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<b><u>I. Profession</u></b>	<b><u>Accrediting Agency or Jurisdiction</u></b>	<b><u>Date of Admission</u></b>
Attorney	State University of New York at Albany, B.A.	1987
	Hofstra University School of Law, JD	CT – 1990
	1990	NY – 1991

<b><u>II. Professional Organization</u></b>	<b><u>Date of Admission</u></b>	<b><u>Active/Inactive</u></b>
American Bankruptcy Institute (Member of Alternative Dispute Resolution Committee)	2001	Active
American Bar Association (Chair of Dispute Resolution Committee, Section Liaison to the Dispute Resolution Section's Advisory Council, Co-Chair of the Subcommittee on Programs for Business Bankruptcy Committee, Vice Chair of the Bankruptcy Study & Policy Committee, Business Law Section)	1993	Active
International Women's Insolvency & Restructuring Confederation	1996	Active
Nassau Bar Association (Member of Bankruptcy Law, Litigation and Alternative Dispute Resolution Committee)	1993	Active
New York City Bar Association (Member of Alternative Dispute Resolution Committee and Committee on Bankruptcy and Corporate Reorganization)	2015	Active
New York State Bar Association (Member of Dispute Resolution Section; Co-Chair of the Ethical Issues and Ethical Standards Committee; Member of the Corporate Counsel Section's Executive Committee)	1991	Active

### **III. General professional experience:**

Chair of the firm's Dispute Resolution Practice Group and is the former Co-Chair of the firm's Litigation and Bankruptcy Practice Group. Ms. Berkoff splits her practice between these two Practice Groups. In the restructuring space, she concentrates her practice in chapter 11 cases, bankruptcy litigation and corporate workouts, where she represents a variety of corporate debtors, trustees, creditors and creditor committees both nationally and locally. Her practice also includes an emphasis on equipment leasing and healthcare law. Ms. Berkoff is an experienced commercial litigator. Ms. Berkoff's Dispute Resolution practice has her frequently serving as an ad hoc and panel mediator; she is on the Mediation Panel for the Eastern and Southern Districts of the United States Bankruptcy Courts in New York, the United States Bankruptcy Courts in Delaware and the Eastern District of Pennsylvania, as well as the Commercial Mediation Panel for Nassau County, Special Master Mediation Program – Supreme Court of the State of New York, Appellate Division, Second Judicial Department and the Pro Bono Appellate Mediation Panel – United States Court of Appeals, Second Circuit. Ms. Berkoff has been appointed by the Second Circuit to serve as the designated bankruptcy mediator on the Circuit's Volunteer Mediator Panel. Ms. Berkoff is also a trained arbitrator and is a member of the AAA panel.

Ms. Berkoff is a past Co-Chair of the American Bankruptcy Institute's (ABI) Mediation Committee and is a contributing editor of the quarterly column Mediation Matters. She has also served as Co-Editor and contributing author for two books published for the ABI, the Health Care Insolvency Manual, Third Edition as well as the Bankruptcy Mediation Manual. Ms. Berkoff also serves as the American Bar Association ("ABA") Business Law Section's representative on the Dispute Resolution Advisory Council, and is the incoming Chair of the Dispute Resolution Committee, the Vice Chair of Programming for the Business Bankruptcy Committee of the Business Law Section and the Vice Chair of the Bankruptcy Study & Policy Committee. She is a contributing editor for the ABA publication Business Law Today. She is the prior Co-Chair of the New York State Bar Association's Mediation Committee for the Dispute Resolution Section and the current Co-Chair of the Association's Ethical Issues and Ethical Standards Committee. She is also an active member of the Nassau County Bar Association and a past Chair of its Bankruptcy Committee. In addition, Ms. Berkoff serves on the Board of Editors of Pratt's Journal of Bankruptcy Law and is a past President of Hofstra School of Law's Alumni Association.

Prior to joining Moritt Hock & Hamroff LLP, Ms. Berkoff served as a law clerk to the Honorable Jerome Feller, United States Bankruptcy Judge in the Eastern District of New York, from 1991 to 1993 and to the Honorable Allyne R. Ross, Federal Magistrate Judge in the Eastern District of New York, from 1990 to 1991.

Ms. Berkoff speaks and publishes extensively and is a recognized leader in her field.

#### **Select Speaking Engagements:**

- Speaker, "Bankruptcy for Real Estate Practitioners" Webinar Stewart Title Insurance Company, May 25, 2021
- Panelist, "Post-Pandemic Bankruptcy Mediation: A New Chapter and New Solutions", New York County Lawyers Association, May 21, 2021

- Speaker, "Closing the Deal: Overcoming Apparent Impasses in a Mediation", New York State Bar Association, May 20, 2021
- Panelist, "Managing the Onslaught of COVID-19-Triggered Financial Services Disputes: Is Arbitration the Solution?" ABA Business Law Virtual Spring Meeting, April 22, 2021
- Speaker, "Mediation and Bankruptcy: Pitfalls and Opportunities", ABA Section of Dispute Resolution Spring Meeting, April 15, 2021
- Speaker, "Mediating a Fraudulent Conveyance Action: A View from the Inside", Chapter 11 Lawyers Advisory Committee of the U.S. Bankruptcy Court for the Eastern District of New York, March 26, 2021
- Panelist, "Covid CAA Bill", GGI PG Webinar Litigation & Dispute Resolution (LDR), March 4, 2021
- Speaker, "Appearing at a Mediation Part Two Advocacy Skills for the Mediation Practitioner", New York Women's Bar Association, February 9, 2021
- Panelist, "Rising Level of Foreclosures: Insights for Owners, Investors and Lenders", PincusCo Media LLC, December 17, 2020
- Panelist, "Mediating Remotely in the Age of Zoom", American Bar Association Webinar December 11, 2020
- Speaker, "How to Ethically Protect and Secure Communication in Online Dispute Resolution" Celesq AttorneysEdCenter for West LegalEdcenter, November 17, 2020
- Moderator, "How to Ethically Protect and Secure Communication in Online Dispute Resolution", American Bar Association Webinar September 15, 2020
- Speaker, "Ten Things Every Advocate Must Consider Before the Mediation Starts" Celesq AttorneysEdCenter for West LegalEdcenter, September 14, 2020
- Speaker, "Bankruptcy for Real Estate Practitioners" Webinar Stewart Title Insurance Company, July 23, 2020
- Panelist, "CLE Tactical Issues That Client and Lawyer most often Confront in a Mediation", New York State Bar Association, June 29, 2020
- Speaker, "Overcoming Unrecognized Emotions In Mediating Commercial Disputes" Celesq AttorneysEdCenter for West LegalEdcenter, June 1, 2020
- Panelist, "Role of the Expert in ADR-Mediation and Arbitration", Forensic Expert Witness Association (FEWA) Summit, May 27, 2020
- Panelist, "Arbitration: A Comparison of Ad Hoc and Institutional", American Bar Association Section of Dispute Resolution Webinar, May 15, 2020
- Panelist, "Cutting Edge Issues in Commercial Arbitration", New York Law School for American Arbitration Association, May 14, 2020
- Panelist, "Tips for a More Secure Environment for Online Dispute Resolution", American Bar Association Webinar May 11, 2020
- Panelist, "Debt Collection, Restructuring & Insolvency", An Update in the COVID-19 Era, Geneva Group International PG Webinar, May 8, 2020
- Panelist, "Complex Financial Litigation 2020; Defending Against Bankruptcy Avoidance Actions" Financial Poise Webinar West LegalEdCenter, May 6, 2020
- Moderator, "Insider's View of Critical Steps in Arbitration", Moritt Hock & Hamroff LLP, March 10, 2020
- Speaker, "The Art of the Opening Statement What Should go into it and Should Your Client Speak" Celesq AttorneysEdCenter for West LegalEdcenter, March 9, 2020

