

**LESLIE A. BERKOFF**  
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**-and-**  
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<b>I.</b>	<b><u>Profession</u></b>	<b><u>Accrediting Agency or Jurisdiction</u></b>	<b><u>Date of Admission</u></b>
	Attorney	State University of New York at Albany, B.A.	1987
		Hofstra University School of Law, JD 1990	CT – 1990 NY – 1991
<b>II.</b>	<b><u>Professional Organizations</u></b>	<b><u>Date of Admission</u></b>	<b><u>Active/Inactive</u></b>
	Chief	2023	Active
	Commercial Law League of America	2022	Active
	National Association of Federal Equity Receivers (NAFER)	2020	Active
	Commercial Real Estate Women Network (CREW)	2016	Active
	GGI Global Alliance	2024	Active
	New York City Bar Association	2015	Active
	American Bankruptcy Institute (Member of Alternative Dispute Resolution Committee, Health Care Committee and Real Estate Committee)	2001	Active
	American Bar Association	1993	Active
	International Women's Insolvency & Restructuring Confederation	1996	Active
	Nassau Bar Association	1993	Active

### **III. General Professional Experience:**

Chair of the firm's Dispute Resolution Practice Group and the former Chair of the Bankruptcy & Creditors' Rights Practice Group. Involved in all aspects of creditors' rights and insolvency matters, as well as bankruptcy cases and related litigation, including creditor, debtor, committee, and trustee representation, as well as corporate liquidations, reorganizations and out-of-court restructurings and assignments for benefits of creditors. Various concentrations including equipment and asset-based lending and healthcare industries.

A skilled mediator having handled mediations in bankruptcy for all phases of bankruptcy-related litigation and related commercial disputes as well as serving on several commercial mediation panels in the state and federal courts as well as for the American Arbitration Association ("AAA"). Additionally, for the AAA she is a trained arbitrator serving on the International, large complex cases, commercial and consumer panels of the American Arbitration Association.

Prior to joining Moritt Hock & Hamroff LLP, Ms. Berkoff served as a law clerk to the Honorable Jerome Feller, United States Bankruptcy Judge in the Eastern District of New York, from 1991 to 1993 and to the Honorable Allyne R. Ross, Federal Magistrate Judge in the Eastern District of New York, from 1990 to 1991.

Ms. Berkoff speaks and publishes extensively in a variety of local, regional, national and international publications.

#### **Select Speaking Engagements:**

- Panelist, "Taking the Lead 2024, Winning Strategies and Techniques for Commercial Cases", NYSBA, Commercial & Federal Litigation Section, November 13, 2024
- Panelist, "Perspective from the Trenches", American Arbitration Association, Diverse Student ADR Summit, November 9, 2024
- Panelist, "Critical Sensitivities for ADR: Having a Voice, Path, and Strategies for the Mediation Process", Connecticut Bar Association Conference, October 24, 2024
- Panelist, "From Start to Finish, Everything That Outside Business Counsel and In-House Counsel Need to Know Concerning Mediation", ABA Mediation Institute Webinar, October 17, 2024
- Panelist, "The Legacy of IWIRC through Generations" IWIRC New York Fall Event, October 22, 2024
- Speaker, "Best Practices for Commercial Arbitration Efficiency" American Bar Association Business Law Section Fall Conference, September 13, 2024
- Speaker, "Update on Arbitration in the Bankruptcy Context", American Bar Association Business Law Section Fall Conference, September 12, 2024
- Panelist, "Handling the Arbitration", Financial Poise Webinar West LegalEdCenter, August 7, 2024
- Panelist, "Awarding Attorney Fees, Costs and Interest in Arbitration", American

Arbitration Association, July 17, 2024

- Panelist, "A Case Study on Hot Topics in Preference Litigation" – ABILive, American Bankruptcy Institute, June 27, 2024
- Panelist, "Preparing for an Arbitration", Financial Poise Webinar West LegalEdCenter, June 18, 2024
- Panelist, "Mediation – From The Mediator's Perspective (Keys to a Successful Mediation)", EDNY Chapter 11 Lawyers' Advisory Committee (LAC), June 3, 2024
- Panelist, "The Intersection of Arbitration and Bankruptcy – What Bankruptcy Lawyers and Litigators Need to Know", GGI Regional Conference, June 1, 2024
- Panelist, "Summary of the Hart-Scott-Rodino Antitrust Improvements Act", GGI Regional Conference, May 31, 2024
- Panelist, "Preparing for Mediation: From Selection to Presentation of Claims", Financial Poise Webinar West LegalEdCenter, April 23, 2024
- Speaker, "Artificial Intelligence in the Dispute Resolution Space: Will Robots Replace the Professionals or Open Pandora's Box?", Thomson Reuters West LegalEdcenter, April 12, 2024
- Speaker, "Understanding the Intersection of the Bankruptcy Code and its Impact on Arbitration Agreements", NYSBA, April 8, 2024
- Speaker, "Arbitrating Financial Disputes and the new AAA-ICDR Arbitrator Guidance on the Use of Generative AI", American Bar Association Podcast, February 22, 2024
- Panelist, "Arbitration & Mediation Issues in Bankruptcy Cases", Strafford Publications, Inc., February 16, 2024
- Panelist, "Perspective from the Trenches", American Arbitration Association, Diverse Student ADR Summit, November 18, 2023
- Panelist, "Sale, Lease, Exchange or Other Disposition of Real Property by a New York Not-for-Profit Corporation", GGI World Conference, October 20, 2023
- Panelist "Restructuring Hospitals Post-Pandemic: What You Should Know About the Value of Bankruptcy", The Knowledge Group LLC webcast, September 28, 2023
- Moderator, "Throwing Water on the Fire - Techniques for Addressing and Preventing Disputes Before They Arise in the Modern World", American Bar Association Business Law Section Fall Conference, September 8, 2023
- Panelist, "Good Faith and Fair Dealing: Can the Covenant Really be Breached?", American Bar Association Business Law Section Fall Conference, September 7, 2023
- Panelist, "Handling the Arbitration", Financial Poise Webinar West LegalEdCenter, July 20, 2023
- Panelist, "Comprehensive Commercial Arbitration Training for Arbitrators and Counsel", New York State Bar Association, July 19, 2023
- Speaker, "Bankruptcy and Trusts & Estates" Webinar Stewart Title Insurance Company, June 13, 2023
- Panelist, "Preparing for Mediation", Financial Poise Webinar West LegalEdCenter, June 15, 2023
- Panelist, "Mediating Bankruptcy Disputes: A Ghost-Runner on Second or Need a New Game?" CLLA 2023 129th National Convention, May 18, 2023
- Panelist, "Conducting the Mediation", Financial Poise Webinar West LegalEdCenter, May 16, 2023
- Panelist "ADR Career Building", Higginbotham Fellows program May 12, 2023

- Panelist, "Diversity in ADR", Higginbotham Fellows program May 12, 2023
- Speaker, "Arbitration Subcommittee of the Commercial Finance Committee of the ABA Business Law Section", at the American Bar Association Business Law Section Spring Conference, April 28, 2023
- Panelist, "Court-Appointed Neutrals - What Lawyers, Clients, and Judges Need to Know", ABA Business Law Section Spring Conference, April 28, 2023
- Speaker, "Mediation Strategies – Mediation to Arbitration, Moritt, Hock & Hamroff, LLP, April 17, 2023
- Panelist, "Preparing for Mediation: From Selection to Presentation of Claims", Financial Poise Webinar West LegalEdCenter, April 13, 2023
- Speaker, "What you need to know about Arbitrator Selection – From the Basic to the 'Bet the Company' Case", ABA Business Law Section Webinar, March 16, 2023
- Speaker, "A Tour of Canon Land", ABA 2023 Arbitration Training Institute, March 10, 2023
- Panelist, "Directors' Liabilities' Drilling Down Into Liability in Insolvency", Asset Recovery International Conference, Ireland, February 2, 2023
- Speaker, "Developing Affinity Groups to Mentor and Support Women in Professional Service Firms", GGI Best Practices Conference, January 21, 2023
- Panelist, "The Intersection of Bankruptcy and Arbitration in Domestic and International Restructuring", New York City Bar Association, December 2, 2022
- Speaker, "Changes in United States Insolvency Law Arising from the Pandemic & Any Lasting Impact Since March 2020", GGI World Conference, October 22, 2022
- Moderator, "FEWA Applied Expert Witness Skills Virtual Summit", October 10-11, 2022
- Speaker, "Real Property Issues in Bankruptcy" Webinar Stewart Title Insurance Company, September 20, 2022
- Speaker, "Use of Bankruptcy in Equity Receiverships", National Association of Federal Equity Receivers (NAFER) 2022 Annual Conference, September 17, 2022
- Panelist, "Comprehensive Commercial Arbitration Training for Arbitrators and Counsel", New York State Bar Association, July 13, 2022
- Panelist, "Protection for Court-appointed Fiduciaries - the Barton Doctrine", GGI North American Regional Conference, June 24, 2022
- Panelist, "Preparing for an Arbitration", Financial Poise Webinar West LegalEdCenter, May 9, 2022
- Panelist, "Cutting Edge Issues in Commercial Arbitration", New York Law School for American Arbitration Association, April 19, 2022
- Panelist, "Conducting the Mediation", Financial Poise Webinar West LegalEdCenter, April 7, 2022
- Speaker, "Mediation Strategies - From Mediator Selection to Preparing for and Conducting the Mediation through to Completion", New York State Office of the Attorney General, Legal Education and Professional Development, March 14, 2022
- Panelist, "Preparing for Mediation: From Selection to Presentation of Claims", Financial Poise Webinar West LegalEdCenter, March 10, 2022
- Panelist, "Mediation Strategies - From Mediator Selection to Preparing for and Conducting the Mediation through to Completion", Quimbee, February 18, 2022
- Speaker, "Bankruptcy Mediation In The USA - What can we learn from it?", Insolvency

