

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE	:
COMMISSION,	:
	:
Plaintiff,	:
	:
-v-	:
	:
PLATINUM MANAGEMENT (NY) LLC;	:
PLATINUM CREDIT MANAGEMENT, L.P.;	:
MARK NORDLICHT;	:
DAVID LEVY;	:
DANIEL SMALL;	:
URI LANDESMAN;	:
JOSEPH MANN;	:
JOSEPH SANFILIPPO; and	:
JEFFREY SHULSE,	:
	:
	:
Defendants.	:
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No. 16-cv-6848 (DLI)(VMS)

DECLARATION OF MELANIE L. CYGANOWSKI

I, Melanie L. Cyganowski, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true to the best of my knowledge, information and belief:

1. I am a member of the law firm of Otterbourg P.C. (“Otterbourg”). Between March 1, 1993 and February 28, 2007, I served as a United States Bankruptcy Judge in the Eastern District of New York, and as Chief Judge between November 25, 2005 and February 28, 2007, at which time I retired from the Court at the end of my full term. My Curriculum Vitae is attached hereto as **Exhibit A**.

2. Unless otherwise stated in this Declaration, I have personal knowledge of the facts set forth herein.

3. I make this declaration in support of the Application by the U.S. Securities & Exchange Commission (“SEC”) to Appoint me as the substitute Receiver.

4. Subject to the Court's approval, I will seek payment from the Receivership Estates for my services as Receiver based upon my customary hourly rate less a public service discount of twenty percent (20%) on the aggregate fees billed, and for reimbursement of all costs and expenses incurred in connection with this action, all subject to the "Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission" (the "SEC Receivership Billing Instructions").

5. As of January 1, 2017, my customary hourly billing rate is \$995. In the normal course of its business, Otterbourg revises its billing rates on an annual basis, typically in October of each year, and my hourly rate may change. Nonetheless, the twenty percent public service discount will always be applied to my fees in this case.

6. In addition to the hourly rates set forth above, there may be charges for costs and expenses that I, as Receiver, may reasonably incur, including non-local telephone calls, facsimile and other telecommunication charges, transportation, photocopying, delivery and messenger services, secretarial overtime charges and other disbursements. Any such charges would be billed in the same manner as Otterbourg bills our other clients for the same costs and expenses, subject to the SEC Receivership Billing Instructions.

7. In connection with my proposed appointment as Receiver, my firm and I have performed a computerized search of our records for the Defendants, their professionals, and other parties in interest based upon a review of the docket and information provided by the SEC to determine if any conflicts of interest would result from our appointment. Based upon this review, I respectfully represent that to the best of my knowledge, Otterbourg does not have any conflict of interest with any interested party in these cases, except that Otterbourg has the following connections:

(a) In 2014, I was retained by the Joint Official Liquidators (“JOLs”) of Platinum Partners Value Arbitrage Fund L.P. to serve as an expert in *In re ICP Strategic Credit Income Fund Ltd and In re ICP Strategic Credit Income Master Fund Ltd.*, (Grand Court of the Cayman Islands, Financial Services Division) (Cause Nos. FSD 82 & 269 of 2010 (AJJ)), in which the JOLs were then seeking authority from the Court to pursue a claim for fraudulent trading against DLA Piper LLP (US), counsel to a party in interest.

(b) I was appointed as the arbitrator of e-discovery disputes in *Picard v. Merkin*, Adv. Pro. No. 09-1182 (Bankr. SDNY) (the “Merkin Adversary Proceeding”) from 2012-2015. During the pendency of the Merkin Adversary Proceeding, Bart M. Schwartz (the original Receiver in this case) was appointed as the Receiver of Ariel Fund Ltd. and Gabriel Capital LP, both of which were defendants in the Merkin Adversary Proceeding.

(c) In addition, from time to time, Otterbourg and I work with other professionals that may be involved in these cases in unrelated matters. The other professionals in these unrelated matters may be co-counsel, counsel to or professionals engaged by adversaries, or counsel to or professionals engaged by other interested parties in a particular matter.

