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2019 CLLA EVENTS AT THE NCBJ
THE ANNUAL
CLLA LUNCHEON &
FRANK KOGER MEMORIAL
EDUCATIONAL PROGRAM

October 31, 2019
Marriott Marquis, Washington, D.C.

2019 CLLA Events at the NCBJ



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King Award Winner Announced



G. Eric Brunstad, Jr. is a partner at Dechert, LLP. He has argued 10 cases in the U.S. Supreme Court, including matters involving bankruptcy, the First Amendment, fee-shifting, taxation, the Commerce Clause, statutory interpretation, jurisdiction, and arbitration. In addition to the cases he has argued, Eric has worked on over 60 other matters in the Supreme Court. He has also argued and briefed numerous cases in most

of the federal courts of appeals, and has argued two en banc matters in the Third and Eighth Circuits. In addition to his practice, he is a Visiting Lecturer in Law at the Yale Law School and a Professor (Adjunct) of Law at New York University School of Law, teaching courses on bankruptcy, argument and reason, federal jurisdiction, commercial transactions, secured transactions, and international insolvency law. He has also taught at the Harvard Law School and Georgetown University Law Center. He is the 2019 recipient of the American Bar Association Business Law Section National Public Service Award for his pro bono work.

CLLA Keynote Speaker Mark Weinberg



How Ronald Reagan Turned Around a Failing Economy and Ended the Cold War

MARK WEINBERG will draw on his more than 10 years with Ronald Reagan (1980 presidential campaign, White House, and post-presidency) to identify "The Five Ps" which made President Reagan successful, and which can be used even today.

Mark is a best-selling author (*Movie Nights with the Reagans*, Simon & Schuster), speaker, political commentator, speechwriter, and communications strategist who worked for President Ronald Reagan for more than 10 years, for *Fortune* 500

corporations, and is currently a communications consultant for corporate and public sector clients.

Weinberg joined the Reagan presidential campaign in 1980, served all eight years in the White House as Assistant Press Secretary and Special Assistant to the President and was Director of Public Affairs in Reagan's post-presidency office for two years. He accompanied Reagan on all foreign and domestic trips, including weekends at Camp David.

Commentary by Weinberg has been published in *The Wall Street Journal*, *The Washington Post*, *USA TODAY*, *The Huffington Post*, *The Washington Times*, *The Washington Examiner*, *The Star-Ledger*, *Vital Speeches of the Day*, *FOX News*, *CNN.com*, *The Bulwark*, *The Plain Dealer*, *POLITICO* and *Columbia Journalism Review*.

Mark will have a book signing at the conclusion of his luncheon presentation.

CLLA Frank Koger Memorial Educational Program

1 CLE Credit

Hot Topics in Recent Retail Cases

The last several years have seen significant restructuring activity among a broad-based set of retailers, even in an otherwise robust financing and stock market environment. This panel will explore the changing landscape of the retail industry and recent restructuring situations. Hear from a panel of speakers with a variety of viewpoints and extensive retail experience on the unique challenges and opportunities facing retailers going forward.

Moderator



Ronald R. Peterson

Partner, Jenner & Block,
Chicago, Illinois

Mr. Peterson concentrates his practice in the areas of commercial, insolvency and bankruptcy law. A fellow of the American College of Bankruptcy, he focuses primarily on representing debtors, trustees, creditors, committees, landlords and secured lenders in Chapter 11 cases. He also counsels clients on a variety of transactional issues, including corporate restructurings.

Since 2003, Chambers & Partners has named him one of the country's leading lawyers in bankruptcy law. He is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability, and is a member of the firm's Restructuring and Bankruptcy and Bankruptcy Litigation Practices. He is also a member of the Real Estate and Construction Litigation and Corporate Finance Practices and the Real Estate Finance Litigation and Workout Task Force.

He has been a member of the panel of Chapter 7 Trustees for the Northern District of Illinois, Eastern Division since 1987. He has presided over complex commercial cases, including Stotler & Co, the country's 10th largest commodities house, and Lancelot Investment, a \$1.7 billion Ponzi scheme. He has also served as examiner in Robert Lund, a large real estate developer and the Chairman of the Creditors' Committee in Thomas J. Petters, a \$3.5 billion Ponzi Scheme. Mr. Peterson is a member of the ABI, the CLLA and the Business Bankruptcy Committee of the Business Law Section and the Bankruptcy Litigation Committee of the Litigation Section of the ABA. He is a Director of the National Association of Bankruptcy Trustees and is also a member of INSOL.

Mr. Peterson is a prolific lecturer and writer on bankruptcy and commercial law issues.

