

RICHARD EPLING BIOGRAPHICAL AND PROFESSIONAL INFORMATION

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Richard Epling
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I. **Profession:** Retired attorney admitted in New York 1988-present; formerly member of the Illinois and Arizona Bars (retired in good standing from each).

II. **Professional Organizations:** American Bankruptcy Institute 1999-present, currently active. Association of the Bar of the City of New York Bankruptcy Committee 1989-91, no longer active. National Bankruptcy Conference Associate Conferee 1986-93, no longer active.

III. **General Professional Experience:** I have represented debtors, creditors' committees, bondholder and bank groups as well as individual creditors in chapter 11 cases and out-of-court restructurings since 1977 to my retirement in 2017. I am knowledgeable and have written and published extensively about many subjects relating to chapter 11, exchange offers and other securities issues, trust indenture disputes, environmental cleanup claims, insurance law, oil and gas, the Uniform Commercial Code and other related matters.

IV. **Experience and Familiarity With Bankruptcy Law:** My client representations have included Congoleum Corporation as debtor-in-possession in a multi-year asbestos chapter 11 case; counsel to the Special Committee of the Board of Ion Communications in its 2007 restructuring and recapitalization; company counsel to XO Holdings, Inc. in its 2008 refinancing and subsequent going private transactions; counsel to Chevron Corporation in numerous chapter 11 cases including Enron Corporation, the Dynegy restructuring, SemCrude Corporation and Edison Mission Energy, Inc; counsel to Viacao Aerea Rio-Grandense (VARIG, S.A.) then the largest airline in Latin America in two consensual international debt restructurings; counsel to Long Term Capital Management LLP, the management company for Long Term Capital Management Portfolio, LP in its 1998 debt restructuring; and to Allegheny General Hospital in its 2000 debt restructuring and recapitalization resulting in the formation of the West Penn Allegheny Health Care System.

I have also lectured, written and spoken extensively on bankruptcy, corporate restructuring and related topics and am the author of many articles and papers on the subjects of bankruptcy, restructuring, insurance, oil and gas, mass torts and other commercial topics. Representative recent articles include:

Third Party Releases in Bankruptcy Cases: Should There Be Statutory Reform?, The Business Lawyer 2020

Oil and Gas Rights in Bankruptcy: Beware the Many Pitfalls for Interest Holders and Creditors, The Business Lawyer 2019

Intersections of Bankruptcy Law and Insurance Coverage Litigation, Norton Bankruptcy Law & Practice 2012

When Can a Bondholder Insist on Prompt Payment of Principal or Interest: Recent Developments under the Trust Indenture Act, Norton's Annual Survey of Bankruptcy Law 2016

V. **Meditation Training:** I have completed the 40 hour Mediation Certification course conducted by the ABI and St. John's University School of Law in December 2016.

VI. **Mediation Experience:** I have represented a party participant in multi-party mediation arising out of the SemCrude chapter 11 case in Delaware involving nearly 100 crude oil producers and 15 downstream purchasers of oil which successfully settled claims against Chevron Corporation. I also represented the debtor, Congoleum Corporation, in multiple plan mediation proceedings conducted by the Chief Bankruptcy Judge for the District of New Jersey. Congoleum ultimately confirmed a nearly consensual plan of reorganization in June 2010. I also participated in mediation proceedings on behalf of Chevron Corporation conducted by the Hon. Alan Gropper in the Enron Corporation liquidating chapter 11 case.

VII. **Areas of Expertise:** I have practiced corporate and commercial law and tried cases in the bankruptcy and district courts of New York, Delaware, New Jersey, Illinois, Texas and Arizona among others and have argued or conducted appeals in the United States Courts of Appeals for the Third, Seventh and Ninth Circuits. *Best Lawyers in America* listed me as both a bankruptcy litigator and bankruptcy attorney from 2005-2016. My particular areas of special knowledge and experience include energy (oil and gas and electric utilities), insurance coverage matters, mass toxic tort cases and health care. I am fully familiar with all aspects of corporate and commercial bankruptcy cases and federal district and appellate procedures that arise in bankruptcy cases.

VIII. **General Pertinent Business or Legal Experience:** From 2006-2012 I served on the Managing Board of Pillsbury Winthrop Shaw Pittman LLP; from 2006-09 I was the Lead Board Member of the Firm and subsequently became Chairman of the Firm Finance Committee from 2010-12. In those capacities, I gained experience in the finances and management of a large international professional services enterprise.

IX. **Other Pertinent Information:** University of Michigan, J.D. awarded December 1976; Duke University, B.A. awarded December 1972 Magna Cum Laude; Law Clerk to the Honorable Charles L. Levin, Associate Justice, Michigan Supreme Court 1976-77.

X. **Fee Structure (Compensation and Expense Reimbursement):** Two-party or similar mediations (*e.g. preference or other voidable transfers*) \$650/hour; complex mediations (*e.g., multi-party litigation, plan mediations*) \$850/hour; reimbursement of out-of-pocket travel, meal or lodging expenses incurred outside the Eastern District of New York.

XI. **Pro Bono Preference:** I strongly prefer mediations in Brooklyn or when appropriate via Zoom or other similar media.