Mediation Foundation of the Netherlands, January 26, 2022

- Panelist, "Corporate America and the Cancel Culture: Challenges Facing Legal Teams", CenterForce's Inclusion & Equity Summit: East, as part of its Women In Law Summit Series, November 17, 2021
- Speaker, "Understanding a Commercial Arbitration - From Preparing and Filing a Claim through Securing an Award-How to Effectively Manage the Process as an Advocate", Lawline.com, November 16, 2021
- Speaker, "Dispute Resolution in Bankruptcy Cases: Best Practices", New York City Bar Association, October 14, 2021
- Speaker, "Strategic Representation in Mediation", ABA, Dispute Resolution Section, October 13, 2021
- Speaker, "Key Changes To Commercial Real Estate Provisions Under The Bankruptcy Code", New York State Bar Association, October 12, 2021
- Panelist, "Advising Clients in Wind-Downs, Separations and "Business Divorce": How to Use ADR and Other Tools to Steer Business Owners Through a Break-Up of a Closely-Held Business", ABA Business Law Section Virtual Annual Meeting, September 24, 2021
- Panelist, "Comprehensive Commercial Arbitration Training for Arbitrators and Counsel", New York State Bar Association, July 14, 2021
- Speaker, "Bankruptcy for Real Estate Practitioners" Webinar Stewart Title Insurance Company, May 25, 2021
- Panelist, "Post-Pandemic Bankruptcy Mediation: A New Chapter and New Solutions", New York County Lawyers Association, May 21, 2021
- Speaker, "Closing the Deal: Overcoming Apparent Impasses in a Mediation", New York State Bar Association, May 20, 2021
- Panelist, "Managing the Onslaught of COVID-19-Triggered Financial Services Disputes: Is Arbitration the Solution?" ABA Business Law Virtual Spring Meeting, April 22, 2021
- Speaker, "Mediation and Bankruptcy: Pitfalls and Opportunities", ABA Section of Dispute Resolution Spring Meeting, April 15, 2021
- Speaker, "Mediating a Fraudulent Conveyance Action: A View from the Inside", Chapter 11 Lawyers Advisory Committee of the U.S. Bankruptcy Court for the Eastern District of New York, March 26, 2021
- Panelist, "Covid CAA Bill", GGI PG Webinar Litigation & Dispute Resolution (LDR), March 4, 2021
- Speaker, "Appearing at a Mediation Part Two Advocacy Skills for the Mediation Practitioner", New York Women's Bar Association, February 9, 2021
- Panelist, "Rising Level of Foreclosures: Insights for Owners, Investors and Lenders", PincusCo Media LLC, December 17, 2020
- Panelist, "Mediating Remotely in the Age of Zoom", American Bar Association Webinar December 11, 2020
- Speaker, "How to Ethically Protect and Secure Communication in Online Dispute Resolution" Celesq AttorneysEdCenter for West LegalEdcenter, November 17, 2020
- Moderator, "How to Ethically Protect and Secure Communication in Online Dispute Resolution", American Bar Association Webinar September 15, 2020
- Speaker, "Ten Things Every Advocate Must Consider Before the Mediation Starts"

Celesq AttorneysEdCenter for West LegalEdcenter, September 14, 2020

- Speaker, "Bankruptcy for Real Estate Practitioners" Webinar Stewart Title Insurance Company, July 23, 2020
- Panelist, "CLE Tactical Issues That Client and Lawyer most often Confront in a Mediation", New York State Bar Association, June 29, 2020
- Speaker, "Overcoming Unrecognized Emotions In Mediating Commercial Disputes" Celesq AttorneysEdCenter for West LegalEdcenter, June 1, 2020
- Panelist, "Role of the Expert in ADR-Mediation and Arbitration", Forensic Expert Witness Association (FEWA) Summit, May 27, 2020
- Panelist, "Arbitration: A Comparison of Ad Hoc and Institutional", American Bar Association Section of Dispute Resolution Webinar, May 15, 2020
- Panelist, "Cutting Edge Issues in Commercial Arbitration", New York Law School for American Arbitration Association, May 14, 2020
- Panelist, "Tips for a More Secure Environment for Online Dispute Resolution", American Bar Association Webinar May 11, 2020
- Panelist, "Debt Collection, Restructuring & Insolvency", An Update in the COVID-19 Era, Geneva Group International PG Webinar, May 8, 2020
- Panelist, "Complex Financial Litigation 2020; Defending Against Bankruptcy Avoidance Actions" Financial Poise Webinar West LegalEdCenter, May 6, 2020
- Moderator, "Insider's View of Critical Steps in Arbitration", Moritt Hock & Hamroff LLP, March 10, 2020
- Speaker, "The Art of the Opening Statement What Should go into it and Should Your Client Speak" Celesq AttorneysEdCenter for West LegalEdcenter, March 9, 2020
- Panelist, "Complex Financial Litigation 2020; Common Issues and Strategies in Business Breakups" Financial Poise Webinar West LegalEdCenter, February 5, 2020
- Speaker, "Drafting Effective and Enforceable Mediation and Arbitration Clauses" at the New York State Bar Association's Dispute Resolution Committee Section Meeting, as part of the Association's Annual Conference and Expo, January 30, 2020
- Speaker, "Bankruptcy for Real Estate Practitioners" Stewart Title Insurance Company, December 18, 2019
- Keynote panelist, "Panel Talk from the Trenches", American Arbitration Association, Inaugural Diversity Student ADR Summit, November 23, 2019
- Speaker, "Conversion of Chapter 13 to Chapter 7 Absent the Debtor's Consent", Nassau Academy of Law/Nassau County Bar Association, November 15, 2019
- Panelist, "Mediation Advocacy," Nassau Academy of Law/Nassau County Bar Association, November 13, 2019.
- Speaker, "(Almost) Everything You Wanted to Know About Planning and Conducting an Evidentiary Hearing in Bankruptcy Court", ABA Business Bankruptcy Committee Meeting 2019, October 30, 2019
- Speaker, "How Attorneys Can Prepare Themselves and Their Clients to Maximize an Effective Mediation Process" Celesq AttorneysEdCenter for West LegalEdcenter, October 23, 2019
- "Conversations with the Judges: a Program on Mediation" run by Ms. Berkoff as Chair of the Mediation Committee of the Lawyers Advisory Committee for the EDNY Bankruptcy Judges, April 24, 2019 & May 13, 2019
- Panelist, "Defending Against Bankruptcy Avoidance Actions," Financial Poise webinar,

April 23, 2019.

- AAA Speaker, "Cutting-Edge Topics in Commercial Arbitration," New York Law School, April 23, 2019.
- Speaker, "Drafting ADR Clauses for Financial, M&A and Joint Venture Disputes," ABA Spring Business Law Section Meeting, March 28, 2019.
- "Mediation – Representing Clients", St. John's Law School, November 29, 2018
- Featured Speaker at the Judith S. Kaye Arbitration Competition, NYSBA, AAA, November 3, 2018
- Moderator, "The Emperor Has No Clothes: The State of Undress In the Retail Distressed Space", ABA Webinar, July 17, 2018
- Featured Speaker, "Complex Commercial Restructuring", American Bankruptcy Institute at the Northeast Conference, July, 2018
- Featured Speaker, "Chapter 15 Update: Bankruptcy for Foreign Debtors", Geneva Group North American Regional Conference, June, 2018
- Featured Speaker Forever Young: Healthcare Restructuring- A Growing Aged Population, So Why So Many Restructurings, Conference presented by Nexia International, May 14, 2018
- Featured Speaker "The Basics Of Consumer Bankruptcy – Part 7 –The Nuts And Bolts Of Bankruptcy Litigation & Practice Points", Webinar presented by the ABA's Consumer Bankruptcy Committee, March 28, 2018
- Keynote Speaker at the Judith S. Kaye Arbitration Competition, NYSBA, AAA, November 11, 2017
- Speaker, "Chapter 15: Bankruptcy for Foreign Debtors", Geneva Group International World Conference, October 20, 2017
- Program Chair and Speaker, "Cyberattack: Zombies, Data and Hospitals. What Do You Do In A Hospital Bankruptcy?", American Bar Association and National Conference of Bankruptcy Judges, October 10, 2017
- Featured Speaker "Successful Healthcare Restructurings", American Bankruptcy Institute at the National Conference of Bankruptcy Judges, October 10, 2017
- Moderator, "Mediating E-Discovery Disputes" Nassau County Bar Association, Alternative Dispute Resolution Committee's Dean's Hour Seminar, September 28, 2017
- Featured Speaker "Mediation; Mega Cases and Avoidance Actions", American Bankruptcy Institute's Webinar, September 12, 2017
- "Lunch with the Judges: a Program on Mediation" run by Ms. Berkoff as chair of the Mediation Committee of the Lawyers Advisory Committee for the EDNY Bankruptcy Judges, May 19, 2017 & May 31, 2017
- Program Chair and Speaker, "What Every Business Lawyer Should Know about Bankruptcy Process" presented by the ABA Bankruptcy Court Structure and Insolvency Process Committee, at the American Bar Association Business Law Section Spring Conference, April 6, 2017
- Keynote Speaker at the Judith S. Kaye Arbitration Competition, New York State Bar Association DR Section, American Arbitration Association, November 19, 2016
- Panelist at the ABI Northeast Conference: "The Nuts and Bolts of a Turnaround", Summer 2016
- Panel Speaker on Mediation in the Bankruptcy Courts, Judges Panel, Nassau County Bar Association, May 19, 2016

