

Lehman Brothers v. Bank of America and Others

The Second Circuit ruled that a Lehman Brothers affiliate cannot clawback \$1 billion in payments made pursuant to swap agreements that were terminated when Lehman Brothers Holdings Inc. and certain of its affiliates filed for bankruptcy in 2008. The Court concluded that the Bankruptcy Code provides a safe harbor for the liquidation of such swap agreements and also the distribution of proceeds from the collateral.

Full title: *Lehman Brothers Special Financing Inc. v. Branch Banking & Trust Co. (In re Lehman Brothers Holdings Inc.)*, 970 F.3d 91, 2020 U.S. App. LEXIS 25398, Bankr. L. Rep. (CCH) P83,557, 2020 WL 4590247.

Court: United States Court of Appeal for the Second Circuit

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