- Panelist, "Complex Financial Litigation 2020; Common Issues and Strategies in Business Breakups" Financial Poise webinar, February 5, 2020
- Speaker, "Drafting Effective and Enforceable Mediation and Arbitration Clauses" at the New York State Bar Association's Dispute Resolution Committee Section Meeting, as part of the Association's Annual Conference and Expo, January 30, 2020
- Speaker, "Bankruptcy for Real Estate Practitioners" Stewart Title Insurance Company, December 18, 2019
- Keynote panelist, "Panel Talk from the Trenches", American Arbitration Association, Inaugural Diversity Student ADR Summit, November 23, 2019
- Speaker, "Conversion of Chapter 13 to Chapter 7 Absent the Debtor's Consent", Nassau Academy of Law/Nassau County Bar Association, November 15, 2019
- Panelist, "Mediation Advocacy," Nassau Academy of Law/Nassau County Bar Association, November 13, 2019.
- Speaker, "(Almost) Everything You Wanted to Know About Planning and Conducting an Evidentiary Hearing in Bankruptcy Court", ABA Business Bankruptcy Committee Meeting 2019, October 30, 2019
- Speaker, "How Attorneys Can Prepare Themselves and Their Clients to Maximize an Effective Mediation Process" Celesq AttorneysEdCenter for West LegalEdcenter, October 23, 2019
- "Conversations with the Judges: a Program on Mediation" run by Ms. Berkoff as Chair of the Mediation Committee of the Lawyers Advisory Committee for the EDNY Bankruptcy Judges, April 24, 2019 & May 13, 2019
- Panelist, "Defending Against Bankruptcy Avoidance Actions," Financial Poise webinar, April 23, 2019.
- AAA Speaker, "Cutting-Edge Topics in Commercial Arbitration," New York Law School, April 23, 2019.
- Speaker, "Drafting ADR Clauses for Financial, M&A and Joint Venture Disputes," ABA Spring Business Law Section Meeting, March 28, 2019.
- "Mediation – Representing Clients", St. John's Law School, November 29, 2018
- Featured Speaker at the Judith S. Kaye Arbitration Competition, NYSBA, AAA, November 3, 2018
- Moderator, "The Emperor Has No Clothes: The State of Undress In the Retail Distressed Space", ABA Webinar, July 17, 2018
- Featured Speaker, "Complex Commercial Restructuring", American Bankruptcy Institute at the Northeast Conference, July, 2018
- Featured Speaker, "Chapter 15 Update: Bankruptcy for Foreign Debtors", Geneva Group North American Regional Conference, June, 2018
- Featured Speaker Forever Young: Healthcare Restructuring- A Growing Aged Population, So Why So Many Restructurings, Conference presented by Nexia International, May 14, 2018
- Featured Speaker "The Basics Of Consumer Bankruptcy – Part 7 –The Nuts And Bolts Of Bankruptcy Litigation & Practice Points", Webinar presented by the ABA's Consumer Bankruptcy Committee, March 28, 2018
- Keynote Speaker at the Judith S. Kaye Arbitration Competition, NYSBA, AAA, November 11, 2017

- Speaker, "Chapter 15: Bankruptcy for Foreign Debtors", Geneva Group International World Conference, October 20, 2017
- Program Chair and Speaker, "Cyberattack: Zombies, Data and Hospitals. What Do You Do In A Hospital Bankruptcy?", American Bar Association and National Conference of Bankruptcy Judges, October 10, 2017
- Featured Speaker "Successful Healthcare Restructurings", American Bankruptcy Institute at the National Conference of Bankruptcy Judges, October 10, 2017
- Moderator, "Mediating E-Discovery Disputes" Nassau County Bar Association, Alternative Dispute Resolution Committee's Dean's Hour Seminar, September 28, 2017
- Featured Speaker "Mediation; Mega Cases and Avoidance Actions", American Bankruptcy Institute's Webinar, September 12, 2017
- "Lunch with the Judges: a Program on Mediation" run by Ms. Berkoff as chair of the Mediation Committee of the Lawyers Advisory Committee for the EDNY Bankruptcy Judges, May 19, 2017 & May 31, 2017
- Program Chair and Speaker, "What Every Business Lawyer Should Know about Bankruptcy Process" presented by the ABA Bankruptcy Court Structure and Insolvency Process Committee, at the American Bar Association Business Law Section Spring Conference, April 6, 2017
- Keynote Speaker at the Judith S. Kaye Arbitration Competition, New York State Bar Association DR Section, American Arbitration Association, November 19, 2016
- Panelist at the ABI Northeast Conference: "The Nuts and Bolts of a Turnaround", Summer 2016
- Panel Speaker on Mediation in the Bankruptcy Courts, Judges Panel, Nassau County Bar Association, May 19 2016
- Panelist on Arbitration Advocacy: "Best Practices for Approaching and Analyzing a Case", New York State Bar Association, March 10, 2016
- Panelist on Arbitration Advocacy: "Best Practices for Approaching and Analyzing a Case", First Annual New York State Bar Association and American Arbitration Association Arbitration Competition, November 2015
- Speaker, "Mediating Multi-Party Disputes", Loyola University's School of Law, October 13, 2015
- Speaker, "Brown Bag Discussion of Mediation", Nassau County Bar Association, October 7, 2015
- Moderator, "Fulfilling Your Not for Profit's Mission During Financial Distress," American Bar Association, Business Law Section Annual Meeting, September 17, 2015
- Speaker, "Business Mediation Process", American Bar Association, Business Law Section Annual Meeting, September 19, 2015
- Moderator, "Bankruptcy Considerations in Retail: Analyzing Distress in Apparel, Consumer Electronics and Other Retail", American Bar Association Webinar on Wednesday, June 10, 2015
- Speaker, "Get A Grip! Wrangling the Mediation Process to Improve Your Chances of Success in Multi-Party Disputes", American Arbitration Association's Webinar, May 13, 2015
- Participant/Speaker, "Mock Mediation Panel", New York State Bar Association Corporate Counsel/Dispute Resolution Sections, January 29, 2015
- Speaker, "The Building Blocks of Client Development", IWIRC Florida Network, 2015