- Panelist on Arbitration Advocacy: "Best Practices for Approaching and Analyzing a Case", New York State Bar Association, March 10, 2016
- Panelist on Arbitration Advocacy: "Best Practices for Approaching and Analyzing a Case", First Annual New York State Bar Association and American Arbitration Association Arbitration Competition, November 2015
- Speaker, "Mediating Multi-Party Disputes", Loyola University's School of Law, October 13, 2015
- Speaker, "Brown Bag Discussion of Mediation", Nassau County Bar Association, October 7, 2015
- Moderator, "Fulfilling Your Not for Profit's Mission During Financial Distress," American Bar Association, Business Law Section Annual Meeting, September 17, 2015
- Speaker, "Business Mediation Process", American Bar Association, Business Law Section Annual Meeting, September 19, 2015
- Moderator, "Bankruptcy Considerations in Retail: Analyzing Distress in Apparel, Consumer Electronics and Other Retail", American Bar Association Webinar on Wednesday, June 10, 2015
- Speaker, "Get A Grip! Wrangling the Mediation Process to Improve Your Chances of Success in Multi-Party Disputes", American Arbitration Association's Webinar, May 13, 2015
- Participant/Speaker, "Mock Mediation Panel", New York State Bar Association Corporate Counsel/Dispute Resolution Sections, January 29, 2015
- Speaker, "The Building Blocks of Client Development", IWIRC Florida Network, 2015
- Moderator, "Can Mediation Save the Golden Goose", Mock Mediation, Joint Meeting, Commercial Fraud/Mediation Committees, ABI Winter Leadership Conference, December 6, 2014
- Speaker, "Re-Structure, Re-Lease, Re-Invent? Challenges & Opportunities of Retail's Changing Landscape", American Bar Association CLE Webinar, August 12, 2014
- Speaker, "Future Projects in Mediation", American Bankruptcy Institute Spring Conference, April 25, 2014
- Speaker, "Perfect Pitch: A Mock Pitch Event" IWIRC Spring Conference, April 24, 2014
- Speaker, "Practical Skills – Basics of Bankruptcy Practice", New York State Bar Association, November 5, 2013
- Guest Lecturer on Bankruptcy, Uniform Commercial Code Class, Hofstra Law School, April 2013
- Guest Lecturer on Bankruptcy and Real Estate Issues, Title Insurance Class, New York Law School, April 2013
- Speaker, "Bankruptcy: Motions for Relief From Stay", National Bankruptcy Institute Teleconference, July 25, 2012
- Guest Lecturer on Bankruptcy, Uniform Commercial Code Class, Hofstra Law School, April 2012
- Guest Lecturer on Bankruptcy and Real Estate Issues, Title Insurance Class, New York Law School, April 2012
- Moderator, "Bankruptcy Forum: What Judges and Trustees Want You to Know", National Bankruptcy Institute, April 27, 2012
- Speaker, "Rogue Employee & Internal Fraud Considerations", Long Island Chapter of



the Association of Certified Fraud Examiners, April 2012

- Speaker, Bankruptcy Litigation/Business Reorganization/Health Care Session, "Understanding D&O Issues in a Brave New World: Health Care, Nonprofit, For-Profit and a Bevy of Other Issues", American Bankruptcy Institute Spring Meeting, April 2012
- Speaker, "Bankruptcy: Motions for Relief From Stay", National Bankruptcy Institute Teleconference, December 2011
- Moderator, "Bankruptcy Forum: What Judges and Trustees Want You to Know", National Bankruptcy Institute Judicial & Trustee Forum, May 13, 2011
- Speaker, "Bankruptcy: Automatic Stay Relief for Creditors", National Business Institute, June 21, 2010
- Speaker, "Creditor Claims and Distributions in Bankruptcy", National Business Institute, June 14, 2010
- Speaker, "Creditor Actions Allowed During Bankruptcy", National Business Institute, June 7, 2010
- Speaker, "Overview of Creditors' Rights Under Each Bankruptcy Chapter", National Business Institute, June 1, 2010
- Speaker, "Business Law Updates", American Bankruptcy Institute, Sixth Annual Caribbean Insolvency Symposium, February 2010
- Speaker, "Commercial Leases in a Down Economy, Sterling Education Services", October 13, 2009
- Panelist, "Radical Restructuring: Strategies Before, During, and After Bankruptcy", Foundation for Accounting Education, September 15, 2009
- Panelist, "Chapter 7 and Chapter 11—Can they be Lucky Numbers?", June 17, 2009, Turnaround Mgmt Assoc, Long Island Chapter, NY Institute of Credit, Nassau County Bar Assoc. Suffolk City Bar Association
- Speaker, "Consumers and Small Businesses in Distress, Using the Bankruptcy Code to Help Weather these Troubled Times", Spring 2009, NYSBA CLE Program.
- Speaker, "Real Estate, The New American Skyline: Builder/Developer Workouts and Restructurings", ABI Annual Winter Leadership Conference December 5 - 8, 2007
- Speaker, "The Scope & Implications of the Automatic Stay: A Non-Bankruptcy Litigator's Guide", The Federal Bar Association, Eastern District of New York Chapter, April 30, 2007.
- Speaker, "The Overlap Of Dirt & Chattels: Competing Rights Of Secured Parties, Landlords & Equipment Lessors In Collateral & Fixtures In Real Estate Related Transactions", ABI Annual Winter Leadership Conference November 29 - December 3, 2006
- Moderator, "Deepening Insolvency - Impact & Pitfalls", New York Institute of Credit and IWIRC NY Network, City Bar Justice Center, April 25, 2005
- Speaker, "Guiding You and Your Clients Towards Success in These Complex Economic Times – A Morning with the Experts", Uniondale Marriott, November 3, 2004
- Coordinator, "Annual Bankruptcy Law Update", Nassau/Suffolk Academy of Law, June 22, 2004
- Speaker, "Bankruptcy Pre and Post Filing Concerns", New York Institute of Credit, April 27, 2004

- Speaker, "Hot Topics in Bankruptcy, Sub-Committee on Business", American Bar Association, Spring Meeting, April 2, 2004
- Speaker, "Bankruptcy, Creditor's Rights and Protection of Security Interests in Bankruptcy Seminar", Sterling Education Services, July 8, 2003
- Program Chair, "Technology in the Bankruptcy Court: Welcome to the 21<sup>st</sup> Century", United States Bankruptcy Court and the Suffolk and Nassau Academies of Law, October 24, 2003
- Moderator, "Dean's Hour: Truth & Consequences: Analyzing a Company Collateral Reporting", The Nassau Academy of Law, September 10, 2003
- Speaker, "Bankruptcy and Reorganization Conference", The Association of the Bar of the City of New York, July 31, 2003
- Speaker, "Bankruptcy, Creditor's Rights and Protection of Security Interests in Bankruptcy" Seminar, Sterling Education Services, July 8, 2003
- Moderator, "True Life Bankruptcy Stories" Seminar, Nassau Academy of Law, May 29, 2003
- Speaker, "Real Estate, Advanced Real Estate Law In New York", National Business Institute, April 15, 2003
- Moderator, "The 1, 2, 3's of Chapter 7 Bankruptcy: A Hands on Seminar", Nassau County Bar Association, November, 2002
- Speaker, "The Impact of Bankruptcy Dissolution of Marriage in New York", National Business Institute, September 17, 2002
- Speaker, "Advanced Real Estate Law In New York", National Business Institute, February 12, 2002
- Moderator, "Panel Discussion on Reorganization Team Dynamics - Insights and Suggestions Regarding the Dynamics and Communications Within the Reorganization Management Team", American Bankruptcy Institute's Spring Conference, April 2001
- Speaker, "Select Environmental Issues in Bankruptcy Cases", Nassau Academy of Law, Bankruptcy Update, November 30, 2000
- Speaker, "Permissive Abstention in Adversary Proceedings Under the Bankruptcy Code, a Litigators Response", Suffolk County Bar Association, March 20, 1999

#### **Books Published:**

- *Best of ABI 2022: The Year in Business Bankruptcy*, May 2023, involved select mediation articles
- *Best of ABI 2019: The Year in Business Bankruptcy*, March 2020, involved select mediation articles
- *Guide for In-House Counsel*, American Bar Association, March 2019, Editor-in-Chief and Contributing Author
- *Utilizing Structured Financing Techniques*, Reorganizing Failing Businesses Third Edition, American Bar Association, August 2017
- *Bankruptcy Mediation*, American Bankruptcy Institute, June 2016, Co-Editor-in-Chief and Contributing Author
- *Dealing With A Perfect Storm: The Impact of a Down Economy & Natural Disasters on Bankruptcy Law*, Thought Leadership Bankruptcy & Financial Restructuring Law 2013, Aspatore, March 2013
- *ABI Health Care Insolvency Manual, Third Edition*, American Bankruptcy Institute,

2012, Co-Editor-in-Chief and Contributing Author

- *The Impact of the Overall Economic Climate on Middle Market Real Estate*, Thought Leadership Bankruptcy's Financial Restructuring, Aspatore, February 2012
- *Philadelphia Newspapers and Other Notable Cases in Commercial Bankruptcies*, Inside the Minds, Trends in Commercial Bankruptcy Filings, Aspatore, 2010

