

Name: Benjamin D. Feder

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I. Professional	Accrediting Agency or Jurisdiction	Date of Admission
Attorney	Massachusetts	1985
Attorney	New York	1986
Attorney	United States District Court, S.D.N.Y.	1990
Attorney	United States District Court, E.D.N.Y.	2006

II. Professional Organization	Date of Admission	Active/Inactive
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American Bankruptcy Institute, 2006 - present (active member)

Turnaround Management Association, 2011 - present (Member, Editorial Advisory Board, Turnaround Management Association's The Journal of Corporate Renewal, 2011)

III. General professional experience:

For most of my career I have had a transactional practice focused primarily on corporate bankruptcy and restructuring matters. I have represented bank lenders, debtors, bondholders, creditors' committees and other parties in interest in all phases of Chapter 11 and other cases under the Bankruptcy Code, and in out-of-court restructurings. My practice has often centered on the representation of pre-petition bank lenders, debtor-in-possession financing lenders, and purchasers in the acquisition of troubled companies. I have appeared pro hac vice in bankruptcy cases in jurisdictions throughout the United States.

IV. General pertinent experience:

See below

V. Mediation training:

VI. Pertinent bankruptcy training:

I typically work on matters ranging in size from lower mid-market companies to multi-billion dollar enterprises. My recent representations reflect this; in 2014 I represented an indenture trustee in Energy Future Holdings, Case No. 14-10979 (Bankr. D. Del), one of the largest chapter 11 cases ever filed, and the creditors' committee in Loehmann's Holdings, Inc., Case No. 123-14050 (Bankr. S.D.N.Y.), a lower mid-market case. I was involved in one of the largest 2013 cases, representing an indenture trustee in Residential Capital, LLC, Case No. 12-1220 (Bankr. S.D.N.Y.). In 2012 I represented a major creditor in Hawker Beechcraft, Case No. 12-11873 (Bankr. S.D.N.Y.), and also represented a purchaser of assets in a small single asset real estate case in the Eastern District of New York, Amagansett Family Farm, Inc., Case No. 11-73929 (Bankr. E.D.N.Y.). I have had the fortune of being involved in numerous large and fascinating cases over the years, such as R.H. Macy & Co. and Owens Corning, and in Asia Global Crossing, Case No. 02-15749 (Bankr. S.D.N.Y.), I represented the first mainland Chinese company to acquire a U.S. company through a sale in a Chapter 11 case. In Barzel Industries, Inc., Case No. 09-13204 (Bankr. D. Del.), I served as the debtors' corporate counsel, and I was debtor's counsel in Contessa Premium Foods, Inc., Case No. 11-13454 (Bankr. C.D. Cal.).

While I focus much more on the transactional rather than the litigation aspects of bankruptcy and restructuring, I appear in court and argue motions on a fairly regular basis. Please see, for example, *Geltzer v. Our Lady of Mt. Carmel – St. Benedicta School*, 502 B.R. 124 (Bankr. E.D. N.Y 2013); *In re Quality Stores*, 289 B.R. 324 (Bankr. W.D. Mich. 2002).

VII. General pertinent business or legal experience:

Recent Speaking Engagements:

2013 M&A Advisor Distressed Investing Summit: The U.S. Government As Gatekeeper For Distressed M&A Deals, March 6, 2013

Strafford Webinar on Credit Bidding in Bankruptcy Sales: Critical Issues Facing Lenders, <http://www.straffordpub.com/products/credit-bidding-in-bankruptcy-sales-critical-issues-facing-lenders-2012-07-24>.

Business Experience:

I left the practice of law in 1995 and was a founder and managing member of Westchester Brewing Company, which was the first brewery to operate in Westchester County since the days of Prohibition. After a year spent developing the business plan and raising over \$1.3 million in startup debt and equity financing, it opened in September 1996 as a brewery and 150 seat

restaurant. Although we exceeded \$1.5 million in annual revenue, we were unable to generate positive cash flow and Westchester Brewing Company filed for bankruptcy under Chapter 11 of the Bankruptcy Code in 1998. My partners and I sold the business and I returned to the practice of law.

Publications:

- “EFH Highlights Pitfalls For Large-Enterprise Fiduciaries” · *Bankruptcy Law360*, January 2015
- “A New Playing Field For Distressed Municipalities” · *Bankruptcy Law360*, November 2014
- “GM Litigation Raises Difficult Bankruptcy Questions” · *Bankruptcy Law360*, September 2014
- “Still Trying To Close The Stern v. Marshall Can Of Worms” · *Bankruptcy Law360*, August 2014
- “Another Case To Further Fisker’s Credit-Bid Uncertainty” · *Bankruptcy Law360*, May 2014
- “Absolute Priority Rule Absolutism? How Strict Interpretation of the Bankruptcy Code’s Cramdown Provisions Nearly Caused Hawker Beechcraft’s Plan Confirmation to Skid Along the Runway” · *American Bankruptcy Institute’s Secured Credit Committee Newsletter*, March 2014
- “Awaiting 2nd Circ. Spin on Bankruptcy Claims Trading” · *Bankruptcy Law360*, September 2012
- “River Road Decision Vindicates Philadelphia Newspapers Dissent” · *Daily Bankruptcy Review*, July 2011
- “Keeping Pace With Chapter 11’s ‘New Normal’” · *The Journal of Corporate Renewal*, June 2011
- “The 2nd Cir. Stance on DBSD” · *Bankruptcy Law360*, October 2010
- “Hardball in the Texas Rangers Chapter 11 Case” · *Daily Bankruptcy Review*, September 2010
- “Third Circuit Decision in Philadelphia Newspapers Leaves Crucial Issues Unresolved” · *American Bankruptcy Institute (ABI) Asset Sales Committee Newsletter*, June 2010
- “It’s Time to Bury Clear Channel (And Certainly Not to Praise It)” · *Andrews Bankruptcy Litigation Reporter*, October 2009
- Co-Author, “Overview of U.S. Bankruptcy Law and Procedure: Dealing with Customers in These Troubled Economic Times” · *Kigyo Gaikyo News*, July 2009
- “Acquiring Distressed Businesses In US Chapter 11 Cases – Riding A ‘Stalking Horse’ Bid To Victory” · *Financier Worldwide*, February 2009

- "The Burst Bubble" · *The 2008 Bankruptcy Yearbook & Almanac from New Generation Research, Inc.*
- Co-Author, "Take This Cash & Shove It" · *abjournal*, May 2008
- "Reticent Hedge Funds Chafe Under Bankruptcy Code" · *FINalternatives*, May 2008
- Co-Author, "Ninth Circuit Decision Could Substantially Boost Landlord Claims in Bankruptcy" · *Bankruptcy Litigation*, ABA Section of Litigation, Winter 2008
- "Judge To Litigious Hedge Funds: Put Up or Shut Up" · *Daily Bankruptcy Review Small-Cap*, August 2007
- "Distressed M&A - The New Chapter 11 Archetype" · *The 2007 Bankruptcy Yearbook & Almanac from New Generation Research, Inc.*
- "Questions Remain Under New Law" · *The National Law Journal*, March 2007
- "Deepening Insolvency - Pouring the Old Wine Out of the New Bottle?" · *ABI Finance and Banking Committee Newsletter*, December 2006
- "And a Child Shall Lead Them: Justice O'Connor, the Principle of Religious Liberty and Its Practical Application" · *Pace Law Review*, 1988