

**Sean C. Southard**  
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**Date: June 5, 2019**

**I. Profession Accrediting Agency or Jurisdiction Date of Admission**

New York State	2001
U.S. District Court S.D.N.Y.	2001
U.S. District Court E.D.N.Y.	2001

**II. Professional Organization Date of Admission Active/Inactive**

American Bankruptcy Institute	2000	Active
NYC Bar Association	2000	Inactive
NYS Bar Association	2000	Inactive
Turnaround Management Association	2013	Active

**III. General Professional Experience:**

I became a partner with the predecessor to my current firm (Klestadt & Winters, LLP) in 2006 after practicing for six years in the areas of business bankruptcy, distressed asset transactions and complex commercial litigation.

Full biographical information is available at:  
[http://www.klestadt.com/Attorneys/Sean\\_Southard.aspx](http://www.klestadt.com/Attorneys/Sean_Southard.aspx)

**IV. General Pertinent Experience:**

I have extensive experience in business consulting, financial restructuring services, acquisitions, financing arrangements and commercial transactions with concentration in the middle market.

My representations in bankruptcy court of debtors, creditors, official committees, and trustees have been primarily in the New York metro area, but with other significant cases in Alabama, California, Connecticut, Delaware, Florida, Massachusetts, New Jersey and Pennsylvania.

Restructuring experience includes significant engagements involving law firms and other professional firms, hospital, nursing home and home health care, public and private educational institutions, automotive supply and dealerships, construction and development, mortgage origination, real estate leasing and finance, beverage manufacture and wholesale, restaurant and grocery chains, media technology and graphic design, garment and apparel, footwear and fashion, diamond and jewelry wholesale and retail.

I also have particular experience both litigating and defending preference, fraudulent conveyance claims, as well claims against directors and officers. I employ a practical approach to resolving such matters.

#### **V. Mediation Training (and Experience):**

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

In addition to formal training, I have been appointed as a mediator in this Court in several high profile chapter 11 cases primarily involving disputes over avoidance actions and other contested matters.

Further, I often function as an informal mediator in chapter 11 matters while serving as an estate representative. Typically, I find myself mediating disputes between certain creditors and another estate representative in a chapter 11 case. I have also participated in several mediations as counsel to a participant.

I am also a member of the panel of approved mediators for the United States Bankruptcy Court for the Eastern District of New York.

#### **VI. Pertinent Bankruptcy Training (and Experience):**

I possess what I would characterize as broad experience and hands-on training with restructuring and liquidation of many types of businesses and associated litigation involving varying sectors of the economy. Indeed, since graduating from law school, my practice has focused primarily on bankruptcy and commercial law matters.

I attended St. John's University School of Law and elected to take several LLM level courses focused on bankruptcy and reorganization. I also served as an editor of the American Bankruptcy Institute Law Review while at St. John's. While at St. John's, I also had the privilege of interning with the Honorable Cornelius Blackshear, then a sitting U.S. Bankruptcy Court Judge for the Southern District of New York.

#### **VII. General pertinent business or legal experience**

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