**Select Articles Published:**

- *Confidentiality Fundamentals: A Continuing Discussion*, ABI Journal, January 2025, Co-Author John G. Loughnane
- *Evolving Legal Standards to Combat Disqualification of Arbitrators for Failing to Disclose Conflicts of Interest*, New York Law Journal, December 13, 2024
- *How to Prepare for an Effective Mediation*, American Bar Association, Dispute Resolution Section, Just Resolutions Newsletter, August 2024 Issue
- *ADR Providers and Businesses Respond to the Massive Costs of Mass Arbitration Claims*, New York Law Journal, August 5, 2024
- *A Contest of Wills, or Deference Due? Arbitration and Bankruptcy*, ABI Journal, August 2024, Co-Authors, Candice L. Kline and Simran Merchant
- *Supreme Court to Determine If District Court May Dismiss or Stay a Case When the Underlying Dispute Is Referred to Arbitration*, GGI FYI Debt Collection, Restructuring & Insolvency News, No. 16, Spring 2024
- *Texas Bankruptcy Court Issues Key Rulings Impacting Claims Against Secured Creditors*, GGI FYI Litigation & Dispute Resolution News, No. 20, Spring 2024
- *The Quirks of Mediation in Sub V*, ABI Journal, April 2024, Co-Authors, Marla S. Benedek, and Mark E. Felger
- *The Second Circuit Finds COVID Furlough Suit Not Subject to Arbitration*, ABA Business Law Today, March, 2024
- *Supreme Court's Trend in Ruling in Arbitration Topics Should Have Litigators Reflecting on Strategy*, New York Law Journal, March 15, 2024
- *Second Circuit Rejects Use of Mailed Update to Bind Customers to Arbitration Provisions*, ABA Business Law Today, February, 2024
- *The Multiple Roles of a Mediator*, ABI Journal, February, 2024, Co-Author, Nicole Case
- *Supreme Court to Determine Enforceability of Delegation Clauses in Arbitration Agreements*, ABA Business Law Today, January, 2024
- *Balancing Private Interests and Judicial Oversight*, ABI Journal, December, 2023, Co-Authors, John G. Loughnane and Andrew E. Arthur
- *Artificial Intelligence in the Dispute Resolution Space: Can Robots Replace the Professionals?* New York Law Journal, November 17, 2023
- *The Use of Mediation in Large Chapter 11 Cases: Useful, Voluntary and Mandatory (Part II)*, ABI Journal, November, 2023, Co-Authors, Candice L. Kline and Turner N. Falk
- *The Eleventh Circuit Joins The Majority Of Circuits In Finding Grounds To Vacate A Non-Domestic Arbitration Award Under The FAA*, GGI FYI Litigation & Dispute Resolution News, No. 19, Autumn 2023
- *The Use of Mediation in Large Chapter 11 Cases: Useful, Voluntary and Mandatory (Part I)*, ABI Journal, August, 2023, Co-Authors, Candice L. Kline and Turner N. Falk

- *Is Your Dispute Resolution Process Truly Confidential*, New York Law Journal, August 7, 2023
- *Supreme Court Finds Underlying District Court Action Is Automatically Stayed Pending Interlocutory Appeal of a Denial of a Motion to Compel Arbitration*, ABA Business Law Today, July, 2023
- *The Supreme Court Finds Foreign Award Creditor Can Bring Claims under RICO to Enforce Award*, ABA Business Law Today, July, 2023
- *Ninth Circuit Strikes Down Law Imposing Criminal Liability Against Employers Requiring Arbitration Agreements*, ABA Business Law Today, March, 2023
- *What Happens When Co-Defendants Hold Divergent Interests?*, ABI Journal, March, 2023
- *New York Creates Alternative Means for Discovery in Light of Supreme Court's Narrowing of 28 U.S.C. 1782*, ABA Business Law Today, February, 2023
- *Supreme Court to Resolve Circuit Split as to Whether the Appeal of a Denial of a Motion to Compel Arbitration Mandates a Stay of the Underlying Litigation*, ABA Business Law Today, January, 2023
- *NJ Interprets the EFAA to be Prospective in its Effect*, ABA Business Law Today, December, 2022
- *Mediation in International Cases to Advance Cross-Border Disputes*, ABI Journal, December, 2022
- *Second Circuit Applies Supreme Court Ruling on 1782 to Arbitrations under the ICSD*, ABA Business Law Today, November, 2022
- *Upon Remand from the United States Supreme Court, the Eleventh Circuit Affirms Non-Signatories May Invoke International Arbitration*, ABA Business Law Today, October, 2022
- *Appointment of Examiners under the US Bankruptcy Code in the United States: Ambiguity in the Code*, GGI FYI DCRI News No. 14, Autumn 2022
- *Ninth Circuit Court of Appeals Grants Rehearing Following Viking River Cruise*, ABA Business Law Today, September, 2022
- *Limitations on Confidentiality*, ABI Journal, September 2022
- *Second Circuit Clarifies Standard for Attachment in Aid of Arbitration*, ABA Business Law Today, August, 2022
- *Compelling Arbitration of Non-Core Claims and Denying Arbitration of Core Claims: Is Bifurcation Efficient and Fair?* Thomson Reuters, Norton Journal of Bankruptcy Law and Practice, Vol. 31, No. 3, June, 2022
- *Petition for Rehearing On Supreme Court's Ruling in Viking River Cruises*, ABA Business Law Today, July, 2022
- *The United States Supreme Court Resolves Circuit Split Over the Question of Whether Prejudice Is Relevant in Deciding Whether or Not There Is a Waiver*, ABA Business Law Today, June, 2022
- *Supreme Court to Determine Whether Prejudice Impacts a Determination of Waiver of Arbitrability*, GGI LDR News No. 16, Summer 2022
- *The Price of Principle*, ABI Journal, June, 2022
- *Second Circuit Narrowly Construes Definition of Transportation Worker Under FAA to Determine Exemption*, ABA Business Law Today, May, 2022

- *Supreme Court Restricts the Ability of Federal Courts to Confirm or Vacate Arbitral Awards*, ABA Business Law Today, April, 2022
- *Remedies for Refusing to Consummate a Settlement Agreement Reached at Mediation*, ABI Journal, April, 2022
- *Congress Passes Landmark Bill Prohibiting Employers from Mandating Arbitration of Sexual Harassment Claims*, ABA Business Law Today, February, 2022
- *Supreme Court to Determine Whether Prejudice Impacts a Determination of Waiver of Arbitrability*, ABA Business Law Today, January, 2022
- *Supreme Court to Resolve a Circuit Split*, ABA Business Law Today, December, 2021
- *Puerto Rico Upholds Implicit Consent for Arbitration Agreements in the Employment Context*, ABA Business Law Today, November, 2021
- *The Supreme Court to Determine Issues Concerning Subject Matter Jurisdiction*, GGI LDR News No. 15, Autumn 2021
- *Mediation: How Litigators Can Maximize a Unique Opportunity*, ABI Journal, October, 2021
- *Ninth Circuit Holds that State Law Does not Bar the Enforcement of Arbitration Clauses under the New York Convention - Will the Supreme Court Grant Cert?*, ABA Business Law Today, September, 2021
- *Ninth Circuit Holds Finds That Uber's Mandatory Arbitration Provisions Govern Claims of Their Drivers, Finding the Drivers Are Not Engaged In Interstate Commerce*, ABA Business Law Today, August, 2021
- *COVID-19 Leads to Temporary Modifications to Key Real Estate Lease Provisions Under the Bankruptcy Code*, NYSBA Inside, Summer 2021, Vol. 39, No. 2
- *The Ninth Circuit Affirms Denial of a Non-Signatory's Motion to Compel Arbitration*, ABA Business Law Today, July, 2021
- *The Supreme Court Grants Certiorari to Determine if Federal Courts Have Subject Matter Jurisdiction to Confirm or Vacate an Arbitration Award*, ABA Business Law Today, June, 2021
- *Mediation Allowed a Complex Dispute to Be Resolved Without Protracted Litigation*, ABI Journal, July 2021
- *The Second Circuit Finds ERISA Claim Against Plan Manager Was Not Related to Separate Employment Agreement and Therefore Would Not Require Arbitration of the Dispute*, ABA Business Law Today, May, 2021
- *Is Arbitration in Bankruptcy Cases A Viable Option?*, American Bar Association, Dispute Resolution Section, Just Resolutions Newsletter, May 2021 Issue
- *The Continuing Erosion of Arbitration Clauses in Bankruptcy Cases*, GGI LDR News No. 14, Spring 2021
- *The Supreme Court Slated to Resolve a Circuit Split*, ABA Business Law Today, April, 2021
- *Bankruptcy Courts Continue to Decline Enforcement of Arbitration Clauses in Core Cases*, ABA Business Law Today, March, 2021
- *Key Changes to Rules Governing Certain International Arbitrations*, ABA Business Law Today, March, 2021
- *A Widening Circuit Split: Is The Trend to Deny Discovery For Foreign Private Arbitration Under 28 U.S.C. § 1782?* ABA Business Law Today, November 30, 2020

- *Arbitrating Arbitrability: The Circuit Courts Weigh In*, ABA Business Law Today, November 30, 2020
- *Online Dispute Resolution in Our New Normal*, GGI LDR News No. 13, Autumn 2020
- *Strategies To Protect Your Company From Clawback Actions During These Turbulent Times and Beyond* NYSBA Inside Summer 2020, Vol. 38, No. 2
- *Will the Supreme Court Resolve the Split in the Circuits Concerning Use of Discovery in Private International Arbitration?* ABA Business Law Today, July, 2020
- *Supreme Court Determines That Nonsignatories May Invoke International Arbitration in Certain Circumstances*, ABA Business Law Today, June, 2020
- *Subchapter V of the US Bankruptcy Code*, GGI DCRI News Special Edition No. 1, 2020
- *Taking Mediation Online: The Practicalities and the Pitfalls*, ABI Journal, June, 2020
- *Second Circuit Allows for Third Party Subpoenas*, ABA Business Law Today, June, 2020
- *The Singapore Convention: A Viable Method to Enforce Settlement Agreements?*, New York Law Journal, May 20, 2020
- *In the Wake of the U.S. Supreme Court's Decision in Epic Systems, Should Core Bankruptcy Matters Be Deemed a "Clear and Manifest" Exception to the Federal Arbitration Act?* Thomson Reuters, Norton Journal of Bankruptcy Law and Practice, Volume 29, Issue 2, April, 2020
- *The Impact of the Recent Earthquake on Puerto Rico's Restructuring Plan*, GGI DCRI News No. 12, Spring 2020
- *Taking Your Mediation Practice Online in the Face of Covid-19*, ABA Business Law Today, March 29, 2020
- *Circuit Splits over Medicare Claims*, ABI Journal, December, 2019
- *Second Circuit Holds Bankruptcy Code's Avoidance Provisions Apply Extraterritorially*, GGI DCRI News No. 11, Autumn 2019
- *To Enforce or Not to Enforce: What Test Should Courts Apply When Faced with Arbitration Agreements in Bankruptcy?* Thomson Reuters, Norton Journal of Bankruptcy Law and Practice, Volume 28, Issue 4, August, 2019
- *Drafting ADR Clauses for Financial, M&A, and Joint Venture Disputes*, ABA Business Law Today, July, 2019
- *Mediating Valuation Disputes*, ABI Journal, July, 2019
- *Chapter 15: Court Permits Foreign Debtors to Access and Transfer Funds in a US Account*, GGI DCRI News No. 10, Spring 2019
- *Is Arbitration in Bankruptcy Cases a Viable ADR Option?*, ABI Journal, January, 2019
- *Preparing In-House Counsel and External Lawyer Advocates for Effective, Good-Faith Mediation of Mergers & Acquisitions*, ABA Business Law Today, February 14, 2018
- *The Continuing Value of the Joint Session in Mediation*, ABI Journal, November 2017
- *Reflections on the 1-2-3s of Mediation of a Merger & Acquisition Dispute*, ABA Business Law Today, July, 2017
- *Do Not Underestimate the Importance of Selecting the Right Mediator*, ABI Journal, April 2017
- *The Role of In-House Counsel in the Mediation Process*, NYSBA Inside, Winter 2015
- *Effective Advocacy in Mediation*, NYSBA New York Dispute Resolution Lawyer, Fall

