

NEW YORK
CITY BAR

Plan Mediation in Bankruptcy

Monday, June 2, 2014 • 6:30 p.m. to 8:00 p.m. • Cocktail Reception to Follow
New York City Bar Headquarters • 42 West 44th Street • New York, NY

In recent years, Plan mediation has become an increasingly important tool to help resolve complex chapter 11 cases. The benefits of mediating value allocation disputes, particularly in cases involving numerous parties and complicated issues, are clear – expensive, protracted litigation can be avoided and consensual Plans of Reorganization can be fashioned. But Plan mediation can also bring with it drawbacks, costs and complexities. When is the right time to go to mediation? What issues are best mediated and what parties should be involved? How and when should non-restricted holders be brought into the mediation? These are just a few of the topics that our panel of experienced Judges, mediators and practitioners will explore.

CLICK TO REGISTER

Please contact **Pilar Arsenec**
at +1 (212) 450-5152 or
pilar.arsenec@davispolk.com to
register or with any questions

PANELISTS

The Honorable

Robert D. Drain

Southern District of New York
Bankruptcy Court

The Honorable

Elizabeth S. Stong

Eastern District of New York
Bankruptcy Court

The Honorable

James M. Peck (Ret'd)

Morrison & Foerster LLP

Peter L. Borowitz

Debevoise & Plimpton LLP (Ret'd)

Timothy Coleman

The Blackstone Group L.P.

Daniel B. Kamensky

Paulson & Co. Inc.

MODERATOR

Damian S. Schaible

Davis Polk & Wardwell LLP

SPONSORING COMMITTEE

**Bankruptcy & Corporate
Reorganization**

Damian S. Schaible

Chair

Eli J. Vonnegut

Secretary

PROGRAM CO-CHAIRS

Thomas R. Slome

Meyer, Suozzi, English,
& Klein, P.C.

Deirdre McGuinness

Kurtzman Carson Consultants

Andrew M. Kramer

Otterbourg P.C.

PROGRAM SPONSORS

Davis Polk & Wardwell LLP

**Meyer, Suozzi, English,
& Klein, P.C.**

**Paul, Weiss, Rifkind,
Wharton & Garrison LLP**

Kurtzman Carson Consultants

Plan Mediation in Bankruptcy • Speakers

MODERATOR

Damian S. Schaible

Davis Polk & Wardwell LLP

Damian Schaible is a partner in the Insolvency and Restructuring Group of Davis Polk & Wardwell LLP. He has worked on a wide range of corporate restructurings and bankruptcies, representing debtors, creditors, agent banks, lenders, asset purchasers and other strategic parties. Mr. Schaible has played a key role in a number of high-profile restructurings in recent years, including representing the debtors in Delta Air Lines', Frontier Airlines' and Pinnacle Airlines' successful chapter 11 cases, representing the agent for the prepetition senior lenders in the Cengage, Tribune, C-BASS and MediaNews Group cases, and representing the DIP Agent in the Exide and NewPage cases. Schaible also regularly advises banks and potential investors in connection with distressed bank acquisitions and recapitalizations. Mr. Schaible graduated magna cum laude from NYU School of Law, where he was elected to the Order of the Coif and served on the NYU Law Review. Following graduation, he clerked for Judge Danny J. Boggs of the U.S. Court of Appeals for the Sixth Circuit. He currently serves as the Chair of the Committee on Bankruptcy and Corporate Reorganization of the New York City Bar Association, and he is on ABI's Board of Directors.

PANELISTS

The Honorable Robert D. Drain

Southern District of New York
Bankruptcy Court

The Honorable Robert Drain is a United States Bankruptcy Judge for the Southern District of New York. At the time of his appointment in 2002, he was a partner in the Bankruptcy Department of the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison, where he represented debtors, trustees, secured and unsecured creditors, official and unofficial creditors committees, and buyers of distressed businesses and distressed debt in chapter 11 cases, out-of-court restructurings and bankruptcy-related litigation. Since his appointment he has presided over such chapter 11 cases as Loral, RCN, Cornerstone, Refco, Allegiance Telecom, Delphi, Coudert Brothers, Frontier Airlines, Star Tribune, Reader's Digest, A&P, Hostess Brands and Christian Brothers. He also has presided over the ancillary or plenary cases, as the case may be, of Corporacion Durango, Satellites Mexicanas, Parmalat S. p. A. and its affiliated United States debtors, Varig S.A., Yukos (II), SphinX, Galvex Steel, TBS Shipping, and Excel Shipping and has served as the court-appointed mediator in a number of chapter 11 cases.

The Honorable Elizabeth S. Stong

Eastern District of New York
Bankruptcy Court

Judge Elizabeth S. Stong has served as U.S. Bankruptcy Judge for the Eastern District of New York since 2003. Before entering on duty, she was a litigation partner and associate at Willkie Farr & Gallagher in New York, an associate at Cravath, Swaine & Moore, and law clerk to Hon. A. David Mazzone, U.S. District Judge in the District of Massachusetts. Judge Stong is a member of the Council on Foreign Relations and the Council and Audit Committee of the American Law Institute. She is also a Trustee and member of the Executive Committee of the Practising Law Institute, co-chair of the International ADR Committee and UNCITRAL Relations Committee of the International Insolvency Institute, and a member of the board of P.R.I.M.E. Finance, an international dispute resolution organization that promotes judicial education in complex financial disputes. She serves on the ABA Standing Committee on Federal Judicial Improvements, is a member of the ABA National Conference of Federal Trial Judges Executive Committee, and is active in the leadership of the ABA Business Law Section. She chairs the National Conference of Bankruptcy Judges International Judicial Relations Committee and has trained judges in North Africa, the Middle East, and the Arabian Peninsula, as an expert with the World Bank, the International Finance Corporation, and U.S. Department of Commerce Commercial Law Development Program. She has also consulted with the Supreme Court of China and People's High Courts in Beijing and Guangzhou, and has led judicial workshops in Cambodia, Brazil and Argentina. Judge Stong is an adjunct professor at St. John's University School of Law and Brooklyn Law School. Judge Stong received her J.D. and A.B. magna cum laude from Harvard University.