8. Otterbourg and I also provide the following information:

(a) Neither Otterbourg nor I are, or have been during the pendency of these Receivership cases, a creditor, equity security holder or insider of the Defendants.

(b) Neither Otterbourg nor I are, or have been, a director, officer or employee of the Defendants and will not be during the pendency of these Receivership cases.

(c) Neither Otterbourg nor I are have an interest materially adverse to the interests of these Receivership Estates or any class of creditors or equity security holders by

reason of any direct or indirect relationship to, connection with or interest in the Defendants, or for any other reason.

(d) I am not a relative of any Judge of the United States District Court for the Eastern District of New York, the U.S. Securities & Exchange Commission (the “SEC”) or any person employed by the SEC or U.S. Attorney’s Office (EDNY). An associate in Otterbourg’s Litigation Department (John Bougiamas, Esq.) is married to Panayiota (“Toula”) Bougiamas, Esq., who is Assistant Regional Director, SEC Division of Enforcement, Asset Management Unit of the New York Regional Office. Mr. Bougiamas will not work with me or be assigned by Otterbourg to work on any aspect of this case, and Otterbourg will apply a confidentiality screen to assure that there is an ethical wall preventing access by Mr. Bougiamas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of June, 2017, at New York, NY.

/s/ Melanie L. Cyganowski
Melanie L. Cyganowski

EXHIBIT A

MELANIE L. CYGANOWSKI
Member of the Firm
Otterbourg P.C.

Direct No. 212.905.3677
Cell No. 917.496.3670

Fax No. 212.682.6104
MCyganowski@Otterbourg.com

Otterbourg P.C., 230 Park Avenue, New York, NY 10169-0075. Member of the Firm. June 16, 2008 to present. Chair of Bankruptcy & Restructuring practice area. Bankruptcy law and Bankruptcy litigation; counsel to Official Committees of Unsecured Creditors; fiduciary appointments; mediation; arbitration; general commercial, federal court and complex litigation; expert witness; legal ethics.

Interfaith Medical Center, 1545 Atlantic Avenue, Brooklyn, NY 112113. *Chief Restructuring Officer* (April 11, 2014 to June 19, 2014); *Temporary Operator* (June 19, 2014 to June 14, 2015). Statutory appointment as chief fiduciary officer of hospital and its clinics.

Greenberg Traurig, LLP, The MetLife Building, 200 Park Avenue, New York, NY 10166. Shareholder and Chair of the New York Office Bankruptcy Litigation Practice. March 1, 2007 to June 2, 2008. Bankruptcy law and Bankruptcy litigation; mediation; legal ethics.

United States Bankruptcy Judge, Eastern District of New York, United States Bankruptcy Court, The Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, NY 11722. Appointed on March 1, 1993 through February 28, 2007. Appointed as Chief Judge of the Bankruptcy Court on November 29, 2005. Presided over thousands of commercial and individual bankruptcy cases and published numerous opinions; mediations.

St. John's University, School of Law, 8000 Utopia Parkway, Jamaica, NY 11439. Adjunct Professor (part-time), LL.M. Program in Bankruptcy. January 2001 to present. Bankruptcy Ethics, Fraud & Malpractice; Chapter 11 Corporate Reorganization; Interrelationship of Domestic Relations & Bankruptcy.

Milbank, Tweed, Hadley & McCloy, 1 Chase Manhattan Plaza, New York, NY 10005. Senior Attorney, Litigation. May, 1989 to February, 1993. General commercial law; contract, partnership and business law disputes; federal court and complex litigation; Bankruptcy law and lender liability litigation.

Sullivan & Cromwell, 125 Broad, New York, NY 10004. Litigation Associate. 1982 to May, 1989. Federal court and complex litigation; general commercial, insurance and contract law disputes; mergers & acquisition litigation; securities regulatory compliance and securities litigation.

United States District Court, Southern District of New York, Foley Square, New York, NY 10007. Law Clerk, Honorable Charles L. Brieant; 1981 to 1982.

