

Bankruptcy Ruling Affirms High 9th Circ. Evidentiary Standard

Brian Shaw discusses how the use of the U.S. Bankruptcy Code in recent high-profile cases has resulted in debtors raising protection concerns in a *Law360* article.

Brian examines *In Re: Mariner Health Central Inc.* and the lessons learned from this case. The U.S. Bankruptcy Court for the Northern District of California reviewed the applicable standard for extraordinary injunctive relief and noted that at the onset of a bankruptcy case, it is difficult to predict the success of a reorganization or allege future harm with the necessary specificity.

“While the Mariner court made clear that its denial of the debtors' request was without prejudice to a future attempt to seek such relief with a more complete record, in all likelihood that opportunity would, in the eyes of the debtor and its affected nondebtor affiliates, be too late to serve their needs or purpose,” he explained.

To read the full article, click [here](#).



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