026
- *Martindale-Hubbell*, AV® Preeminent™ rated

Community Activities / Associations

Ilyse is a member of multiple not-for profit organizations which support the practice of law and the corporate and consumer restructurings, including:

- Bankruptcy Editorial Advisory Board Member at *Law360* (2021-2024)
- Practical Law Innovation Board Member (2021-2025)
- National Association of Federal Equity Receivers (NAFER)
- Bankruptcy Bar Association of Florida
- Business Law Section of The Florida Bar
- The American Bar Association

In the News

Berger Singerman Attorneys Recognized in the 33rd Edition of Best Lawyers In America
August 20, 2026

The Legal 500 Comparative Guides 2026 "United States: Restructuring & Insolvency"
July 8, 2026

Twenty-One Berger Singerman Attorneys Recognized in 2026 Edition of Florida Super Lawyers
June 26, 2026

Berger Singerman Recognized by Chambers USA for 23rd Consecutive Year
June 4, 2026

Berger Singerman Attorneys Recognized in Legal 500's 2026 "US Elite: Miami and Florida" Rankings
April 15, 2026

Ilyse Homer Selected for Law360's 2026 Bankruptcy Editorial Board
April 8, 2026

Berger Singerman Attorneys Listed in the 2026 Edition of Lawdragon 500 Leading Global Bankruptcy and Restructuring Lawyers
March 13, 2026

The Legal 500 Comparative Guides "United States: Restructuring & Insolvency"
July 9, 2025

Berger Singerman Attorneys Listed in the 2025 Edition of Lawdragon 500 Leading Global Bankruptcy and Restructuring Lawyers
June 27, 2025

Twenty-Three Berger Singerman Attorneys Recognized in 2025 Edition of Florida Super Lawyers
June 26, 2025

Florida Trend Recognizes Ilyse Homer as a 2024 Notable Women Leaders in Law
December 9, 2024

NerdWallet Features Ilyse Homer's Commentary in, "The Latest on SunPower's Bankruptcy: Recent Updates"
August 22, 2024

Fifty-Six Berger Singerman Attorneys Recognized in the 2025 Edition of Best Lawyers In America
August 15, 2024

Berger Singerman Partners Selected for Law360 Editorial Advisory Boards
March 21, 2024

Daily Business Review Quotes Ilyse Homer in, "Bankruptcies Rise 13% But Experts Point to Historic Low Levels of Filings"
October 26, 2023

The Legal 500 Comparative Guides "United States: Restructuring & Insolvency"
July 11, 2023

Berger Singerman Attorneys Listed in the 2023 Edition of Lawdragon's 500 Leading U.S. Bankruptcy and Restructuring Lawyers
June 20, 2023

Berger Singerman Recognized by Chambers USA for Twentieth Consecutive Year
June 1, 2023

Forty-Three Berger Singerman Attorneys Recognized in the 2023 Edition of Best Lawyers In America
August 18, 2022

Four Berger Singerman Attorneys Recognized in the 2022 Edition of Florida Trend's "Legal Elite"
June 30, 2022

Twenty-three Berger Singerman Attorneys Recognized in 2022 Edition of Florida Super Lawyers
June 27, 2022

Berger Singerman Recognized by Chambers USA for Nineteenth Consecutive Year
June 1, 2022

Berger Singerman Attorneys Listed in the 2022 Edition of Lawdragon’s 500 Leading U.S. Bankruptcy and Restructuring Lawyers
January 14, 2022

Thirty-Nine Berger Singerman Attorneys Recognized in the 2022 Edition of Best Lawyers In America
August 19, 2021

Law360 Quotes Ilyse Homer in, "Bankruptcy Cases To Watch In The Second Half Of 2021"
July 19, 2021

Nineteen Berger Singerman Attorneys Recognized in 2021 Edition of Florida Super Lawyers
June 24, 2021

Berger Singerman’s Bankruptcy Litigation Practice Recognized As 2021 “Litigation Departments of the Year” By Daily Business Review
March 29, 2021

Thirty-Five Berger Singerman Attorneys Recognized in the 2021 Edition of Best Lawyers In America
August 19, 2020

Five Berger Singerman Attorneys Listed in Inaugural Edition of Lawdragon 500 Leading U.S. Bankruptcy and Restructuring Lawyers
July 29, 2020

Thirty Berger Singerman Attorneys Recognized in the 2020 Edition of Best Lawyers In America
August 14, 2019

Berger Singerman Recognized by Chambers USA for Sixteenth Consecutive Year
April 24, 2019

Health Leaders quotes Ilyse Homer in, "Verity Health's Deep-Pocketed Savior Failed. Here's Why."
September 5, 2018

Thirty Berger Singerman Attorneys Recognized in the 2019 Edition of Best Lawyers In America
August 14, 2018

Berger Singerman Recognized by Chambers USA for 15th Consecutive Year
May 2, 2018

Thirty Berger Singerman Attorneys Recognized in the 2018 Edition of Best Lawyers In America
August 14, 2017

Bisnow quotes Ilyse Homer in, "A Dozen Disruptions: Amazon's Pursuit Of Massive Market Share In 12 Major Industries"
July 19, 2017

Berger Singerman Receives High Marks by Chambers USA for Fourteenth Consecutive Year
May 29, 2017

Publications

The Legal 500 "United States: Restructuring & Insolvency"
December 5, 2022

The Legal 500 Country Comparative Guides, "United States: Restructuring & Insolvency"
July 26, 2022

The Legal 500 & The In-House Lawyer, "United States: Restructuring & Insolvency (4th edition)"
June 7, 2020

The Legal 500 & The In-House Lawyer, "United States: Restructuring & Insolvency (3rd edition)"
May 8, 2019

The Florida Bar Out-of-State Division, "New Eleventh Circuit opinion may warrant a second look at Florida as a venue for chapter 11 bankruptcy filings"
Winter 2017

Law360, "11th Circ. Just Got More Attractive For Business Bankruptcy"
October 23, 2017

Events & Speaking Engagements

American Bankruptcy Institute Women in Restructuring Podcast, "Conversation with Ilyse Homer," Featuring Ilyse Homer
March 19, 2026

Webinar: Emerging Issues Facing Businesses Amidst COVID-19
April 6, 2020

Doing Business in Florida Blog

Are You Caught in the Storm?: What Bankruptcy Trustees Need to Know About Hurricane Claims
June 17, 2018

A Statistical Lookback at 2017 for the Eleventh Circuit with a Focus on Bankruptcy Appeals in Florida
January 11, 2018

Subject Matter Jurisdiction Trumps All in Appeals
September 21, 2016

Eleventh Circuit Gives Guidance to Third Parties Served With Discovery
May 26, 2016

Post-Westwood Eleventh Circuit Bankruptcy Appellate Standing Cases
February 18, 2016

Prior Affiliations

- Stroock & Stroock & Lavan