Distinguished Panelists



Robert Duffy

Managing Director, Berkley Research Group, LLC,
Boston, Massachusetts

Bob Duffy is a Managing Director in BRG Corporate Finance and specializes in performance improvement and restructuring. Mr. Duffy has more than 30 years of experience, including more than 26 serving as an advisor to private equity firms, corporations, lenders and boards of directors of underperforming businesses and companies in transition. He also has served as chief restructuring officer and chief operating officer for a number of his clients.

Mr. Duffy has substantial experience in a number of industries as a result of leading successful engagements in both the United States and throughout the world. In these roles, he has led project teams on more than 100 engagements to help clients revitalize operations, implement operational improvements and reposition businesses for future growth. The assignments Mr. Duffy has led have included both public and private companies ranging in size from \$100 million to more than \$10 billion in annual revenue.



Kenneth H. Eckstein

Partner, Kramer Levin, Co-Chair, Bankruptcy and
Restructuring, New York, New York

Kenneth H. Eckstein, co-chair of the Bankruptcy and Restructuring department, has played a prominent role in many of the largest and most complex Chapter 11 reorganizations over the past 30 years. Ken represents creditors' committees, bondholders and other stakeholders in both in- and out-of-court restructurings, as well as trustees, examiners and third parties seeking to acquire the assets or businesses of financially troubled companies.

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He also counsels and represents debtors in the complex legal, financial and operational issues arising in reorganizations, including obtaining debtor-in-possession financing; negotiating forbearance agreements; negotiating plans of reorganization with secured lenders, creditors' committees and other stakeholders; and conducting sales of businesses.

A fellow of the American College of Bankruptcy, Ken has been repeatedly recognized by Chambers and Legal 500 as one of the pre-eminent bankruptcy practitioners both in New York and in the United States. According to Chambers, he is regarded as a "very good deal lawyer" who is "extremely knowledgeable about the law and ... very bright" (2017). He is also an "outstanding" lawyer, "renowned in the field for his significant experience representing major parties to bankruptcy and restructuring cases, particularly large Chapter 11 matters," and lauded for his "understanding of the financial and legal issues" and the way he "provides [clients] with a level of focus in complex negotiations" (2016). His clients describe him as "one of the best bankruptcy lawyers in court - very practical and very smart," and "a real consensus builder" who "does a phenomenal job of getting people to focus on what the end game is and making sure the case stays on track" (Chambers USA 2014). He is noted for being "great at organizing a creditors' committee and getting it focused on a solution," as well as "very learned in the bankruptcy arena, and easy to work with" (Chambers USA 2015).

Ken's recent work includes representing the ad hoc group of first lien bondholders holding more than \$4 billion in bonds issued by Caesars Entertainment Operating Co. in connection with the company's restructuring; funds managed by Elliott Management, Aurelius Capital, Davidson Kempner and Bracebridge Capital in the settlement of their 15-year dispute with The Republic of Argentina; the ad hoc group of senior noteholders holding more than \$1.6 billion of unsecured notes issued by Peabody Energy Corp., the world's largest private-sector coal company, in connection with the company's bankruptcy; the Official Committee of Unsecured Creditors of Residential Capital LLC in the largest bankruptcy of 2012; the Official Committee of Unsecured Creditors in the bankruptcy of NII Holdings Inc., one of the largest Chapter 11 cases of 2014; Genco Shipping & Trading in the \$1.4 billion shipping company restructuring that required negotiating with more than 25 sophisticated financial investors and resulted in a true "prepackaged" Chapter 11 bankruptcy, which was confirmed in less than three months; and General Maritime in structuring a \$75 million debtor-in-possession facility and negotiating a restructuring that enabled the shipping company to emerge from bankruptcy, after eliminating approximately \$600 million of financial debt and \$42 million in annual interest expenses.

In 2014, Ken was named to Global M&A Network's list of Global Top 100 Turnaround Professionals and to Law360's MVP List, one of only eight

lawyers named in the area of Bankruptcy and Corporate Restructuring, as well as one of the Outstanding Restructuring Lawyers by Turnarounds & Workouts in 2011 and Restructuring Lawyer of the Year by Global M&A Network in 2010.



Mohsin Y. Meghji

**Managing Partner/CEO, M-III Partners, L.P.,
New York, New York**

Mohsin Y. Meghji is a nationally recognized U.S. turnaround professional with an exemplary track record of accomplishment across a wide range of industries. His 25+ year career has focused primarily

on reviving companies experiencing financial, operational or strategic transitions to maximize value for stakeholders. He has accomplished this through management and/or advisory roles in partnership with some of the world's leading financial institutions, private equity and distressed hedge fund investors.