Hodgson, Russ, Andrews, Wood & Goodyear, Buffalo, NY. Summer Associate, 1980.

Broadway-Fillmore Area Council, Inc., Buffalo, NY. Director, Individual Referral Program funded by CETA Title I; 1978 to 1979. Procured and administered grants exceeding \$800,000 annually.

City of Buffalo, Departments of Community Development and Human Resources, Buffalo, NY. Program Planning Coordinator, Planner & Consultant, 1974 to 1978. Supervised planning unit and divisional personnel which administered the Block Grant programs; coordinated East Buffalo's comprehensive development plan, including its designation as the first nationally recognized SBA loan program area and the implementation of \$1 million EDA commercial beautification program.

EDUCATION

Faculty of Law & Jurisprudence, State University of New York at Buffalo. J.D., *magna cum laude*, May, 1981. Sea Grant Fellow, 1979. Award of Distinction in Law and Public Education, 1981. **Buffalo Law Review:** Senior Editor, 1980-81; Associate, 1979-80. Co-author, *Survey: The Buffalo Polish-American Legal Experience*, **Buffalo Law Review**, Vol. 30, No. 1 (1981). **Buffalo Law Journal**, Abstract Writer, 1979-80.

Cornell University, Department of Anthropology, Ithaca, NY Graduate studies in Ph.D. program in urban development, 1975.

Grinnell College, Grinnell, Iowa. A.B., with Honors in Anthropology, May 1974. Grinnell Honor Scholar.

AWARDS/HONORS

National Law Journal: Top 75 Outstanding Women Lawyers in US (2015)

New York Institute of Credit, Future Leaders Division: The Honorable Burton R. Lifland Mentor of the Year Award, 2016 Recipient (2016)

Super Lawyers: Top 50 Women Attorneys in New York Metro Area (2012--)

Super Lawyers: Top 100 Attorneys in New York Metro Area (2016--)

Super Lawyers, Bankruptcy (2007--)

The Best Lawyers in America in Business Reorganization and Commercial Litigation (2012--)

Fellow, American College of Bankruptcy (2014--)

Fellow, Litigation Counsel of America (2016--)

Fellow, American Bar Foundation (2004--)

Fellow, New York State Bar Foundation (2004--)

Turnaround Award Healthcare: Interfaith Medical Center (2015)

United States Marshal Special Recognition Award, Crest Hollow Country Club, Westbury, NY (2007)

New York Institute of Credit, Trustee's Award, Hilton Hotel, New York, NY (2007)

New York State Bar Association, Commercial & Federal Litigation Section, "Hail to the Chiefs" Award, Lincoln Center, New York, NY (2006)

Turnaround Management Association Award, Melville, NY (2006)

Alumni Wall of Fame, East Leyden High School, Franklin Park, IL (1998)

Citizen of the Year Award in Law, Am-Pol Eagle, Buffalo, NY (1994)

ADMISSIONS & ASSOCIATIONS

Admitted to Practice: Supreme Court of the United States; United States Court of Appeals for the Second Circuit and Third Circuit; United States District Courts for the Eastern, Southern and Western Districts of New York; United States District Court for the District of Columbia; United States District Court for the District of Connecticut; United States District Court for the District of New Jersey; United States Court of Federal Claims; Courts of the State of New York

Appointed to the Mediation Registers of the United States Bankruptcy Courts for the Southern District of New York, New Jersey and Delaware

Appointed by the Chief Judge of the Southern District of New York as Member of the Grievance Committee, Chaired by Hon. P. Kevin Castel, USDJ, SDNY (2016--)

American Bankruptcy Institute

American Bar Association

Bar Association of the City of New York: Alternative Dispute Committee (2011-2015) and Secretary (2012-2015); Judiciary Committee (2008-2010); Bankruptcy Committee (2009-2010) (2016--)

Federal Bar Council: Board of Trustees (2015--)

National Conference of Bankruptcy Judges: member (1993--)

New York Institute of Credit: Member and Secretary of Executive Committee of the Board of Directors (2015--); Board of Directors (2007--), Vice President, NYIC Women's Division (2007--)