- Moderator, "Can Mediation Save the Golden Goose", Mock Mediation, Joint Meeting, Commercial Fraud/Mediation Committees, ABI Winter Leadership Conference, December 6, 2014
- Speaker, "Re-Structure, Re-Lease, Re-Invent? Challenges & Opportunities of Retail's Changing Landscape", American Bar Association CLE Webinar, August 12, 2014
- Speaker, "Future Projects in Mediation", American Bankruptcy Institute Spring Conference, April 25, 2014
- Speaker, "Perfect Pitch: A Mock Pitch Event" IWIRC Spring Conference, April 24, 2014
- Speaker, "Practical Skills – Basics of Bankruptcy Practice", New York State Bar Association, November 5, 2013
- Guest Lecturer on Bankruptcy, Uniform Commercial Code Class, Hofstra Law School, April 2013
- Guest Lecturer on Bankruptcy and Real Estate Issues, Title Insurance Class, New York Law School, April 2013
- Speaker, "Bankruptcy: Motions for Relief From Stay", National Bankruptcy Institute Teleconference, July 25, 2012
- Guest Lecturer on Bankruptcy, Uniform Commercial Code Class, Hofstra Law School, April 2012
- Guest Lecturer on Bankruptcy and Real Estate Issues, Title Insurance Class, New York Law School, April 2012
- Moderator, "Bankruptcy Forum: What Judges and Trustees Want You to Know", National Bankruptcy Institute, April 27, 2012
- Speaker, "Rogue Employee & Internal Fraud Considerations", Long Island Chapter of the Association of Certified Fraud Examiners, April 2012
- Speaker, Bankruptcy Litigation/Business Reorganization/Health Care Session, "Understanding D&O Issues in a Brave New World: Health Care, Nonprofit, For-Profit and a Bevy of Other Issues", American Bankruptcy Institute Spring Meeting, April 2012
- Speaker, "Bankruptcy: Motions for Relief From Stay", National Bankruptcy Institute Teleconference, December 2011
- Moderator, "Bankruptcy Forum: What Judges and Trustees Want You to Know", National Bankruptcy Institute Judicial & Trustee Forum, May 13, 2011
- Speaker, "Bankruptcy: Automatic Stay Relief for Creditors", National Business Institute, June 21, 2010
- Speaker, "Creditor Claims and Distributions in Bankruptcy", National Business Institute, June 14, 2010
- Speaker, "Creditor Actions Allowed During Bankruptcy", National Business Institute, June 7, 2010
- Speaker, "Overview of Creditors' Rights Under Each Bankruptcy Chapter", National Business Institute, June 1, 2010
- Speaker, "Business Law Updates", American Bankruptcy Institute, Sixth Annual Caribbean Insolvency Symposium, February 2010
- Speaker, "Commercial Leases in a Down Economy, Sterling Education Services", October 13, 2009

- Panelist, "Radical Restructuring: Strategies Before, During, and After Bankruptcy", Foundation for Accounting Education, September 15, 2009
- Panelist, "Chapter 7 and Chapter 11—Can they be Lucky Numbers?", June 17, 2009, Turnaround Mgmt Assoc, Long Island Chapter, NY Institute of Credit, Nassau County Bar Assoc. Suffolk City Bar Association
- Speaker, "Consumers and Small Businesses in Distress, Using the Bankruptcy Code to Help Weather these Troubled Times", Spring 2009, NYSBA CLE Program.
- Speaker, "Real Estate, The New American Skyline: Builder/Developer Workouts and Restructurings", ABI Annual Winter Leadership Conference December 5 - 8, 2007
- Speaker, "The Scope & Implications of the Automatic Stay: A Non-Bankruptcy Litigator's Guide", The Federal Bar Association, Eastern District of New York Chapter, April 30, 2007.
- Speaker, "The Overlap Of Dirt & Chattels: Competing Rights Of Secured Parties, Landlords & Equipment Lessors In Collateral & Fixtures In Real Estate Related Transactions", ABI Annual Winter Leadership Conference November 29 - December 3, 2006
- Moderator, "Deepening Insolvency - Impact & Pitfalls", New York Institute of Credit and IWIRC NY Network, City Bar Justice Center, April 25, 2005
- Speaker, "Guiding You and Your Clients Towards Success in These Complex Economic Times – A Morning with the Experts", Uniondale Marriott, November 3, 2004
- Coordinator, "Annual Bankruptcy Law Update", Nassau/Suffolk Academy of Law, June 22, 2004
- Speaker, "Bankruptcy Pre and Post Filing Concerns", New York Institute of Credit, April 27, 2004
- Speaker, "Hot Topics in Bankruptcy, Sub-Committee on Business", American Bar Association, Spring Meeting, April 2, 2004
- Speaker, "Bankruptcy, Creditor's Rights and Protection of Security Interests in Bankruptcy Seminar", Sterling Education Services, July 8, 2003
- Program Chair, "Technology in the Bankruptcy Court: Welcome to the 21<sup>st</sup> Century", United States Bankruptcy Court and the Suffolk and Nassau Academies of Law, October 24, 2003
- Moderator, "Dean's Hour: Truth & Consequences: Analyzing a Company Collateral Reporting", The Nassau Academy of Law, September 10, 2003
- Speaker, "Bankruptcy and Reorganization Conference", The Association of the Bar of the City of New York, July 31, 2003
- Speaker, "Bankruptcy, Creditor's Rights and Protection of Security Interests in Bankruptcy" Seminar, Sterling Education Services, July 8, 2003
- Moderator, "True Life Bankruptcy Stories" Seminar, Nassau Academy of Law, May 29, 2003
- Speaker, "Real Estate, Advanced Real Estate Law In New York", National Business Institute, April 15, 2003
- Moderator, "The 1, 2, 3's of Chapter 7 Bankruptcy: A Hands on Seminar", Nassau County Bar Association, November, 2002
- Speaker, "The Impact of Bankruptcy Dissolution of Marriage in New York", National Business Institute, September 17, 2002

- Speaker, "Advanced Real Estate Law In New York", National Business Institute, February 12, 2002
- Moderator, "Panel Discussion on Reorganization Team Dynamics - Insights and Suggestions Regarding the Dynamics and Communications Within the Reorganization Management Team", American Bankruptcy Institute's Spring Conference, April 2001
- Speaker, "Select Environmental Issues in Bankruptcy Cases", Nassau Academy of Law, Bankruptcy Update, November 30, 2000
- Speaker, "Permissive Abstention in Adversary Proceedings Under the Bankruptcy Code, a Litigators Response", Suffolk County Bar Association, March 20, 1999