The Honorable James M. Peck (Ret'd)

Morrison & Foerster LLP

Hon. James M. Peck retired as a United States Bankruptcy Judge for the Southern District on January 31 and thereafter joined the law firm of Morrison & Foerster LLP as global co-chair of the firm's Business Restructuring & Insolvency Group. During his judicial career, Judge Peck presided over a number of complex chapter 11 and chapter 15 cases including Quebecor, Charter Communications, Extended Stay Hotels and ION Media, but he is probably best known as the judge who presided over the chapter 11 and SIPA cases of Lehman Brothers. Following confirmation of the Lehman plan in 2011, he was appointed as judicial mediator in a series of major chapter 11 cases in the Southern District of New York including American Airlines, MF Global, Residential Capital, General Motors and Excel Maritime. He is a fellow of the American College of Bankruptcy, a member of the International Insolvency Institute and co-chair of the ABI's advisory committee on the Bankruptcy Safe Harbors. Former Judge Peck is an adjunct professor of finance at NYU's Stern School of Business. He is a graduate of Dartmouth College and NYU School of Law.

Plan Mediation in Bankruptcy • Speakers

Peter L. Borowitz

Debevoise & Plimpton LLP (Ret'd)

After three decades at Debevoise & Plimpton, Peter Borowitz retired from the partnership in 2007, so that he could focus exclusively on acting as mediator in all types of commercial disputes, with particular emphasis on disputes arising in domestic and cross-border bankruptcies and out-of-court restructurings. In recent years Mr. Borowitz has served as mediator in connection with a number of Chapter 11 cases, including mediation of Chapter 11 plan issues in the Tosa and US Capital cases and mediation of adversary proceedings in connection with the Adelphia, BearingPoint, Polaroid, Refco, Rhodes Companies, SemCrude and 360networks cases.

Mr. Borowitz received his A.B. *summa cum laude* from Harvard College in 1974 and his J.D. *magna cum laude* from Harvard Law School in 1978, where he was a member of the Harvard Law Review and a recipient of the Sears Prize. Mr. Borowitz joined Debevoise & Plimpton in 1978 and became a partner in 1986. While his career initially focused on the representation of debtors in bankruptcies and workouts (such as Chrysler, Western Union and Baldwin United), in later years he primarily represented creditors in restructurings in and out of court (including such domestic cases as Orion Pictures, TWA, Enron, USGen, Calpine, Kmart, Oregon Arena, and Dulles Greenway, and such cross-border cases as Sea Containers, Parmalat Canada, LJ Hooker, AeroMexico, Mexicana, Kvaerner, and Burmeister and Wain).

Timothy Coleman

The Blackstone Group L.P.

Mr. Coleman is a Senior Managing Director and Head of the Restructuring and Reorganization Group. Mr. Coleman also serves as a member of Blackstone's Executive Committee.

Since joining Blackstone in 1992, Mr. Coleman has worked on a variety of restructuring and reorganization assignments for companies, municipalities, creditor groups, special committees of corporate boards, corporate parents of troubled companies and acquirers of distressed assets. *The International Financing Review* recognized Mr. Coleman's efforts in the restructurings of C-BASS and Ford Motor Company by naming them *Restructuring of the Year* in 2008 and 2009, respectively, and by naming Blackstone *Global Restructuring Advisor of the Year* in 2012. Mr. Coleman was named Global Investment Banker of the Year in 2011 by the Turnaround Atlas Awards. In 2013, he was inducted into the Turnaround Restructuring, and Distressed Investing Industry Hall of Fame by the Turnaround Management Association. In 2014, Mr. Coleman received the Turnaround Leadership Award from the M&A Advisor.

Mr. Coleman is a frequent guest lecturer at Columbia University and NYU Stern Business Schools. He is a member of the Teach for America New York Board of Directors, the Her Justice Board of Directors, the Board of Leaders of the Marshall School of Business at the University of Southern California, and the Yale-New Haven Children's Hospital Council.

Mr. Coleman received a BA from the University of California at Santa Barbara and an MBA from the University of Southern California.

Daniel B. Kamensky

Paulson & Co. Inc.

Dan Kamensky is a partner at Paulson & Co. Inc. in New York, where he focuses on investments in companies in distress and bankruptcy. Paulson & Co. Inc. is an investment management firm specializing in event arbitrage, including merger arbitrage, bankruptcy and distressed credit, recapitalizations, restructurings and other corporate events. Mr. Kamensky is Chair of the Bankruptcy & Creditor Rights Group of the Managed Funds Association. The MFA represents the global alternative investment industry and its investors by advocating for sound industry practices and public policies that foster efficient, transparent, and fair capital markets. Mr. Kamensky is also a member of the New York City Bar Association Committee on Bankruptcy & Corporate Reorganization. He also is a Member of the Advisory Committee on Allowance and Priority of Claims: Distribution Issues to the ABI Commission to Study the Reform of Chapter 11. Mr. Kamensky is a graduate of JD, cum laude, Georgetown University Law Center, 1998 and BA, magna cum laude, Georgetown University, 1995.

The New York City Bar Association and its Committee on Bankruptcy and Corporate Reorganization thank the following program sponsors:

Davis Polk

Paul|Weiss

MEYER, SUOZZI,
ENGLISH & KLEIN, P.C.

COUNSELORS AT LAW