New York State-Federal Judicial Council: Member (2016--)

New York State Bar Association: Commercial & Federal Litigation Section of the: Chair, Nomination Committee (1993--); Treasurer (1992-1993); Chair, Committee on Federal Judiciary (1990-1992); Member of the Executive Committee (1989--); Member of the ADR Committee (2013--); Member of the Committee on Federal Legislative Priorities (2012-2016)

Norton Journal of Bankruptcy Law & Practice, Member, Editorial Advisory Board (Thomson Reuters) (2015--)

Second Circuit Federal-State Advisory Council: member (2016--)

Tina's Wish Women's Committee Member (2014--) (Foundation for ovarian cancer research)

Turnaround Management Association

ARTICLES & CONFERENCE PRESENTATIONS

"Just Who Foots the Bill: Section 506(c) and the Secured Lender Surcharge," co-authored with Lloyd M. Green, *Norton Journal of Bankruptcy Law & Practice*, vol. 26, no. 4 (2017).

“The Involuntary Petition: Is It a Sword or a Shield? Should It be Utilized or Avoided?,” panelist together with Scott L. Hazan, Peter Knox (Nestle USA) and Curtis Marshall (Coca Cola), CRF Conference, New Orleans, LA (March 2017).

“Bankruptcy Litigation panel – updates and discussions regarding fraudulent transfers, the split over § 546(e) safe harbors (*Physiotherapy, Tribune, Madoff, Meritt Management*), 10-year reach-back periods (*Kipnis*), the reinstatement of unsecured creditors’ intentional fraudulent conveyance claims and the ruling that the intent of the CEO can be imputed to the company (*Lyondell*), the finding that substantive consolidation does not augment the trustee’s § 544(b) avoiding powers by allowing the trustee to rely on predicate creditors from another estate (*Petters*), and the ruling that access to a credit line rebuts unreasonably small capital claims (*SemCrude*),” panelist together with Chief Judge Carla E. Craig, Philip Bentley (Kramer Levin) and Mark P. Kronfeld (Tennenbaum Capital Partners), ABI Bankruptcy Conference, New York City (May 2017).

“Collision at the Courthouse: Discussion of parallel/overlapping civil and/or criminal enforcement actions (Ethics),” panelist together with Alistaire Bambach (SEC) and Alex Lipman (Brown Rudnick), Brooklyn, NY (April 2017).

“Views from the Bench: When A Judge Suggests Mediation: Case and Mediator Selection,” faculty and keynote luncheon speaker at The ABI/St. John’s Bankruptcy Mediation Training Program, which is a collaboration among the American Bankruptcy Institute, St. John’s Center for Bankruptcy Studies, and St. John’s Hugh L. Carey Center for Dispute Resolution, New York City (December 2016).

“Fluctuating Valuation in Chapter 11: Managing Expectations and Outcomes Amidst Changing Fulcrum Points,” panelist together with Jack Butler (Birch Lake Holdings, LP), William Q. Derrough (Moelis & Co.), Randall S. Eisenberg (AlixPartners, LLP) and James P. Seery, Jr. (River Birch Capital, LLC), Beard Group Twenty-Third Annual Distressed Investing 2016 (November 2016).

“Mediation in the Federal Courts,” panelist together with John Lundin (Schlam Stone), Rebecca Price (SDNY Mediation), Gary Shaffer (Shaffer Mediation) and Robyn Weinstein (EDNY Mediation), The Bar of the City of New York (June 2016).

“Bankruptcy Litigation Panel, with focus on e-discovery limitations, litigating with common interests and settlements,” panelist together with Michael Luskin (Luskin Stern), Dion Hayes (McGuireWoods), David Hillman (Schulte Roth) and Judge Sean H. Lane (USBJ, SDNY), ABI New York City (May 2016).

“Beware the Traps: Ethical and Fiduciary Issues for Committee Members and Professionals,” panelist together with Judge Mary Walrath (USBJ, Del), Jeffrey Pomerantz (Pachulski Stang), Brent Weisenberg (Ballard Spahr) and Mark Felger (Cozen), ABI Spring 2016, Washington, DC (April 2016).