### **Books Published:**

- *Guide for In-House Counsel*, American Bar Association, March 2019, Editor-in-Chief and Contributing Author
- *Utilizing Structured Financing Techniques*, Reorganizing Failing Businesses Third Edition, American Bar Association, August 2017
- *Bankruptcy Mediation*, American Bankruptcy Institute, June 2016, Co-Editor-in-Chief and Contributing Author
- *Dealing With A Perfect Storm: The Impact of a Down Economy & Natural Disasters on Bankruptcy Law*, Thought Leadership Bankruptcy & Financial Restructuring Law 2013, Aspatore, March 2013
- *ABI Health Care Insolvency Manual, Third Edition*, American Bankruptcy Institute, 2012, Co-Editor-in-Chief and Contributing Author
- *The Impact of the Overall Economic Climate on Middle Market Real Estate*, Thought Leadership Bankruptcy's Financial Restructuring, Aspatore, February 2012
- *Philadelphia Newspapers and Other Notable Cases in Commercial Bankruptcies*, Inside the Minds, Trends in Commercial Bankruptcy Filings, Aspatore, 2010

### **Select Articles Published:**

- *The Second Circuit Finds ERISA Claim Against Plan Manager Was Not Related to Separate Employment Agreement and Therefore Would Not Require Arbitration of the Dispute*, ABA Business Law Today, May, 2021
- *Is Arbitration in Bankruptcy Cases A Viable Option?*, American Bar Association, Dispute Resolution Section, Just Resolutions Newsletter, May 2021 Issue
- *The Continuing Erosion of Arbitration Clauses in Bankruptcy Cases*, GGI LDR News No. 14, Spring 2021
- *The Supreme Court Slated to Resolve a Circuit Split*, ABA Business Law Today, April, 2021
- *Bankruptcy Courts Continue to Decline Enforcement of Arbitration Clauses in Core Cases*, ABA Business Law Today, March, 2021
- *Key Changes to Rules Governing Certain International Arbitrations*, ABA Business Law Today, March, 2021
- *A Widening Circuit Split: Is The Trend to Deny Discovery For Foreign Private Arbitration Under 28 U.S.C. § 1782?* ABA Business Law Today, November 30, 2020
- *Arbitrating Arbitrability: The Circuit Courts Weigh In*, ABA Business Law Today, November 30, 2020
- *Online Dispute Resolution in Our New Normal*, GGI LDR News No. 13, Autumn 2020

- *Strategies To Protect Your Company From Clawback Actions During These Turbulent Times and Beyond* NYSBA Inside Summer 2020, Vol. 38, No. 2
- *Will the Supreme Court Resolve the Split in the Circuits Concerning Use of Discovery in Private International Arbitration?* ABA Business Law Today, July, 2020
- *Supreme Court Determines That Nonsignatories May Invoke International Arbitration in Certain Circumstances*, ABA Business Law Today, June, 2020
- *Subchapter V of the US Bankruptcy Code*, GGI DCRI News Special Edition No. 1, 2020
- *Taking Mediation Online: The Practicalities and the Pitfalls*, ABI Journal, June, 2020
- *Second Circuit Allows for Third Party Subpoenas*, ABA Business Law Today, June, 2020
- *The Singapore Convention: A Viable Method to Enforce Settlement Agreements?*, New York Law Journal, May 20, 2020
- *In the Wake of the U.S. Supreme Court's Decision in Epic Systems, Should Core Bankruptcy Matters Be Deemed a "Clear and Manifest" Exception to the Federal Arbitration Act?* Thomson Reuters, Norton Journal of Bankruptcy Law and Practice, Volume 29, Issue 2, April, 2020
- *The Impact of the Recent Earthquake on Puerto Rico's Restructuring Plan*, GGI DCRI News No. 12, Spring 2020
- *Taking Your Mediation Practice Online in the Face of Covid-19*, ABA Business Law Today, March 29, 2020
- *Circuit Splits over Medicare Claims*, ABI Journal, December, 2019
- *Second Circuit Holds Bankruptcy Code's Avoidance Provisions Apply Extraterritorially*, GGI DCRI News No. 11, Autumn 2019
- *To Enforce or Not to Enforce: What Test Should Courts Apply When Faced with Arbitration Agreements in Bankruptcy?* Thomson Reuters, Norton Journal of Bankruptcy Law and Practice, Volume 28, Issue 4, August, 2019
- *Drafting ADR Clauses for Financial, M&A, and Joint Venture Disputes*, ABA Business Law Today, July, 2019
- *Mediating Valuation Disputes*, ABI Journal, July, 2019
- *Chapter 15: Court Permits Foreign Debtors to Access and Transfer Funds in a US Account*, GGI DCRI News No. 10, Spring 2019
- *Is Arbitration in Bankruptcy Cases a Viable ADR Option?*, ABI Journal, January, 2019
- *Preparing In-House Counsel and External Lawyer Advocates for Effective, Good-Faith Mediation of Mergers & Acquisitions*, ABA Business Law Today, February 14, 2018
- *The Continuing Value of the Joint Session in Mediation*, ABI Journal, November 2017
- *Reflections on the 1-2-3s of Mediation of a Merger & Acquisition Dispute*, ABA Business Law Today, July, 2017
- *Do Not Underestimate the Importance of Selecting the Right Mediator*, ABI Journal, April 2017
- *The Role of In-House Counsel in the Mediation Process*, NYSBA Inside, Winter 2015
- *Effective Advocacy in Mediation*, NYSBA New York Dispute Resolution Lawyer, Fall 2015

- *Mediating With The New Kid In Town*, ABA's November 2014 Just Resolutions Newsletter
- *Reflections on Mediation in Bankruptcy Matters*, NYSBA – New York Dispute Resolution Lawyer, August 17, 2011