2015

- *Mediating With The New Kid In Town*, ABA's November 2014 Just Resolutions Newsletter
- *Reflections on Mediation in Bankruptcy Matters*, NYSBA – New York Dispute Resolution Lawyer, August 17, 2011

**Select Honors:**

- 2024 Lawdragon 500 Leading Global Bankruptcy and Restructuring Lawyers
- New York Super Lawyers® Top Women New York Metro area, 2024
- Spring 2023 - NYSBA Chair Award in Recognition for Leadership, Dedication and Commitment to the Teaching and Development of Mediation
- New York Super Lawyers® The Top Women Attorneys in New York, 2023
- 2023 Lawdragon 500 Leading U.S. Bankruptcy and Restructuring Lawyers
- New York Super Lawyers® The Top Women Attorneys in New York, 2022
- LIBN's Power Lists of 2021 Law, Accounting, Banking, Finance, Healthcare, Power Women and Most Powerful Long Islanders!, January, 2022
- 2022 Lawdragon Top 500 Bankruptcy & Restructuring Lawyers in the U.S.
- ABF Journal's Inaugural Class Of Top Women In Asset-Based Lending April, 2021
- 2020 New York Metro Top Women Super Lawyers
- LIBN's Top Power 25 in Law, March, 2021
- 2020 Lawdragon 500 Leading U.S. Bankruptcy & Restructuring Lawyers
- NYSBA Dispute Resolution Section Chairperson Award 2019, recognizing the creation and launch of the Association's Inaugural Mediation Tournament in 2019
- New York Super Lawyers® 2014 to present
- The Lawyer International – Legal 100 Award, 2016 to present
- Client Choice Winner Insolvency Law Firm of the Year in New York Corporate *INTL Magazine*, 2014 to 2016
- Long Island Outstanding Women in Law Award, *Hofstra University School of Law*, April 5, 2016
- ALM Top-Rated LI Lawyer *Annual Legal Leaders Guide*, 2015
- Member of the 2013 class of Long Island's Top Leadership In Law, *Long Island Business News*
- Long Island's Who's Who in Women in Professional Services, *Long Island Business News*, 2013
- Top 50 Professional Women Award & Hall of Fame Inductee, *Long Island Business News*, 2012
- One of Long Island's Who's Who in Women in Professional Services, *Long Island Business News* (LIBN), 2011
- One of Long Island's Who's Who in Women in Professional Services, *Long Island Business News* (LIBN), 2009
- Melnik Award recipient by IWIRC for Exceptional IWIRC Member, 2009
- Long Island Business News, Top 50 Influential Women in Business, 2008
- Honoree, Face to Face (The National Domestic Violence Project and The Nassau County Coalition Against Domestic Violence) - Annual Benefit, 2005
- Honoree, Child Care Council of Nassau, Inc. Charity - Golf Classic Outing & Casino

Night, 2005

- *Long Island Business News*, Top 40 Professionals Under 40, 2005
- Long Island Woman Businessperson of the Month, Molloy College, 2004
- *Long Island Business News*, One of Long Island's 50 Top Women in Business, 2004
- Recipient of the Hofstra University School of Law Distinguished Alumni Award, 2004
- Judge at the Annual Judge Conrad B. Duberstein National Moot Court Competition, 1996 to 2003

#### **IV. Experience and Familiarity with Bankruptcy Law:**

In addition to all of the training identified above, Ms. Berkoff has experience both as Debtor's counsel and creditor's counsel in many cases. While the mainstay of this Firm's work has concentrated on creditor representation, using this unique perspective over the years, the Firm has been engaged as Debtor's counsel in a variety of Chapter 11 bankruptcy cases. Some of the cases are listed below. She has served as Debtor's counsel in several large bankruptcy cases in the Eastern and Southern Districts of New York, many of which were successfully confirmed, several of which were resolved by consensual orders providing for structured dismissals.

The Firm confirmed a Lender's Plan in the case of 4218 Partners, LLC, a single asset real estate company located in Brooklyn, New York before the Honorable Nancy Lord which also had three related/companion cases. The case involved complicated issues of credit bidding, substantive consolidation, default interest rates, equitable subordination, equitable estoppel, economic duress, loan repudiation.

The Firm confirmed the Chapter 11 reorganization cases of (a) Avionics Plastics Corporation, a nationally known plastic injection molding corporation, and (b) Volkert Precision Technologies Inc., a precision tooling company, both before the Honorable Dorothy T. Eisenberg. The cases involved staying off a potential leveraged buyout by a competitor and other related litigation.

The Firm confirmed the Chapter 11 reorganization of BR Steel Products before Judge Tuhoey in the New Jersey Bankruptcy Court. The assets of BR Steel were sold to a third party "white knight" as part of the reorganization process and the core of the Debtor's business operations were then relocated to New York.

The Firm represented the owners of a large commercial use property in Brooklyn, New York, Fulton Center LLC, in a case pending before the Honorable Jerome Feller. After reorganizing the company during the course of the bankruptcy case and entering into a consensual agreement with the first mortgage lender, the case was consensually dismissed.

The Firm confirmed the Joint Plan of Liquidation for the Dial-A-Mattress Companies before the Honorable Dennis E. Milton of the Eastern District of New York. The case involved the successful litigation with franchise owners and a contested sale process in which the assets of Dial were successfully sold at a competitive auction sale to Sleepy's. The final sale price generated close to an eighty percent return to the creditor body.



The Firm also confirmed the Joint Plans of Liquidation for the Innovative Companies, comprised of six companies which supplied granite, marble and natural stone products for commercial and residential use nationally. At the time of the filing the companies were the tenth largest woman owned company in NY. The core business assets were sold to a third party as part of the reorganization process and the original CEO presently serves as the CEO of the new companies.

Additionally, the firm has represented a variety of constituencies in complex bankruptcy cases such as:

- *In re Curative Health Services, Inc. et al.*, U.S. Bankruptcy Court, Southern District of New York. Represented General Electric Capital Corporation as the senior secured lender and debtor in possession lender in the pre-packaged Chapter 11 filing of Curative Health Services, Inc., et al., providers of specialty infusion and wound care management services. Negotiated and documented \$50,000,000.00 debtor-in-possession credit facility.
- *In re Homesteads at Newtown, LLC*, U.S. Bankruptcy Court, District of Connecticut. Represented first mortgagee and cash collateral lender in the Chapter 11 filing of this assisted living healthcare facility. Addressed and litigated all cash collateral, foreclosure, stay relief and operating trustee appointment issues. Coordinated taking title to facility after successful litigation and represented the seller in connection with the subsequent sale.
- *In re Impath*, U.S. Bankruptcy Court, Southern District of New York. Represented unofficial group of equipment lessors including Hitachi Credit American Corp., Wells Fargo Equipment Finance Inc., TCF Leasing, Inc., Fleet National Bank, and First American Equipment Finance in connection with lease workouts, litigating true lease issues, valuation of collateral and negotiating payment of almost \$8,000,000.00 in debt.
- *240 Church et al.*, Represented DIP lender in a multi debtor healthcare case of several related assisted living facilities, negotiated post-petition financing arrangements and plan treatment.
- *In re Ames Dept. Stores*, U.S. Bankruptcy Court, Southern District of New York. Represented unofficial lessor group including CIT, Siemens Financial, Fleet Capital and CitiCapital in connection with lease workouts, assumption/rejection, litigating true lease issues and negotiating in excess of \$7,000,000.00 in debt.