Mr. Meghji has been the Managing Partner of M-III Partners L.P. since its inception in late 2014. M-III Partners is a New York based merchant banking firm focused on restructuring advisory, turnaround/crisis management as well as investing in middle market turnaround and special situations opportunities on an opportunistic basis.

Mr. Meghji currently serves as Chief Restructuring Officer of Sears Holdings Corporation, which filed for Chapter 11 protection in October 2018. Mr. Meghji also serves as Chairman of the Board of Infrastructure and Energy Alternatives, Inc. (NASDAQ: IEA), a national engineering, procurement and construction company focused on utility-scale renewable energy facilities, that resulted from the merger of a company controlled by affiliates of Oaktree Capital Management with a special purpose acquisition corporation sponsored by Mr. Meghji.

Prior to founding M-III Partners, Mr. Meghji served as Executive Vice President and Head of Strategy at Springleaf Financial (now known as One Main Financial), as well as Chief Executive Officer of its captive insurance companies, from January 2012 to February 2014. Springleaf was listed on the NYSE in late 2013 for a significant (15x) return to its sponsors, Fortress Investment Group. Previously, Mr. Meghji co-founded Loughlin Meghji + Company, a privately-held financial advisory firm which became one of the leading restructuring boutiques in the U.S. Mr. Meghji was a Principal and Managing Director of Loughlin Meghji + Company from 2002 to 2011.

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Earlier in his career, Mr. Meghji was with Arthur Andersen & Co. from 1987 to 2002 in the firm's London, Toronto and New York offices, ultimately as a Partner in the Global Corporate Finance group. He has served as a director on a number of corporate boards including Mariner Health Care Inc., Cascade Timberlands, LLC from and MS Resorts Inc., as well as an independent director for companies undergoing restructuring including MS Resorts, Philadelphia Energy Services, Shopko, Full Beauty Brands, and Toys R Us. He is a director of the Equity Group International Foundation, which provides funding for underprivileged, high-potential students in Kenya. Previously, he has served on the Boards of The Children's Museum of Manhattan, as well as HealthRight International.

Mr. Meghji is a graduate of the Schulich School of Business, York University, Canada and has taken executive courses at the INSEAD School of Business in France. He has previously qualified as a U.K. and Canadian Chartered Accountant.



James H.M. Sprayregen, P.C.
Partner, Restructuring, Kirkland & Ellis, LLP,
Chicago, Illinois

James H.M. Sprayregen is a Restructuring partner in the Chicago and New York offices of Kirkland & Ellis and served on Kirkland's worldwide management committee from 2003-2006 and 2009-2019. Mr.

Sprayregen is recognized as one of the outstanding restructuring lawyers in the United States and around the world and has led some of the most complex Chapter 11 filings in recent history. He has extensive experience representing major U.S. and international companies in restructurings out of court and in court around the globe and has handled matters for clients in industries as varied as manufacturing, technology, transportation, energy, media, retail, and real estate. He has extensive experience advising boards of directors, and generally representing debtors and creditors in complex workout, insolvency, restructuring, and bankruptcy planning matters worldwide.

Chambers & Partners has praised Mr. Sprayregen for his "outstanding reputation for complex Chapter 11 cases" noting he is a "great clients' lawyer, admired for his unflustered ways." Chambers said that clients it spoke to noted that he is "probably the best restructuring lawyer in the world." Most recently, sources commented that Mr. Sprayregen is "a premier restructuring expert" and "in a class of his own" with "unbelievable technical capabilities" and "deep experience he can draw upon." He was praised for his ability "to take extraordinarily complex issues and make them understandable for boards and executive management teams." Prior editions of Chambers guides have described

Mr. Sprayregen as "a world-class practice leader," "one of the deans of the Bar," and "a restructuring genius and one of the best strategists in the country" noting that clients look to him as someone who is "providing leadership and strategic guidance on the big issues." Sources commended Mr. Sprayregen for his "incredible work ethic and skill" and for his ability to "bring a mastery of the law to practical application." Clients are "impressed by his boundless energy to work on issues" and note that Mr. Sprayregen is "very good in complicated and difficult situations."

In March 2010, Mr. Sprayregen was selected by The National Law Journal as one of "The Decade's Most Influential Lawyers." Mr. Sprayregen was named "Global Insolvency & Restructuring Lawyer of the Year" in 2013 by Who's Who Legal Awards, receiving more votes from clients and peers than any other individual worldwide. In October 2013, Mr. Sprayregen was inducted into the Turnaround Management Association (TMA) Turnaround, Restructuring, and Distressed Investing Industry Hall of Fame. From 2013-2015, Mr. Sprayregen was appointed to serve a two year term as the President of INSOL International, the leading insolvency association in the world.