**Select Honors:**

- ABF Journal's Inaugural Class Of Top Women In Asset-Based Lending April, 2021
- 2020 New York Metro Top Women Super Lawyers
- LIBN's Top Power 25 in Law, March, 2021
- 2020 Lawdragon 500 Leading U.S. Bankruptcy & Restructuring Lawyers
- NYSBA Dispute Resolution Section Chairperson Award 2019, recognizing the creation and launch of the Association's Inaugural Mediation Tournament in 2019
- New York Super Lawyers® 2014 to present
- The Lawyer International – Legal 100 Award, 2016 to present
- Client Choice Winner Insolvency Law Firm of the Year in New York Corporate *INTL Magazine*, 2014 to 2016
- Long Island Outstanding Women in Law Award, *Hofstra University School of Law*, April 5, 2016
- ALM Top-Rated LI Lawyer *Annual Legal Leaders Guide*, 2015
- Member of the 2013 class of Long Island's Top Leadership In Law, *Long Island Business News*
- Long Island's Who's Who in Women in Professional Services, *Long Island Business News*, 2013
- Top 50 Professional Women Award & Hall of Fame Inductee, *Long Island Business News*, 2012
- One of Long Island's Who's Who in Women in Professional Services, *Long Island Business News* (LIBN), 2011
- One of Long Island's Who's Who in Women in Professional Services, *Long Island Business News* (LIBN), 2009
- Melnik Award recipient by IWIRC for Exceptional IWIRC Member, 2009
- Long Island Business News, Top 50 Influential Women in Business, 2008
- Honoree, Face to Face (The National Domestic Violence Project and The Nassau County Coalition Against Domestic Violence) - Annual Benefit, 2005
- Honoree, Child Care Council of Nassau, Inc. Charity - Golf Classic Outing & Casino Night, 2005
- *Long Island Business News*, Top 40 Professionals Under 40, 2005
- Long Island Woman Businessperson of the Month, Molloy College, 2004
- *Long Island Business News*, One of Long Island's 50 Top Women in Business, 2004
- Recipient of the Hofstra University School of Law Distinguished Alumni Award, 2004
- Judge at the Annual Judge Conrad B. Duberstein National Moot Court Competition, 1996 to 2003

#### **IV. General pertinent experience:**

I have previously been appointed by several of the Judges in the Southern and Eastern Districts of New York, Delaware, Pennsylvania and Nassau County Commercial Division as a mediator, as well as an examiner.

#### **Mediation Panel Affiliations:**

- Special Master Mediation Program – Supreme Court of the State of New York, Appellate Division, Second Judicial Department, May 6, 2020 to present
- Pro Bono Appellate Mediation Panel – United States Court of Appeals, Second Circuit, October 1, 2019 to present
- Mediation Register - United States Bankruptcy Court, Southern and Eastern Districts of New York, May 2008 to present
- Mediation Panel - United States Bankruptcy Court, Eastern District of Pennsylvania, April 2014 to present
- Mediation Panel - United States Bankruptcy Court, Northern District of New York, November 2014 to present
- Mediation Panel - Alternative Dispute Resolution Panel, Nassau County Bar Association, May 2015 to present
- Commercial Mediation Panel - Nassau County Supreme Court, State of New York, 2016 to present

#### **Arbitration Panel Affiliations:**

- Member of the AAA-ICDR Council, May 2021 to present
- Member of the AAA-ICDR International Panel, July 2021 to present
- Member American Arbitration Association panel 2018 to present
- Member of the AAA-ICDR Financial Advisory Committee April 2019 to present

#### **Mediation Experience:**

- *Pacific Plumbing & Heating Corp. v. Jessica E. Zapas and Pacific HVAC Corp.* Index No. 610860-19, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, June 2, 2021
- *State Farm Mutual Automobile Insurance Company v. Baldwin Chiropractic* Index No. 605172-19, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccia T. Pineda-Kirwan, April 26, 2021
- *Absolut Center for Nursing and Rehabilitation at Westfield, LLC and RCA Servicer at Westfield, LLC v. Cass Development Company* Index No. 610122-20, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, April 16, 2021
- *Indemnity Insurance Company v. Leo*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2019-10799 Notice of Reference, April 14, 2021

- *Rocco Bove v. James Zanfardino* Index No. 610822-20, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccia T. Pineda-Kirwan, April 8, 2021
- *Insys Therapeutics, Inc., et al.*, United States Bankruptcy Court, District of Delaware, Case No. 19-11292, Honorable John T. Dorsey, multiple separate fraudulent transfer/preference mediations, April 6, 2021
- *Government Employees Insurance Co. v. Charming Acupuncture, P.C.* Index No. 611810-19, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Diccia T. Pineda-Kirwan, February 25, 2021
- *Ripa v. Petrosyants*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2019-08176; 2019-10790 Notice of Reference, February 18, 2021
- *Robert D. Goner v. Equity Settlement Services Inc. and Puleo Delisle, PLLC* Index No. 610053-18, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, February 16, 2021
- *C&M Contracting, Inc. v. Adelphi University* Index No. 611723/2020, Supreme Court of the State of New York, County of Nassau, Order of Reference to Commercial Division ADR Program, Honorable Diccia Pineda-Kirwan, January 25, 2021
- *Woodbridge Group of Companies, LLC., et al.*, United States Bankruptcy Court, District of Delaware, Case No. 17-12560, Honorable Brendan I. Shannon, multiple (30 plus) separate fraudulent transfer/preference mediations
- *Miami Metals I, Inc.*, United States Bankruptcy Court, Southern District of New York, Case No. 18-13359, Honorable Sean H. Lane, Order Establishing Procedures dated December 16, 2020, multiple separate fraudulent transfer mediations
- *Ilias Bourekas, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 8-18-78496, Honorable Louis A. Scarcella, Mediation Scheduling Order
- *Manhasset Movie Theatre Inc., Roslyn Movie Theatre Inc., and Rudy Toolaprasad v. Gilman Management Corp., Cinemas GMC LLC, and Cinemas GMC II LLC*, Supreme Court of the State of New York, County of Nassau, Index No. 604558/2020, Selection of ADR Neutral Short Form Order, Honorable Steven M. Jaeger, November 18, 2020
- *Butnik v. Luna Park Housing Corp.*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2018-02760; 2018-04630 Notice of Reference, November 5, 2020
- *Arch Specialty Insurance Company v. RLI Insurance Company*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket No. 2019-03507, Notice of Reference, September 29, 2020
- *Salvatore Ciccone, Jr. individually and derivatively on behalf of 4042 East Park LLC v. Francesco Lazzannaro* Index No. 606122-20 and *Francesco Lazzannaro, individually and derivatively on behalf of 4042 East Park LLC v. Salvatore Ciccone, Jr. Eric Garcia, Maureen Ciccone* Index No. 608038-20, Supreme Court of the State of New York, County of Nassau, Order of Reference to Alternative Dispute Resolution, Honorable Timothy S. Driscoll, September 28, 2020