## **V. Mediation Training:**

CPR Institute, Innovations in Dispute Prevention and Resolution Tools from CPR, February 5, 2024 (1 hour); NYSBA/American Arbitration Association, Updates To The AAA Commercial Arbitration Rules And Mediation Procedures, December 8, 2022 (2 hours); New York City Bar, Guess What – Your Online Mediation May Not Be Confidential, February 4, 2021 (1 hour); American Arbitration Association, Cyber Security: A Shared Responsibility, November 4, 2020 (45 minutes); New York County Lawyers Association (NYCLA), Entrenchment

Mediation Training: For Mediators in Court-Annexed Mediation Programs, November 10, 2020 (2 ½ hours); American Arbitration Association, Advanced Mediation and Advocacy Skills for Global Commerce, October 19, 23, 26, 30 & November 2, 2020 (10 hours); New York City Bar Association, Surrogate's Court Mediation Training, September 15, 17, 22 & 24, 2020 (16 hours); New York City Bar Association, Selected Ethics Issue in Mediation & Settlement Negotiations, June 25, 2020 (2 hours); New York Law School, Presumptive ADR in New York Courts, June 10, 2020 (1 ½ hours); American Bar Association, Online Dispute Resolution "ODR" and You, April 22, 2020 (1 ½ hours); NYSBA, How to Value the Case for Settlement, Mediation or Other ADR Processes, April 22, 2020 (1 hour); American Bankruptcy Association, Ethical Considerations for Use of Online Tools for Dispute Neutrals in the COVID 19 Era, March 27, 2020 (1 hour); The Center for Understanding in Conflict, Moving Mediation Online, March 25, 2020 (1 ½ hours); Nassau County Bar Association and Columbia Law School Mediation Clinic, "Negotiating Through Uncertainty", March 23, 2020 (½ hour); American Bar Association, "Hidden Concepts in Negotiation: What You Never Learned in Law School", Webcast, December 18, 2019 (1 hour); Nassau Academy of Law/Nassau County Bar Association, Mediation Advocacy, November 13, 2019 (3 hours); NAMS Webcast, Inside the Mind Of a Mediator: Avoiding Impasse and Maximizing Outcomes in Mediation, November 7, 2019 (1 hour); NYSBA Dispute Resolution Section, The Future of ADR: Where are We Going and How Do We Get There?, at New York Law School, October 25, 2019 (7 hours); American Arbitration Association, New York Regional Office, Advanced Mediator Training Series: Expanding the Mediators Toolbox – Blending Advanced Mediator Strategies, June 13, 2019 (8 hours); New York Law School, Alternative Dispute Resolution Skills Program, Fifth Annual Symposium: ADR and Diversity, January 31, 2019 (3 hours); NYSBA Dispute Resolution Section at 2018 Dispute Resolution Section Training at New York Law School, October 22, 2018 (6 ½ hours); Training course run by John Jay College of Criminal Justice on Microaggressions: Applications to Mediation, June 7, 2018 (1 ½ hours); training course by the Federal Bar Association EDNY: Implicit Bias Program, June 6, 2018 (2 ½ hours); Training course run by the New York City Bar Association on Neuroscience in Mediation and Negotiation, March 27, 2018 (2 ½ hours); arbitration training by the American Arbitration Association, March 21-22, 2018 (13 hours); arbitration training course by American Arbitration Association Award Writing: Safeguarding, Deciding & Writing Awards, March 18, 2018 (1 ½ hours); New York State Bar Association Joint Program Commercial & Federal Litigation Section (ADR) Cross-Fertilization of Best Practices, March 13, 2017 (7 ½ hours); 11th Annual Conference on International Arbitration and Mediation, October, 2016 (5 hours); arbitration training course by New York State Bar Association, Dispute Resolution Section; Commercial Arbitration Training, June 1-3, 2015 (23 ½ hours); Association of the Bar of the City of New York, Conflict Resolution Theory and Techniques, February and March, 2015 (27 ½ hours); Completion of a course given by the American Bankruptcy Institute/St. John's University School of Law Bankruptcy Mediation Training Program, (Inaugural Class) December 2011 (40 hours); 3 hours in an additional training course run by the Association of the Bar of the City of New York on ADR in Bankruptcy Cases, April 2000

## **VI. Mediation Experience:**

- *David Castleman, as Receiver of EminiFx, Inc.*, United States District Court, Southern District of New York, Index No. 22-civ-3822, Honorable Valerie E. Caproni, Mediation Agreement dated November 13, 2024

- *Nauni Manty, as Liquidating Trustee of Pipeline Foods Liquidating Trust v AMERRA Capital Management, LLC, et al.*, United States Bankruptcy Court, District of Delaware, Adv. Pro. No. 22-50399, Honorable Karen B. Owens, Mediation Agreement dated September 23, 2024
- *In re Robert Stern/The Internal Revenue Service*, United States Bankruptcy Court, Southern District of New York, Case No. 22-10696, Honorable Lisa G. Beckerman, Mediation Order dated July 8, 2024.
- *Anna Kanes, as Executrix of the Estate of George Kanes, et. Al v. Peter Kanes, et al.*, Nassau County Supreme Court, Index No. 608982/2020, Honorable Timothy S. Driscoll, Order Appointing Mediator dated August 30, 2023 and further clarified on June 14, 2024
- *Williamsburg Boutique LLC v. Bankwell Bank, et al.*, United States Bankruptcy Court, Southern District of New York, Adv. Proc. No. 24-07005, Honorable Kyu Y. Paek (Stipulation and Order Referring Matters to Mediation and Appointing Mediator dated August 26, 2024)
- *Official Committee of Unsecured Creditors of Pack Liquidating, LLC et al. on behalf of Debtors' estate v. Abel Woman*, United States Bankruptcy Court, District of Delaware, Adv. Pro. No. 23-50497-CTG., Honorable Craig T. Goldblatt, Order Appointing Mediator dated June 20, 2024
- *Official Committee of Unsecured Creditors of Pack Liquidating, LLC et al. on behalf of Debtors' estate v. MTBC Ltd dba TBC Enterprises*, United States Bankruptcy Court, District of Delaware, Adv. Pro. No. 23-50547-CTG., Honorable Craig T. Goldblatt, Order Appointing Mediator dated June 20, 2024
- *Official Committee of Unsecured Creditors of Pack Liquidating, LLC et al. on behalf of Debtors' estate v. Raymond Handling Solutions, Inc.*, United States Bankruptcy Court, District of Delaware, Adv. Pro. No. 23-50568-CTG., Honorable Craig T. Goldblatt, Order Appointing Mediator dated June 20, 2024
- *Official Committee of Unsecured Creditors of Pack Liquidating, LLC et al. on behalf of Debtors' estate v. Sheralven Enterprises Ltd.*, United States Bankruptcy Court, District of Delaware, Adv. Pro. No. 23-50568-CTG., Honorable Craig T. Goldblatt, Order Appointing Mediator dated June 20, 2024
- *Sheronica Outlaw v. Liberty Chevrolet, Inc. d/b/a Bronx Honda, Shaw Mirchandani and Alex Alexander*, Supreme Court of the State of New York, Bronx County, Index No. 26070/2018E, Albert M. Levi, Referee, Order of Reference to Mediation dated October 20, 2022
- *Madonna Management Service, Inc. a/k/a MMS Group, Inc. v. Raveco Medical, P.C., Steven Ravins and Claudia Ravins*, Index No. 610956/2019, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Dawn Jimenez, January 26, 2024
- *Barry Leon, et al. v. AC Broadway Lender LLC et al.*, Index No. 606596/2021, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Sharon M.J. Gianelli, December 29, 2023
- *Mesabi Metallics Company LLC, Essar Steel Minnesota LLC v. B. Riley FBR, Inc. f/k/a B. Riley & Co., LLC*, United States Bankruptcy Court, District of Delaware, Adv. Proc. No. 18-50833-CTG, Honorable Craig T Goldblatt, Order Assigning Adversary

Proceeding to Mediation and Appointing Mediator dated November 13, 2023

- *The Brooklyn Standard IX LLC v. Eitan Zviely*, United States Bankruptcy Court, Eastern District of New York, Case No. 23-42455-jmm, Honorable Jil Mazer-Marino, Stipulation and Mediation Order dated September 22, 2023
- *In re: AC NW Retail Investment LLC and Armstrong New West Retail LLC, Debtors; Mediation of AC NW Retail Investment LLC and Armstrong New West Retail LLC v. LMezz 250 W90th LLC, Ladder Capital Finance LLC and Ladder Capital Finance I LLC*, United States Bankruptcy Court, Southern District of New York, Case Nos. 16-23085 and 23086, Honorable Sean H. Lane, Stipulation and Order dated July 25, 2023
- *Roman Kakzanov, suing individually and derivatively on behalf of Canarsie Optometry P.C., Plaintiffs v. Leonard Fuzaylov and NY Optometrist Vision P.C., Defendants, and Canarsie Optometry P.C., as Nominal Defendant*, Supreme Court of the State of New York, County of Queens, Private Party Agreement to Mediate, July 17, 2023, Co-Mediator
- *Debra Kramer, Chapter 7 Trustee of Nicole Cumberbatch v. Camille Angela Ruffner and Damian Scott Ruffner*, United States Bankruptcy Court, Eastern District of New York, Case No. 1-22-01100, Honorable Elizabeth S. Stong, Stipulation and Order dated July 7, 2023
- *Kids Albertson, Inc. and Beverly Solomon v. Stacey Solomon Sachs and S&D Jewelers, Inc.*, Index No. 600581/2023, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Sharon M.J. Gianelli, June 21, 2023
- *Sandy Smith Refining, LLC v. Cathy Choi aka Sunjo Choi*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. No. 21-08159, Honorable Alan S. Trust, Order Assigning Matters to Mediation dated November 2, 2022
- *Mezhelyn R. Ellis v. Natalie Elaine Goulbourne*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. No. 1-22-01047, Honorable Elizabeth S. Stong, Mediation Referral Order dated October 6, 2022
- *Incorporated Village of Freeport v. Albrecht Viggiano Zureck & Co., P.C., Robert McGrath, Patrick Ryan, PKF O'Connor Davies LLP*, Index No. 607889/2015, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Sharon M.J. Gianelli, May 17, 2022
- *Saljooki Enterprises Inc. and Yousuf Saljooki v. Anthony M. Lodati, Sr.* Index No. 610523/2019, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccia T. Pineda-Kirwan, March 24, 2022
- *Joseph J. Sarcona, Jr. a shareholder of JJS Transportation and Distribution Co., Inc., suing in the right of JJS Transportation and Distribution Co., Inc. and Joseph J. Sarcona, Jr., individually v. Joseph J. Sarcona III and JJS Transportation and Distribution Co., Inc.*, Index No. 614075-21, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, March 24, 2022
- *In re: Rochester Drug Co-Operative, Inc., Debtor*, United States Bankruptcy Court, Western District of New York, Case No. 20-20230, Honorable Paul R. Warren, Order Approving Stipulation by and between the Liquidating Trustee and Defendants Regarding the Mediation Procedures and Continuance of Rule 16 Conference Pending

