

Sean C. Southard

c/o Klestadt Winters Jureller Southard & Stevens, LLP

Long Island

320 Old Country Road, Suite 203

Garden City, NY 115230

Main: (212) 972-3000

Direct: (212) 679-5320

Fax: (212) 972-2245

E-mail address: ssouthard@klestadt.com

New York City

200 West 41st Street, 17th Floor

New York, NY 10036

| I. | <u>Profession</u> | <u>Accrediting Agency or Jurisdiction</u> | <u>Date of Admissions</u> |
|------------|--|--|----------------------------------|
| | Attorney | New York State | 2001 |
| | | U.S. District Court S.D.N.Y. | 2001 |
| | | U.S. District Court E.D.N.Y. | 2001 |
| II. | <u>Professional Organizations</u> | <u>Date of Admission</u> | <u>Active/Inactive</u> |
| | American Bankruptcy Institute | 2000 to present | Active |
| | Turnaround Management Assoc. | 2012 to present | Active |
| | NYS Bar Assoc. | 2000 to 2010 | Inactive |

III. General Professional Experience:

I have been practicing for over twenty years in the areas of business bankruptcy, distressed asset transactions and complex commercial litigation. I became a partner with the predecessor to my current firm in 2006.

IV. Experience and Familiarity with Bankruptcy Law:

I have extensive experience in matters of business consulting, financial restructuring services, acquisitions, financing arrangements and commercial transactions with concentration in the middle market. My representations in bankruptcy court of debtors, creditors, official committees, and trustees have been primarily in the New York metro area, but with other significant cases in Connecticut, Pennsylvania, and Delaware. Restructuring experience includes engagements involving law and other professional firms, hospital, nursing home and home health care, public and private educational institutions, automotive supply and dealerships, transportation, construction and development, mortgage origination, real estate leasing and finance, beverage manufacture and wholesale, restaurant and grocery chains, media technology and graphic design, garment and apparel, footwear and fashion, diamond and jewelry wholesale and retail.

V. Mediation Training:

Basic Mediation Training: Conflict Resolution Theory & Techniques, 26.5 hours (4 full days) sponsored by The New York City Bar, completed during October 2010.

VI. Mediation Experience:

As of the date of this submission, I have been formally appointed as a mediator by this Court in several different types of matters. Those matters range from disputes over the extent of damages asserted by claimants in unresolved tort litigations to complicated dueling plan scenarios in multi-debtor chapter 11 cases. I also have extensive experience as a mediator before other courts involving a multitude of adversary proceedings asserting claims under chapter 5 of the bankruptcy code, including SunEdison, Sears, Kmart, Delphi, and Metaldyne. Further, I often function as an informal mediator in chapter 11 matters while serving as an estate representative. Typically, I find myself mediating disputes between certain creditors and another estate representative in a chapter 11 case. I have also participated in several mediations as counsel to a participant. I am also a member of the panel of approved mediators for the United States Bankruptcy Court for the Southern District of New York.

VII. Area of Expertise:

I possess what I would characterize as broad experience with restructuring and liquidation of many types of businesses and associated litigation involving varying sectors of the economy. However, I do have some special experience in matters involving distressed or insolvent professional firms, having represented the law firms Coudert Brothers LLP and Maher & Lemmo, LLP in their chapter 11 cases, as well as large former partner groups involved in the liquidations of the firms Dewey & LeBoeuf LLP and Thelen LLP. Further, I represented the official committee of unsecured creditors in the Dreier LLP case, which involved a law firm and unraveling the equity partner's fraudulent Ponzi scheme perpetrated prior to the chapter 11 case. I also have extensive experience in relation to distressed or insolvent not-for-profit and charitable corporations, including several with charitable missions involving health care and education. In particular, I have represented official committees of creditors in the New York City Opera, Inc., and Long Beach Medical Center, et al. cases. I also represented Dowling College both before and during its liquidating chapter 11 case before this Court. Over the years, I have also been involved in many real estate related bankruptcy cases and workouts which have involved complicated issues of valuation. I also have relevant experience both litigating and defending preference, fraudulent conveyance claims, as well claims against directors and officers. Based upon this broad and well-rounded experience, I believe that I bring a very practical approach to facilitating settlements.

VIII. General Pertinent Business or Legal Experience:

In addition to matters litigated in this and other Bankruptcy Courts, I have significant experience as a commercial litigator. I have litigated complicated issues in state courts involving, for example, theories of piercing the corporate veil and alter ego. I have also litigated the more routine breach of contract or sale of goods matters. I also have experience in matters that involve criminal and civil forfeiture in both state and federal court, having represented the auto forfeiture division of a national bank in the New York metropolitan area for many years.

IX. Other Pertinent Information:

Full biographical information is available at: <http://klestadt.com/team/sean-southard/>

X. Fee Structure (Compensation and Expense Reimbursement):

I will accept mediation engagements on either an hourly fee or flat fee basis. My hourly rate for services as a mediator is typically my prevailing hourly rate at my firm, which during 2022 is \$725. Discounts for mediation of multiple cases or matters will be considered on a case-by-case basis. Flat fee engagements are determined on a case-by-case basis and depend on the nature and complexity of the dispute. I typically receive reimbursement of out-of-pocket costs in connection with any mediation, though such costs are generally quite limited.

XI. Pro Bono Preference: Brooklyn, Central Islip or both offices.

I express no preference as between Central Islip or Brooklyn since I reside in Nassau County.