Mr. Sprayregen has led bankruptcy cases for numerous companies including United Airlines, Conesco, General Growth Properties, Energy Future Holdings Corp., Caesars Entertainment Operating Co., Seadrill, iHeartMedia, Inc., Avaya, Japan Airlines Corporation as U.S. and international counsel, LINN Energy, SandRidge Energy, The Great Atlantic & Pacific Tea Company, Edison Mission Energy, Hawker Beechcraft Inc., Cengage Learning, Inc., Visteon Corporation, Lear Corporation, The Reader's Digest Association, Corus Bankshares, Inc., Majestic Star Casino LLC, and ION Media Networks, Inc.

Mr. Sprayregen joined Kirkland in 1990 and built its international Restructuring Group. He joined Goldman Sachs in 2006 where he was co-head of Goldman Sachs' Restructuring Group and advised clients in restructuring and distressed situations. He rejoined Kirkland three years later. Mr. Sprayregen is a frequent lecturer, speaker, and writer on insolvency, cross-border and distressed M&A issues. He has served as an Adjunct Professor at the University of Chicago Booth School of Business, New York University School of Law, and the University of Pennsylvania Law School.

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**Marty Staff, CEO, BCBG
Maxazria, New York, New York**

Marty Staff is one of the most experienced and capable professionals in the fashion and apparel industries. During the course of his thirty-year career, Mr. Staff has established a dynamic reputation for building iconic brands and for developing successful businesses.

Mr. Staff began his professional career in 1973 at Bloomingdales as Assistant Buyer, Menswear. Over the next seven years, he served in various management positions at Bloomingdales, including Branch Department Manager, Group Buyer and Divisional Merchandise Manager. While at Bloomingdales, Mr. Staff was responsible for growing the young men's and boys wear department into a \$25 million annual business. Mr. Staff also launched the women's designer jeans business, which experienced enormous growth under his leadership.

In 1980, Mr. Staff joined Polo Ralph Lauren Corporation as Vice President of Sales. Over the following four years, he was instrumental in the growth of the wholesale business from \$57 million to \$350 million. In 1984 the Company appointed Mr. Staff Vice President of Marketing, Licensing and Retail, in which position he was directly responsible for: supervising all domestic licensing; managing full price and outlet retail stores; and overseeing corporate marketing. Mr. Staff was involved in virtually every aspect of the development of the Ralph Lauren flagship store at the former Rhinelander Mansion in New York City, as well as 25 Polo Ralph Lauren stores and over 30 factory outlets through the country.

Mr. Staff joined Calvin Klein, Inc., in 1989 as Senior Vice President of Retail Development and Licensing, in which position he was responsible for managing all corporate communications with retail accounts and retail stores, as well as for the development and management of global brand licensing. Subsequently, in 1994, Mr. Staff was engaged as President and Chief Operating Officer of the Calvin Klein Menswear division of GFT USA, Corp., where he was responsible for management and operations of the \$70 million clothing, furnishings and sportswear business.

In 1998, Hugo Boss Fashions named Mr. Staff President and Chief Executive Officer. Under Mr. Staff's leadership over the following five years, annual sales in the United States increased from \$77 million to \$200 million, profits grew 1200%, factory productivity improved by 25% and the company's market share grew from 2.9% to 7%. Mr. Staff also opened or acquired 20 retail stores, including a New York City Flagship store and 12 outlet stores.

In March of 2004, Mr. Staff led the J.W. Childs acquisition of JA Apparel Corporation (owner of the Joseph Abboud trademark) and was named

the company's Chief Executive Officer. Under Mr. Staff's direction, JA Apparel Corp. has earned double digit volume growth, double-digit profit growth, and has gained number one market share in America in designer clothing.

In January 2011, Mr. Staff joined American Apparel as Chief Business Development Officer. In this role, Mr. Staff supervised retail, wholesale, online, and licensed businesses reporting to the chairman and to the board of directors.

In May 2012, Mr. Staff established Marty Staff Associates, LLP. This company works intensely with highly curated brands to create value through topline growth, increased aided awareness, and increased market share in each relevant market. Mr. Staff has retained several leading experts to help qualified companies achieve success in a short time horizon.

In December 2015, Mr. Staff joined BCBG Max Azria as President and CEO. Mr. Staff guided the company through a complete restructure, including a Chapter 11 filing and a sale. Mr. Staff continues as President and CEO. BCBG Max Azria is now owned by Centric Holdings LLC.

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