Completion of Mediation dated March 1, 2022, multiple separate fraudulent transfer mediations

- *In re: Michael Maidan, Debtor; Mediation of Joshua Maidan v. Eric Huebscher, as the Liquidation Trustee of the Debtor's Estate*, United States Bankruptcy Court, Eastern District of New York, Case No. 8-19-77027, Honorable Louis A. Scarcella, Stipulation and Order dated February 24, 2022
- *Usher Egert and YGC at Woodycrest, LLC v. Brian Natanov* Index No. 608328/2021, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccía T. Pineda-Kirwan, February 21, 2022
- *Ryan Kass and Jessica Kass v. M. Marin Restoration, Inc., Justin Marinoff d/b/a Mercer Built and Marc Marinoff d/b/a Mercer Built*, Index No.: 610670/2021, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Sharon M.J. Gianelli, December 13, 2021
- *In re: Orion Healthcorp, Inc., Debtor; Mediation of Howard M. Ehrenberg in his Capacity as Liquidating Trustee of Orion Healthcorp, Inc., et al. v. Abruzzi Investments, LLC, John Petrozza*, United States Bankruptcy Court, Eastern District of New York, Case No. 18-71748 (AST); Adv. No. 20-08052-AST, party appointed mediation, December, 2021
- *Batzion Ifraimov*, Debtor, United States Bankruptcy Court, Eastern District of New York, Case No. 20-42874, Honorable Elizabeth S. Stong, Stipulation and Order dated October 7, 2021
- *In re: Royal Blue Realty Holdings, Inc.*, United States Bankruptcy Court, Southern District of New York, Case No. 21-10802, Honorable Lisa G. Beckerman, Stipulated Order dated September 29, 2021
- *Center City Healthcare, LLC, et al.*, United States Bankruptcy Court, District of Delaware, Case No. 19-11466, Honorable Mary F. Walrath, multiple separate fraudulent transfer/preference mediations, September 21, 2021
- *Pacific Plumbing & Heating Corp. v. Jessica E. Zapas and Pacific HVAC Corp.* Index No. 610860-19, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, June 2, 2021
- *State Farm Mutual Automobile Insurance Company v. Baldwin Chiropractic* Index No. 605172-19, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccía T. Pineda-Kirwan, April 26, 2021
- *ZSH Construction v. Dale & Vanessa Edwards*, Index No. 152631/2017E, Supreme Court of the State of New York, County of Richmond, Order of Reference - Mediation, Honorable Lizette Colon, April 19, 2021
- *Absolut Center for Nursing and Rehabilitation at Westfield, LLC and RCA Servicer at Westfield, LLC v. Cass Development Company* Index No. 610122-20, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, April 16, 2021
- *Indemnity Insurance Company v. Leo*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2019-10799 Notice

of Reference, April 14, 2021

- *Rocco Bove v. James Zanfardino* Index No. 610822-20, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccía T. Pineda-Kirwan, April 8, 2021
- *Insys Therapeutics, Inc., et al.*, United States Bankruptcy Court, District of Delaware, Case No. 19-11292, Honorable John T. Dorsey, multiple (30 plus) separate fraudulent transfer/preference mediations, April 6, 2021
- *In re: LATAM Airlines Group S.A., et al.*, United States Bankruptcy Court, Southern District of New York, Case No. 20-11254, engaged pursuant to Order (I) Authorizing Implementation of Alternative Dispute Resolution Procedures, (II) Modifying the Claim Procedures Order and (III) Granting Related Relief, Honorable James L. Garrity, Jr., March 17, 2021
- *Government Employees Insurance Co. v. Charming Acupuncture, P.C.* Index No. 611810-19, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccía T. Pineda-Kirwan, February 25, 2021
- *5 Boro Mapping & Drafting LLC v. Patrick Parsatoon, an individual, Leary Chester, an individual, 5 Boro Mappings Inc., and 2K72 Mapping Inc.*, Index No. 616307/19, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Diccía T. Pineda-Kirwan, February 24, 2021
- *Ripa v. Petrosyants*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2019-08176; 2019-10790 Notice of Reference, February 18, 2021
- *Robert D. Goner v. Equity Settlement Services Inc. and Puleo Delisle, PLLC* Index No. 610053-18, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, February 16, 2021
- *C&M Contracting, Inc. v. Adelphi University* Index No. 611723/2020, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Diccía Pineda-Kirwan, January 25, 2021
- *Woodbridge Group of Companies, LLC., et al.*, United States Bankruptcy Court, District of Delaware, Case No. 17-12560, Honorable Brendan I. Shannon, multiple (30 plus) separate fraudulent transfer/preference mediations
- *Miami Metals I, Inc.*, United States Bankruptcy Court, Southern District of New York, Case No. 18-13359, Honorable Sean H. Lane, Order Establishing Procedures dated December 16, 2020, multiple separate fraudulent transfer mediations
- *Ilias Bourekas, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 8-18-78496, Honorable Louis A. Scarcella, Mediation Scheduling Order
- *Manhasset Movie Theatre Inc., Roslyn Movie Theatre Inc., and Rudy Toolaprashad v. Gilman Management Corp., Cinemas GMC LLC, and Cinemas GMC II LLC*, Supreme Court of the State of New York, County of Nassau, Index No. 604558/2020, Selection of ADR Neutral Short Form Order, Honorable Steven M. Jaeger, November 18, 2020
- *Butnik v. Luna Park Housing Corp.*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2018-02760; 2018-

04630 Notice of Reference, November 5, 2020

- *Arch Specialty Insurance Company v. RLI Insurance Company*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket No. 2019-03507, Notice of Reference, September 29, 2020
- *Salvatore Ciccone, Jr. individually and derivatively on behalf of 4042 East Park LLC v. Francesco Lazzannaro* Index No. 606122-20 and *Francesco Lazzannaro, individually and derivatively on behalf of 4042 East Park LLC v. Salvatore Ciccone, Jr. Eric Garcia, Maureen Ciccone* Index No. 608038-20, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, September 28, 2020
- *L.B. an infant by James Barberino v. NYC Board of Education*, Supreme Court of the State of New York, Bronx County, Index No. 20132/2018E, Order of Reference – Mediation, September 21, 2020
- *Ziv Azulay, individually and as the sole managing member on behalf of DMY Real Estate, LLC, v. Shalom Malul a/k/a Charles Malul, S&Z Development, Inc., Silver Equities, Inc., and Green Star Equities, Inc.*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket No. 2018-11194, Notice of Reference, August 4, 2020
- *Swift Financial, LLC f/k/a Swift Financial Corp. v. Leslie Dale Moore*, United States Bankruptcy Court, Eastern District of Pennsylvania, Honorable Patricia M. Mayer, Bky. No. 19-15535, Order Appointing Mediator and Assignment to Mediation, June 10, 2020
- *Joseph Marino and Donna Marino a/k/a Donna Losco Marino v. Emily Mazzuoccola, Taylor Mazzuoccola, and Jon-Michael General Contracting Co., Inc.* Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2018-13527; 2018-14168, Notice of Reference, June 3, 2020
- *Sizmek, Inc., et al.*, United States Bankruptcy Court, Southern District of New York, Case No. 19-10971, Honorable Stuart M. Bernstein, Order Establishing Streamlined Procedures dated March 26, 2020, multiple (sixty plus) separate fraudulent transfer mediations
- *Fanaras Enterprises, Inc. d/b/a The Prescription Center, Fanarian Enterprises, LLC d/b/a The Prescription Center 2, Northeast Pharmacy Services, LLC, Mytilini Enterprises, LLC d/b/a Bedford Pharmacy v. Burlington Drug Company and Smith Drug Company*, Ad Hoc Mediation, private retention
- *Woodside Management, Inc., Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 17-46310, Honorable Carla Craig, Stipulation and Order Referring to Mediation
- *Deborah J. Piazza, as Chapter 7 Trustee of Donadio & Olson, Inc v. Darin Webb, The Bookkeeping Company, Inc. d/b/a Sum Innovation a/k/k The Bookkeeping Company of New York City a/k/a The Bookkeeping Center, and Alfred Garofalo*, United States Bankruptcy Court, Southern District of New York, Case No. 19-01084, Hon. Stuart M. Bernstein, Order Appointing Mediator dated February 3, 2020
- *Christy Gilliam, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 1-19-41445, Hon. Carla E. Craig, Order and Agreement to Mediate dated September 23, 2019
- *Verrino Construction Services Corp., Debtor*, United States Bankruptcy Court, Eastern

District of New York, Case No. 18-23035, Hon. Robert D. Drain, Order Assigning Matter to Mediation, Summer, 2019

