

COMMITTEES & ESTATE REPRESENTATIVES

OVERVIEW

Committees

Our lawyers regularly represent both official committees of unsecured creditors and unofficial ad hoc stakeholder groups including bondholders, noteholders, institutional investors, banks and other financial institutions, shareholders and trade creditors.

Our experience of representing the full spectrum of stakeholders within restructurings and formal insolvency provides us, when we represent committees, with insight into the often diverse interests and goals of other stakeholders and helps us to anticipate and evaluate their strategies. We work with you to find practical solutions to maximise returns.

Officeholders

If the debtor enters formal insolvency proceedings, we have extensive capability in representing:

- UK and German insolvency practitioners and other officeholders,
- US Chapter 11 and large-case Chapter 7 trustees,
- Liquidating trustees and examiners appointed to investigate the actions and financial condition of Chapter 11 debtors,
- Consumer-privacy ombudsmen, and
- Receivers appointed to safeguard property in federal and state proceedings.

EXPERIENCE

- Represented the Creditors' Committee of Famous Recipe Company Ops (aka "Mrs. Winners") in a matter involving almost ten million dollars in diverted sales and trust fund taxes, and corporate assets. Our efforts included removing the insiders from control, helping to create an auction for the remaining operations, and then the successful prosecution of D&O claims against the former insiders and against a competing restaurant chain.

- Represented the Creditors' Committee of NexxLinx Corporation, a domestic and international call center serving Fortune 500 clients. We successfully opposed an insider-led plan of reorganization, resulting in a competitive sale and a new offer from a strategic buyer at over triple the consideration to unsecured creditors.
- Represented the Official Committee of Noteholders of R.E. Loans, LLC, et al., which represented the interests of over 1,800 noteholder investors who had been defrauded in a \$700 million hard money lending scheme.
- Represented a Chapter 11 trustee in the sale of more than 150 quick-service restaurants (Carl's Jr. and Hardee's brands) through an emergency sale process for \$26 million. The sale closed four months after the appointment of the trustee. We then represented the trustee through plan confirmation and liquidation of the remaining assets of the estate through a liquidating trust.
- Served as the court-appointed examiner in the Chapter 11 cases of Apex Oil Company and its affiliates. In addition to investigating the debtor's affairs and recommending claims against insiders, we coordinated a settlement among the principal parties in the case that led to the confirmation of a plan of reorganization. The bankruptcy court awarded us a fee enhancement of 15% for our services.
- Acted as receiver for the Securities and Exchange Commission in SEC v Nelson. This case involved hundreds of residential properties, including multi-family properties, encumbered by mortgages that had been "assumed" by Mr. Nelson's company in violation of the due on sale clause in each mortgage. As part of the receivership, we dealt with all aspects of the residential mortgage industry, including extensive negotiating with residential lenders and servicers as well as liquidating real estate and negotiable instruments secured by real estate.
- Acted as receiver for the Securities and Exchange Commission in SEC v Temme. In this case, the defendants raised over US\$30 million to purchase defaulted residential loans. As receiver, we preserved real estate collateral, liquidated hundreds of thousands of dollars' worth of real property and mortgages, and communicated regularly with hundreds of taxing authorities and borrowers to stop foreclosure sales and preserve the value of the receivership estate.
- Advised the Official Committee of the Unsecured Creditors of Toys R Us Inc. as special counsel on various issues arising in Germany and the UK including the company voluntary arrangement proposed by the English company, Toys R Us Limited.
- Represented Ernst & Young Bermuda, as receiver managers, on the sale of a 5 Star resort hotel known as Tucker's Point Hotel and Golf Resort in Bermuda to Miami based investment group Gencom. The hotel is managed by Rosewood Hotels and Resorts and played a key part in the 35th America's Cup in June 2017.

- Advised the lender and then the administrators of the Tattershall Castle Group, on the pre-packaged disposal of over 50 pubs including the famous Tattershall Castle, a floating pub moored on the River Thames in London.
- Acted as counsel to the Official Committee of Unsecured Creditors and Richard S. Lauter, Creditor Trustee of the Gas-Mart USA, Inc. Creditor Trust in a \$100 to \$500 million case, including, among other things, the investigation and prosecution of fraudulent conveyance and preference actions against approximately fifty defendants.