- *L.B. an infant by James Barberino v. NYC Board of Education*, Supreme Court of the State of New York, Bronx County, Index No. 20132/2018E, Order of Reference – Mediation, September 21, 2020
- *Ziv Azulay, individually and as the sole managing member on behalf of DMY Real Estate, LLC, v. Shalom Malul a/k/a Charles Malul, S&Z Development, Inc., Silver Equities, Inc., and Green Star Equities, Inc.*, Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket No. 2018-11194, Notice of Reference, August 4, 2020
- *Joseph Marino and Donna Marino a/k/a Donna Losco Marino v. Emily Mazzuoccola, Taylor Mazzuoccola, and Jon-Michael General Contracting Co., Inc.* Supreme Court of the State of New York, Appellate Division, Second Judicial Department, AD Docket Nos. 2018-13527; 2018-14168, Notice of Reference, June 3, 2020
- *Sizmek, Inc., et al.*, United States Bankruptcy Court, Southern District of New York, Case No. 19-10971, Honorable Stuart M. Bernstein, Order Establishing Streamlined Procedures dated March 26, 2020, multiple (sixty plus) separate fraudulent transfer mediations
- *Fanaras Enterprises, Inc. d/b/a The Prescription Center, Fanarian Enterprises, LLC d/b/a The Prescription Center 2, Northeast Pharmacy Services, LLC, Mytilini Enterprises, LLC d/b/a Bedford Pharmacy v. Burlington Drug Company and Smith Drug Company*, Ad Hoc Mediation, private retention
- *Woodside Management, Inc., Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 17-46310, Honorable Carla Craig, Stipulation and Order Referring to Mediation *pending*
- *Deborah J. Piazza, as Chapter 7 Trustee of Donadio & Olson, Inc v. Darin Webb, The Bookkeeping Company, Inc. d/b/a Sum Innovation a/k/k The Bookkeeping Company of New York City a/k/a The Bookkeeping Center, and Alfred Garofalo*, United States Bankruptcy Court, Southern District of New York, Case No. 19-01084, Hon. Stuart M. Bernstein, Order Appointing Mediator dated February 3, 2020
- *Christy Gilliam, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 1-19-41445, Hon. Carla E. Craig, Order and Agreement to Mediate dated September 23, 2019
- *Verrino Construction Services Corp., Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 18-23035, Hon. Robert D. Drain, Order Assigning Matter to Mediation, Summer, 2019
- *Sweet Hollow Holdings, LLC v. PL Engineering, P.C. and Paul A. Leon, P.E.*, Supreme Court of the State of New York, County of Nassau, Index No. 609702/2017, Hon. Timothy S. Driscoll, Order of Reference to Alternative Dispute Resolution dated April 15, 2019
- *Howard P. Magaliff, as Chapter 7 Trustee of Town Masonry Corp. and New Town Corp. v. Hunter Roberts Construction Group LLC.*, United States Bankruptcy Court, Southern District of New York, Adv Pro. No. 18-08263, Hon. Robert D. Drain, Stipulation and Mediation Order dated January 4, 2019
- *Millennium Sports Management Company, LLC v. L.W. Retail Associates LLC*, United States Bankruptcy Court, Eastern District of New York, Case No. 17-45189, Honorable Elizabeth S. Stong, Stipulation and Mediation Order dated November 30, 2018

- *Alex Spizz, as Chapter 7 Trustee for Ampal-American Israel Corporation v. Irit Eluz, et al.* United States Bankruptcy Court, Southern District of New York, Case No. 14-02110, Honorable Stuart M. Bernstein, Consent Order Appointing Mediator dated July 24, 2018
- *SunEdison, Inc., et al.*, United States Bankruptcy Court, Southern District of New York, Case No. 16-10992, Honorable Stuart M. Bernstein, Order Establishing Procedures dated May 18, 2018, multiple (sixty plus) separate fraudulent transfer mediations
- *BNF Realty Brooklyn, LLC*, United States Bankruptcy Court, Eastern District of New York, Case No. 17-43689, Honorable Elizabeth S. Stong, Stipulation and Mediation Order dated December 29, 2017
- *Karibworks Enterprises LLC v. 121-08 Jamaica Avenue, LLC*, United States Bankruptcy Court, Eastern District of New York, Case No. 16-40437, Adv. Pro. 17-01003, Honorable Elizabeth S. Stong, Mediation Agreement Order dated July 7, 2017
- *HSBC as RMBS Trustee v. Salema Davis*, United States Bankruptcy Court, Eastern District of New York, Case No. Case No. 11-40973, Honorable Nancy H. Lord, Order Appointing Mediator dated September 6, 2016
- *Theresa Onyinanya v. Paris Rampersad, Marisol Rampersad*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. 15-8214, Honorable Alan S. Trust (Order Assigning Matter to Mediation dated October 6, 2015)
- *Devices Liquidation Trust v. Air-City, Inc.*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. 15-8072, Honorable Alan S. Trust (Notice of Assignment of Mediator dated December 9, 2015)
- *Devices Liquidation Trust v. Andrews International, Inc.*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. 15-8074, Honorable Alan S. Trust (Notice of Assignment of Mediator dated December 9, 2015)
- *Financial Medical Systems, Inc. v. Nassau Health Care Corp.*, Case No. 602645-12, Supreme Court, State of New York, County of Nassau, Honorable Timothy S. Driscoll (Order of Reference to Alternative Dispute Resolution dated February 19, 2015)
- *SDNY 19 Mad Park, LLC/William Nathan Pomakoy*, Case No. 14-11055, United States Bankruptcy Court, Southern District of New York, Honorable Alan L. Gropper (Mediation Agreement dated January 29, 2015)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. Sanmina-SCI Corporation*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01580, Honorable Allan L. Gropper (Notice of Selection of Mediator dated October 6, 2014)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. NTK Technologies, Inc.*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01321, Honorable Allan L. Gropper (Notice of Selection of Mediator dated November 3, 2014)

- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. InVue Security Products, Inc.*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01220, Honorable Allan L. Gropper (Notice of Selection of Mediator dated November 3, 2014)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. Process Equipment Company a/k/a PeCo*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01199, Honorable Allan L. Gropper (Notice of Selection of Mediator dated November 3, 2014)
- *The Kodak GUC Trust, by and through Alan D. Halperin, as Trustee v. Sanmina-SCI Corporation*, Case No. 12-10202, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 14-01580, Honorable Allan L. Gropper (Notice of Selection of Mediator dated October 6, 2014)
- *Safe Space v. Financial Medical Systems, Inc.*, Case No. 602470/2013, Supreme Court, State of New York, County of Nassau, Honorable Jerome C. Murphy (Order of Reference to Mediation dated August 5, 2014)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Bump Creative Partners, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01199, Honorable Martin Glenn (Order Appointing Mediator dated December 23, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Ray's Wrap, Inc. d/b/a Jillson & Roberts*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01147, Honorable Martin Glenn (Order Appointing Mediator dated September 11, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Bookspan*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01012, Honorable Martin Glenn (Order Appointing Mediator dated September 11, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Service Net Warranty, LLC and SN Warranty, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01073, Honorable Martin Glenn (Order Appointing Mediator dated July 17, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Metaverse Corporation*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01155, Honorable Martin Glenn (Order Appointing Mediator dated July 17, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. NMR Distribution (America), Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01058, Honorable Martin Glenn (Order Appointing Mediator dated July 9, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Tower Cleaning Systems, Inc. n/k/a USM, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01175, Honorable Martin Glenn (Order Appointing Mediator dated July 2, 2013)

- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. EcoLab Pest Elimination*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01029, Honorable Martin Glenn (Order Appointing Mediator dated July 2, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Boise Cascade Office Products n/k/a Office Max Contract, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01010, Honorable Martin Glenn (Order Appointing Mediator dated June 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. C.R. Gibson LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01018, Honorable Martin Glenn (Order Appointing Mediator dated June 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Peters Imports, Inc. n.k/a KeHE Distributors, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01063, Honorable Martin Glenn (Order Appointing Mediator dated June 13, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. School Zone Publishing Co., Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01070, Honorable Martin Glenn (Order Appointing Mediator dated June 12, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Gund, Inc. n/k/a Enesco LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01038, Honorable Martin Glenn (Order Appointing Mediator dated May 23, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Quayside Publishing Group*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01235, Honorable Martin Glenn (Order Appointing Mediator dated April 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. MBI Publishing Company, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01053, Honorable Martin Glenn (Order Appointing Mediator dated April 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Book Sales, Inc. and Hain Capital Holdings, LLC*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01118, Honorable Martin Glenn (Order Appointing Mediator dated April 24, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Santillana Publishing Co., Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01069, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Quercus Editions Limited*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01163, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)

- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. Dell Marketing L.P.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01025, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)
- *Curtis R. Smith, as Liquidating Trustee of the BGI Creditors' Liquidating Trust v. The Boston Consulting Group, Inc.*, Case No. 11-10614, United States Bankruptcy Court, Southern District of New York, Adv. Pro. 13-01081, Honorable Martin Glenn (Order Appointing Mediator dated April 18, 2013)
- *WuWul, LLC f/k/a Word World, LLC*, United States Bankruptcy Court, Southern District of New York, Case No. 11-10543, Honorable Sean H. Lane (Consent Order Referring the Parties to the Estate Representative Challenger Advisors, LLC's Objection to Claim No. 29 Filed by the Learning Box, LLC and Response Thereto to Mediation dated October 1, 2012)
- *Debra Kramer as Trustee of the estate of Alfredo Vitale*, United States Bankruptcy Court, Eastern District of New York, Adv. Pro. No. 11-01325, Honorable Elizabeth S. Stong (Order Appointing Mediator dated May 4, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. United Parcel Service, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02206, Honorable Martin Glenn (Order Appointing Mediator dated March 12, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Crawford & Winiarski*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02179, Honorable Martin Glenn (Order Appointing Mediator dated February 13, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Kodaco Co., Ltd.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-01891, Honorable Martin Glenn (Order Appointing Mediator dated March 19, 2012)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Roy Smith Co.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02045, Honorable Martin Glenn (Order Appointing Mediator dated October 5, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Federal-Mogul Corporation*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02095, Honorable Martin Glenn (Order Appointing Mediator dated November 14, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Federal Broach & Machine Company*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-01927, Honorable Martin Glenn (Order Appointing Mediator dated October 10, 2011)

- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Faxon Machining, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02005, Honorable Martin Glenn (Order Appointing Mediator dated November 18, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. C.R. England, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02189, Honorable Martin Glenn (Order Appointing Mediator dated October 14, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Central Transport International, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-02190, Honorable Martin Glenn (Order Appointing Mediator dated November 14, 2011)
- *Executive Sounding Board Associates Inc., as Trustee for the Oldco M Distribution Trust v. Aleris International, Inc.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 11-01984, Honorable Martin Glenn (Order Appointing Mediator dated August 5, 2011)
- *ITS Recovery Group LLC*, United States Bankruptcy Court, Southern District of New York, Case No. 10-14730, Adv. Pro. Nos. 10-04286 and 11-01842, Honorable Robert E. Gerber (Mediation Order dated July 27, 2011)
- *87-10 51<sup>st</sup> Avenue Owners Corporation, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 09-45657, Honorable Elizabeth S. Stong (Mediation Order dated March 31, 2011)
- *Liberty Mutual Insurance Company, as Fiduciary for the Bankruptcy Estate of Lynn Citron and Jeffrey Citron v. Harriet Citron*, United States Bankruptcy Court, Eastern District of New York, Case No. 09-08125, Honorable Alan S. Trust (Mediation Order dated July 9, 2010)
- *87-10 51<sup>st</sup> Avenue Owners Corporation, Debtor*, United States Bankruptcy Court, Eastern District of New York, Case No. 09-45657, Honorable Elizabeth S. Stong (Mediation Order dated July 6, 2010)
- *Eugene I. Davis, Trustee of the TAI Unsecured Creditors Liquidating Trust v. Vedder-Price, Kaufman & Kammholz, P.C.*, United States Bankruptcy Court, Southern District of New York, Adv. Pro. No. 07-02066, Honorable Alan L. Gropper (Mediation Order dated November 23, 2009)

### **Arbitration Experience:**

- American Arbitration Association arbitrator since 2018 handling complex commercial disputes including, real estate, notes and loans and other financial transactions.

## V. Mediation training:

- 1 hour online training course by New York City Bar, Guess What – Your Online Mediation May Not Be Confidential, February 4, 2021
- 45 minute online training course by American Arbitration Association, Cyber Security: A Shared Responsibility, November 4, 2020
- 2 ½ training course by New York County Lawyers Association (NYCLA), Entrenchment Mediation Training: For Mediators in Court-Annexed Mediation Programs, November 10, 2020
- 10 hour training course by American Arbitration Association, Advanced Mediation and Advocacy Skills for Global Commerce, October 19, 23, 26, 30 & November 2, 2020
- 16 hour training course by New York City Bar Association, Surrogate's Court Mediation Training, September 15, 17, 22 & 24, 2020
- 2 hour training course by New York City Bar Association, Selected Ethics Issue in Mediation & Settlement Negotiations, June 25, 2020
- 1 ½ hour training course by New York Law School, Presumptive ADR in New York Courts, June 10, 2020
- 1 ½ hour training course by American Bar Association, Online Dispute Resolution "ODR" and You, April 22, 2020
- 1 hour training course by New York State Bar Association, How to Value the Case for Settlement, Mediation or Other ADR Processes, April 22, 2020
- 1 hour training course by the American Bankruptcy Association, Ethical Considerations for Use of Online Tools for Dispute Neutrals in the COVID 19 Era [CC], March 27, 2020
- 1 ½ hour training course by The Center for Understanding in Conflict, Moving Mediation Online, March 25, 2020
- ½ hour training course by Nassau County Bar Association and Columbia Law School Mediation Clinic, "Negotiating Through Uncertainty", March 23, 2020
- 1 hour course "Hidden Concepts in Negotiation: What You Never Learned in Law School", American Bar Association, Webcast, December 18, 2019
- 3 hour training course by Nassau Academy of Law/Nassau County Bar Association, Mediation Advocacy, November 13, 2019
- 1 hour training course by NAMS Webcast, Inside the Mind Of a Mediator: Avoiding Impasse and Maximizing Outcomes in Mediation, November 7, 2019
- 7 hour training course run by the NYSBA Dispute Resolution Section, The Future of ADR: Where are We Going and How Do We Get There?, at New York Law School, October 25, 2019
- 7 ½ hour training course by American Arbitration Association, New York Regional Office, Advanced Mediator Training Series: Expanding the Mediators Toolbox – Blending Advanced Mediator Strategies, June 13, 2019
- 2 hour training course at ABA Spring Business Law Section Meeting Mediation Matters: Trends, Successes and Disappointments in Court-Sanctioned Mediation, February 28, 2019
- 3 hour training course by New York Law School, Alternative Dispute Resolution Skills Program, Fifth Annual Symposium: ADR and Diversity, January 31, 2019