- *Sweet Hollow Holdings, LLC v. PL Engineering, P.C. and Paul A. Leon, P.E.*, Supreme Court of the State of New York, County of Nassau, Index No. 609702/2017, Hon. Timothy S. Driscoll, Order of Reference to Alternative Dispute Resolution dated April 15, 2019
- *Millennium Sports Management Company, LLC v. L.W. Retail Associates LLC*, United States Bankruptcy Court, Eastern District of New York, Case No. 17-45189, Honorable Elizabeth S. Stong, Stipulation and Mediation Order dated November 30, 2018
- *Alex Spizz, as Chapter 7 Trustee for Ampal-American Israel Corporation v. Irit Eluz, et al.* United States Bankruptcy Court, Southern District of New York, Case No. 14-02110, Honorable Stuart M. Bernstein, Consent Order Appointing Mediator dated July 24, 2018
- *SunEdison, Inc., et al.*, United States Bankruptcy Court, Southern District of New York, Case No. 16-10992, Honorable Stuart M. Bernstein, Order Establishing Procedures dated May 18, 2018, multiple (sixty plus) separate fraudulent transfer mediations
- *BNF Realty Brooklyn, LLC*, United States Bankruptcy Court, Eastern District of New York, Case No. 17-43689, Honorable Elizabeth S. Stong, Stipulation and Mediation Order dated December 29, 2017
- *Karibworks Enterprises LLC v. 121-08 Jamaica Avenue, LLC*, United States Bankruptcy Court, Eastern District of New York, Case No. 16-40437, Adv. Pro. 17-01003, Honorable Elizabeth S. Stong, Mediation Agreement Order dated July 7, 2017
- *HSBC as RMBS Trustee v. Salema Davis*, United States Bankruptcy Court, Eastern District of New York, Case No. Case No. 11-40973, Honorable Nancy H. Lord, Order Appointing Mediator dated September 6, 2016
- *Theresa Onyinanya v. Paris Rampersad, Marisol Rampersad*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. 15-8214, Honorable Alan S. Trust (Order Assigning Matter to Mediation dated October 6, 2015)
- *Devices Liquidation Trust v. Air-City, Inc.*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. 15-8072, Honorable Alan S. Trust (Notice of Assignment of Mediator dated December 9, 2015)
- *Devices Liquidation Trust v. Andrews International, Inc.*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. 15-8074, Honorable Alan S. Trust (Notice of Assignment of Mediator dated December 9, 2015)
- *Financial Medical Systems, Inc. v. Nassau Health Care Corp.*, Case No. 602645-12, Supreme Court, State of New York, County of Nassau, Honorable Timothy S. Driscoll (Order of Reference to Alternative Dispute Resolution dated February 19, 2015)
- *SDNY 19 Mad Park, LLC/William Nathan Pomakoy*, Case No. 14-11055, United States Bankruptcy Court, Southern District of New York, Honorable Alan L. Gropper (Mediation Agreement dated January 29, 2015)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. Sanmina-SCI Corporation*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01580, Honorable Allan L. Gropper (Notice of Selection of Mediator dated October 6, 2014)



- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. NTK Technologies, Inc.*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01321, Honorable Allan L. Gropper (Notice of Selection of Mediator dated November 3, 2014)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. InVue Security Products, Inc.*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01220, Honorable Allan L. Gropper (Notice of Selection of Mediator dated November 3, 2014)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. Process Equipment Company a/k/a PeCo*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01199, Honorable Allan L. Gropper (Notice of Selection of Mediator dated November 3, 2014)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. Sanmina-SCI Corporation*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01580, Honorable Allan L. Gropper (Notice of Selection of Mediator dated October 6, 2014)
- *Safe Space v. Financial Medical Systems, Inc.*, Case No. 602470/2013, Supreme Court, State of New York, County of Nassau, Honorable Jerome C. Murphy (Order of Reference to Mediation dated August 5, 2014)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Bump Creative Partners, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01199, Honorable Martin Glenn (Order Appointing Mediator dated December 23, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Ray's Wrap, Inc. d/b/a Jillson & Roberts*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01147, Honorable Martin Glenn (Order Appointing Mediator dated September 11, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Bookspan*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01012, Honorable Martin Glenn (Order Appointing Mediator dated September 11, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Service Net Warranty, LLC and SN Warranty, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01073, Honorable Martin Glenn (Order Appointing Mediator dated July 17, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Metaverse Corporation*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01155, Honorable Martin Glenn (Order Appointing Mediator dated July 17, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. NMR Distribution (America), Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01058, Honorable Martin Glenn (Order Appointing Mediator dated July 9, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Tower Cleaning Systems, Inc. n/k/a USM, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01175, Honorable

Martin Glenn (Order Appointing Mediator dated July 2, 2013)

- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. EcoLab Pest Elimination*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01029, Honorable Martin Glenn (Order Appointing Mediator dated July 2, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Boise Cascade Office Products n/k/a Office Max Contract, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01010, Honorable Martin Glenn (Order Appointing Mediator dated June 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. C.R. Gibson LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01018, Honorable Martin Glenn (Order Appointing Mediator dated June 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Peters Imports, Inc. n.k/a KeHE Distributors, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01063, Honorable Martin Glenn (Order Appointing Mediator dated June 13, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. School Zone Publishing Co., Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01070, Honorable Martin Glenn (Order Appointing Mediator dated June 12, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Gund, Inc. n/k/a Enesco LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01038, Honorable Martin Glenn (Order Appointing Mediator dated May 23, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Quayside Publishing Group*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01235, Honorable Martin Glenn (Order Appointing Mediator dated April 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. MBI Publishing Company, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01053, Honorable Martin Glenn (Order Appointing Mediator dated April 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Book Sales, Inc. and Hain Capital Holdings, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01118, Honorable Martin Glenn (Order Appointing Mediator dated April 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Santillana Publishing Co., Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01069, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Quercus Editions Limited*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01163, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)

- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Dell Marketing L.P.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01025, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. The Boston Consulting Group, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01081, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)
- *WuWul, LLC f/k/a Word World, LLC*, United States Bankruptcy Court, Southern District of New York, Case No. 11-10543, Honorable Sean H. Lane (Consent Order Referring the Parties to the Estate Representative Challenger Advisors, LLC's Objection to Claim No. 29 Filed by the Learning Box, LLC and Response Thereto to Mediation dated October 1, 2012)
- *Debra Kramer as Trustee of the estate of Alfredo Vitale*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. No. 11-01325, Honorable Elizabeth S. Stong (Order Appointing Mediator dated May 4, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. United Parcel Service, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02206, Honorable Martin Glenn (Order Appointing Mediator dated March 12, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Crawford & Winiarski*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02179, Honorable Martin Glenn (Order Appointing Mediator dated February 13, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Kodaco Co., Ltd.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-01891, Honorable Martin Glenn (Order Appointing Mediator dated March 19, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Roy Smith Co.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02045, Honorable Martin Glenn (Order Appointing Mediator dated October 5, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Federal-Mogul Corporation*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02095, Honorable Martin Glenn (Order Appointing Mediator dated November 14, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Federal Broach & Machine Company*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-01927, Honorable Martin Glenn (Order Appointing Mediator dated October 10, 2011)

- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Faxon Machining, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02005, Honorable Martin Glenn (Order Appointing Mediator dated November 18, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. C.R. England, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02189, Honorable Martin Glenn (Order Appointing Mediator dated October 14, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Central Transport International, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02190, Honorable Martin Glenn (Order Appointing Mediator dated November 14, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Aleris International, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-01984, Honorable Martin Glenn (Order Appointing Mediator dated August 5, 2011)
- *ITS Recovery Group LLC*, United States Bankruptcy Court, Southern District of New York, Case No. 10-14730, Adv. Pro. Nos. 10-04286 and 11-01842, Honorable Robert E. Gerber (Mediation Order dated July 27, 2011)
- *87-10 51<sup>st</sup> Avenue Owners Corporation, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 09-45657, Honorable Elizabeth S. Stong (Mediation Order dated March 31, 2011)
- *Liberty Mutual Insurance Company, as Fiduciary for the Bankruptcy Estate of Lynn Citron and Jeffrey Citron v. Harriet Citron*, United States Bankruptcy Court, Eastern District of New York, Case No. 09-08125, Honorable Alan S. Trust (Mediation Order dated July 9, 2010)
- *87-10 51<sup>st</sup> Avenue Owners Corporation, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 09-45657, Honorable Elizabeth S. Stong (Mediation Order dated July 6, 2010)
- *Eugene I. Davis, Trustee of the TAI Unsecured Creditors Liquidating Trust v. Vedder-Price, Kaufman & Kammholz, P.C.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 07-02066, Honorable Alan L. Gropper (Mediation Order dated November 23, 2009)

## **VII. Area of Expertise:**

I concentrate my practice in the area of bankruptcy and restructuring litigation and corporate workouts, and I represent a variety of corporate debtors and trustees. My practice includes an emphasis on creditor rights in the areas of equipment leasing, healthcare law and mediation.

## **VIII. General Pertinent Business or Legal Experience:**

I have previously been appointed by several of the Judges in the Southern and Eastern Districts of New York and District of Delaware as a mediator, as well as an examiner. I am currently a member of the Mediation Panels of the U.S. Bankruptcy Courts of the Eastern and

Southern Districts of New York, the District of Delaware and the Eastern District of Pennsylvania, and I am a member of the Commercial Mediation Panel in Nassau County. I am also a founding member of the Alternative Dispute Resolution Subcommittee of the Nassau County Bankruptcy Committee and assisted in the drafting of the proposed rules for Mediation in the Eastern District of New York.

**IX. Other Pertinent Information:**

Leslie A. Berkoff is a Partner with the firm where she serves as Chair of the firm's Dispute Resolution Practice Group and is former Co-Chair of the Litigation and Bankruptcy Practice Group and a member of the firm's Management Committee. Ms. Berkoff concentrates her practice in the area of bankruptcy and restructuring litigation and corporate workouts both nationally and locally. Ms. Berkoff is a contributing editor for the ABA publication Business Law Today on Dispute Resolution topics and the ABI publication Mediation Matters.

In addition, Ms. Berkoff serves on the Board of Editors of Pratt's Journal of Bankruptcy Law.

Prior to joining Moritt Hock & Hamroff LLP, Ms. Berkoff served as a law clerk to the Honorable Jerome Feller, United States Bankruptcy Judge in the Eastern District of New York, from 1991 to 1993 and to the Honorable Allyne R. Ross, Federal Magistrate Judge in the Eastern District of New York, from 1990 to 1991.

Ms. Berkoff speaks and publishes extensively and is a recognized leader in her field.

**X. Fee Structure (Compensation and Expense Reimbursement):**

My current billing rate is \$735 per hour, all expenses are reimbursed at usual and customary firm rates.

**XI. Pro Bono Preference:**

Brooklyn and Central Islip.