

Biographical Sketch and Fee Structure

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- I. Profession:** Attorney
Admitted in New York, July 31, 1985.
Other admissions:

<u>Court:</u>	<u>Admission Date:</u>
United States Supreme Court	August 27, 1999
United States Court of Appeals, Second Circuit	October 2, 1997, May 12, 2021 (readmitted after lapse for nonpayment of fees)
United States Court of Appeals, Third Circuit	September 27, 1993
United States Court of Appeals, Eleventh Circuit	August 25, 2005 (lapsed for nonpayment of fees)
United States District Court, Southern District of New York	August 12, 1986
United States District Court, Eastern District of New York	September 9, 1986
United States District Court, Western District of New York	February 18, 1997
United States District Court, Northern District of New York	December 17, 2007 (lapsed for nonpayment of fees)
United States Tax Court	August 19, 1992
United States Court of Federal Claims	June 13, 2025

- II. Professional Organizations:**

I am a member of the ABA Business Law Section, where I have been active for many years, including a three-year stint as Chair of the Business and Corporate Litigation Committee from September 2019-September 2022. I am currently on the Section's Council and am Vice-Chair of the Committee Oversight and Support Board. In addition, I serve on the ABA's Standing Committee on Professionalism, with a three-year term that expires in 2027. I have been a member of the ABA since 1985.

I am a member of the NY State Bar Association, including the Dispute Resolution Section. (I also am a member of the Commercial and Federal Litigation Section). I am currently a co-chair of the New Practitioners Committee in the Dispute Resolution Committee. I have been a NYSBA member since, I believe, 1985.

I have been a member of the NY City Bar since (I believe) 1985. Over the years I have served on several committees. Currently I am a member of the Arbitration Committee. I have been on the Federal Courts committee twice (2009-2012, 2016-2019), and on Judiciary (2006-2009).

I am also a member of the New York County Lawyers Association and the Nassau County Bar Association.

III. General Professional Experience

I graduated from Columbia Law School in 1984. I was an editor of the Columbia Law Review and a Harlan Fiske Stone Scholar.

After graduating from law school, I clerked for Judge Peter K. Leisure in the Southern District of New York (Sept. 1984-Sept. 1985). Starting October 1985 I worked at Wachtell, Lipton, Rosen & Katz. I left Wachtell Lipton in May 1990 and moved in June 1985 to Stroock & Stroock & Lavan. I joined my current firm in August 1994 and have been here ever since.

IV. Experience and Familiarity with Bankruptcy Law

Before joining my current firm, I was an associate at Stroock & Stroock & Lavan. At Stroock, the large bulk of my work was either in bankruptcy court or in cases relating to bankruptcy. Stroock then had a very active bankruptcy practice, representing not only debtors and creditors committees, but also nondebtor parties. Some of the large Chapter 11 cases I worked on included LTV, Wedtech, Columbia Gas Transmission Pipeline, Larabee Wire and others. The matters ran the gamut of almost every kind of contested matter or adversary proceeding that can come up in Chapter 11 cases – everything from preference and fraudulent conveyance cases to issues relating to the automatic stay to cash collateral issues and so on.

When I moved over to my current firm, I initially was the only attorney that had any knowledge of bankruptcy law, and I remain the litigation partner most well-versed in bankruptcy (we have since added a bankruptcy lawyer as a partner). There have been some notable bankruptcy-related matters. I represented a company that bought a commodities business from the Enron estate under § 363, only to find that three major contractual counterparties refused to honor their contracts. We ended up settling with each for 100% of the contractual amount after we moved to hold them in

contempt of the § 363 sale order. I represented the bankruptcy estate of Jesup & Lamont to recover a preference in a case against a bank; that case -- which also settled at or near 100% -- is reported at 507 BR 452. I represented MeadWestvaco in disputes with the estate of NewPage in its first bankruptcy, back in 2011-2013. The issues pertained to § 365 issues and effect of the automatic stay. Most recently, earlier this year I defended a seller of real estate against a fraudulent conveyance claim in bankruptcy court in Delaware (we settled a \$2.4 million claim for \$75,000 before depositions).

VI. Mediation Experience

I have represented parties in mediations for 25 years, since March 2001. In my first mediation I represented a South African biotechnology company against its licensor, *Elanex Pharmaceuticals, Inc. v. Bioclones (PTY) Ltd.*, 00-cv-00409 (W.D.Wash.). The parties disagreed about how to wind up the parties' licensing relationship: which assets and records belonged to whom and on what terms.

In the years since, I have participated as counsel in mediation roughly every year or two. Like my practice, those mediations covered a wide range of subjects, though all were business disputes.

Other mediation panels to which I have been accepted: (a) the mediation panel of the Supreme Court, Queens County Commercial Division; (b) the American Arbitration Association's Consumer Mediation Panel; (c) the Southern District of New York pro bono mediation panel; and (d) the Nassau County Bar Association's mediation panel.

VII. Area of Expertise

Since completing my clerkship in September 1985 I have worked on litigating (or preventing) complex business disputes of diverse types, including representation of overseas businesses doing business in the United States. The main issues I have dealt with involved contract interpretation and enforcement, New York GOL issues, statutes of fraud and the like; these covered a myriad of fact patterns, such as post-acquisition indemnification claims, claims for breach of supply contracts, claims for compensation under contingent investment banking agreements, debtor-creditor disputes, earnout claims, issues under LLC Operating Agreements, indemnification claims under M&A-related agreements, non-competition and non-solicitation agreements, intercreditor agreements, UCC Article 2 issues and ISDA-form-based agreements such as credit default swaps. My work also includes disputes over corporate or LLC governance under both New York and Delaware law, securities fraud claims, bankruptcy issues and judgment enforcement. I have a mini-specialty in proceedings under 28 USC § 1782, seeking discovery to assist clients in foreign litigations.

In bankruptcy, my recent experience has been primarily representation of counterparties to the debtor, including issues related to § 363 sales, preferences, fraudulent conveyances under both the bankruptcy code and the NY Debtor-Creditor Law, and fiduciary duty claims.

VIII. General Pertinent Business or Legal Experience

See sections III, IV and VII.

IX. Other pertinent information

I have served on the boards of a few nonprofits intermittently for the past few decades. I am currently on the board of Quality Services for the Autism Community (www.qsac.com), an agency that provides education, habilitation, group homes and other services for individuals with autism, and their families, in the New York City area.

X. Fee structure

For a half day of mediation, including pre-mediation work and preparation time, my current fee is \$6500. For a full day, including pre-mediation work and preparation time, my current fee is \$10,000. Additional days \$8,000.

XI. Pro Bono Preference

For my pro bono cases, I am willing to go to either EDNY location. Central Islip is slightly easier for me to get to, but I have no problem going to Brooklyn.