- 4 hour training by St. John's Law School, Mediation - Representing Clients, November 28, 2018
- 6 ½ hours training course run by NYSBA Dispute Resolution Section, October 22, 2018
- 1 ½ hour training course by The Association for Conflict Resolution of Greater New York and The CUNY Dispute Resolution Center at John Jay College, Roots of Diversity in the ADR Field, August 2, 2018
- 2 ½ hour course, Implicit Bias Program, Federal Bar Association, EDNY, June 6, 2018
- 2 ½ hour course, Neuroscience in Mediation and Negotiation, the New York City Bar, March 27, 2018
- 3 ½ hour course, The 1,2,3's of Mediation of a Merger and Acquisition Disputes, the American Bar Association, April 6, 2017
- 7 ½ hour training at the NYSBA Joint Program Commercial & Federal Litigation Section (ADR) Cross-Fertilization of Best Practices given at Fordham Law School, March 13, 2017
- 5 hour training at the 11th Annual Conference on International Arbitration and Mediation, October 2016
- Completion of the inaugural 40 hour course given by ABI/St. John's University School of Law Bankruptcy Mediation Training Program (I was a member of their inaugural class of 2011) December 7-10, 2011
- 1 hour training on the Benefits of Arbitration and Mediation in Commercial Cases, March 2006
- 3 hour in a training course run by the Association of the Bar of the City of New York on ADR in Bankruptcy Cases, April 2000
- 27 ½ hours at the basic mediation course entitled Conflict Resolution Theory and Techniques offered by the Association of the Bar of the City of New York, February & March, 2000

## **VI. Pertinent bankruptcy training:**

Ms. Berkoff has experience both as Debtor's counsel and creditor's counsel in many cases. While the mainstay of this Firm's work has concentrated on creditor representation, using this unique perspective over the years, the Firm has been engaged as Debtor's counsel in a variety of Chapter 11 bankruptcy cases. Some of the cases are listed below. She has served as Debtor's counsel in several large bankruptcy cases in the Eastern and Southern Districts of New York, as well as in other jurisdictions, many of which were successfully confirmed, several of which were resolved by consensual orders providing for structured dismissals.

In re 4218 Partners LLC (4218 Partners LLC v. Maguire Ft. Hamilton LLC), 2020 WL 477815 (2020) represented the secured lender in an adversary proceeding commenced by a commercial real estate chapter 11 case debtor. The debtor claimed that an \$8,250,000 secured loan transaction was the result of economic duress. The debtor sought to both avoid the mortgage securing the underlying loan as well as subordinate the claims of the lender. The court granted our motion to dismiss the debtor's claims of economic duress with prejudice, and dismissed the equitable subordination claims, finding that the debtor had failed to state a claim.

The Firm confirmed the Chapter 11 reorganization cases of (a) Avionics Plastics Corporation, a nationally known plastic injection molding corporation, and (b) Volkert Precision Technologies Inc., a precision tooling company in the Eastern District of New York Bankruptcy Courts. The cases involved staying off a potential leveraged buyout by a competitor and other related litigation.

The Firm was counsel to a litigation trust in a completed series of cases involving RICO Actions, fraudulent conveyance, preferences and fraud, defalcation and spoliation claims in the Eastern District of New York Bankruptcy Court.

The Firm confirmed the Chapter 11 reorganization of BR Steel Products in the New Jersey Bankruptcy Court. The assets of BR Steel were sold to a third party "white knight" as part of the reorganization process and the core of the Debtor's business operations were then relocated to New York.

The Firm confirmed the Joint Plan of Liquidation for the Dial-A-Mattress Companies in the Eastern District of New York. The case involved the successful litigation with franchise owners and a contested sale process in which the assets of Dial were successfully sold at a competitive auction sale to Sleepy's. The final sale price generated close to an eighty percent return to the creditor body.

The Firm also confirmed the Joint Plans of Liquidation for the Innovative Companies, comprised of six companies which supplied granite, marble and natural stone products for commercial and residential use nationally. At the time of the filing the companies were the tenth largest woman owned company in NY. The core business assets were sold to a third party as part of the reorganization process and the original CEO presently serves as the CEO of the new companies.

Additionally, the firm has represented a variety of constituencies in complex bankruptcy cases such as:

- *In re Curative Health Services, Inc. et al.*, U.S. Bankruptcy Court, Southern District of New York. Represented General Electric Capital Corporation as the senior secured lender and debtor in possession lender in the pre-packaged Chapter 11 filing of Curative Health Services, Inc., et al., providers of specialty infusion and wound care management services. Negotiated and documented \$50,000,000.00 debtor-in-possession credit facility.
- *In re Homesteads at Newtown, LLC*, U.S. Bankruptcy Court, District of Connecticut. Represented first mortgagee and cash collateral lender in the Chapter 11 filing of this assisted living healthcare facility. Addressed and litigated all cash collateral, foreclosure, stay relief and operating trustee appointment issues. Coordinated taking title to facility after successful litigation and represented the seller in connection with the subsequent sale.

- *In re Impath*, U.S. Bankruptcy Court, Southern District of New York. Represented unofficial group of equipment lessors including Hitachi Credit American Corp., Wells Fargo Equipment Finance Inc., TCF Leasing, Inc., Fleet National Bank, and First American Equipment Finance in connection with lease workouts, litigating true lease issues, valuation of collateral and negotiating payment of almost \$8,000,000.00 in debt.
- *240 Church et al.*, Represented DIP lender in a multi debtor healthcare case of several related assisted living facilities, negotiated post-petition financing arrangements and plan treatment.
- *In re Ames Dept. Stores*, U.S. Bankruptcy Court, Southern District of New York. Represented unofficial lessor group including CIT, Siemens Financial, Fleet Capital and CitiCapital in connection with lease workouts, assumption/rejection, litigating true lease issues and negotiating in excess of \$7,000,000.00 in debt.

**VII. General Pertinent Business or Legal Experience:**

See all information above