“Is Bankruptcy A Game-Changer for Embattled Providers?,” panelist together with Judge Nancy H. Lord (USBJ, EDNY), Samuel R. Maizel (Dentons), Karen Cordry (National Ass’n Attorneys General) and Judy W. Strobos (Health & Human Services), Medicare & Medicaid Payment Conference sponsored by the American Health Lawyers Ass’n, Baltimore, MD (April 2016).

“The Demise of Equitable Disallowance of Claims,” co-authored with Lloyd M. Green, Norton Journal of Bankruptcy Law & Practice, vol. 24, no. 6, page 571 (2015)

“Judicial Voices on Transition: From the Bench to the Bar and Beyond,” Moderated judicial panel of thirteen Bankruptcy Judges, New York Institute of Credit Women’s Division, Union League Club, New York City (November 2015)

“From the Bench to the Bar and Back,” panelist together with Judges Arthur Gonzalez (Ret.), James Peck (Ret.), Allan Gropper (Ret.), James Garrity and Robert Gerber, American College of Bankruptcy, New York City (October 2015)

“Selected Issues in Healthcare and Non-Profit Cases,” Moderated judicial panel of Judges Carla E. Craig (USBJ, EDNY), Nancy Lord (USBJ, EDNY), Sean Lane (USBJ, SDNY) and Robert Mayer (USBJ, VA), and facilitator Irving Walker (Cole Schotz), and presented article at ABI Views From the Bench, Washington, DC (October 2015)

“Selected Issues in Healthcare Bankruptcy Cases: Medicare Provider Agreements, Executory Contracts, Regulatory Issues, Interfaith Medical Center Case Study,” panelist together with Hal Morris (Office of Texas Attorney General) and Scott Davis (Grant Thornton), and presented article at Annual Meeting of National Association of Attorney Generals, Seattle, WA (October 2015)

“To Mediate or Not, That is the Quest?,” panelist together with Mark E. Felger, Dion W. Hayes, Ray T. Lyons and Claudia Z. Springer, and presented article at ABI Mid-Atlantic Bankruptcy Workshop, Hershey, PA (August 2015)

“Ethics and Social Media,” Moderated judicial panel of Judge Rosemary Gambardella (USBJ, NJ), Judge Thomas J. Catliota (USBJ, MD), and Judge Martin Teel (USBJ, DC), and presented article at Bankruptcy: Views from the Bench, ABI/Georgetown University Law Center (October 2014)

“Business Reorganization/Secured Credit/Ethics & Professional Compensation,” panelist together with Derek C. Abbott, Andrew M. Parlen and Stephen Spencer, ABI Spring Meeting, Washington, DC (April 2014)

“Interests Under Section 363: Tangible or Intangible,” Norton Journal Bankruptcy Law Publication, Vol. 22, Issue 4; 22 J. Bankr. L. & Prac. 6 Art. 1 (December 2013)

“A Judges’ Chat Across the Rivers,” New York Institute of Credit, moderated panel of Chief Judge Gloria M. Burns (USBJ, NJ), Chief Judge Carla E. Craig (USBJ, EDNY), Chief Judge Cecelia G. Morris (USBJ, SDNY), Judges Kathryn Ferguson, Rosemary Gambardella, Christine Gravelle, Novalyn Winfield, Judith Wizmur, Julie Manning (USBJ, NJ), Dorothy T. Eisenberg, Nancy Hershey Lord, Elizabeth S. Stong (USBJ, EDNY) and Shelley Chapman (USBJ, SDNY), Union League Club (November 2013)

“The Examiner’s Report,” *Examiners in Bankruptcy Cases: A Guide For Examiners, Courts and Practitioners*, Association of the Bar of the City of New York (September 2013)

“Law Firm Bankruptcies and Issues of Unfinished Business,” Moderated judicial panel and article presented at Bankruptcy: Views from the Bench, ABI/Georgetown University Law Center, September 2013)

“The Evolving Application of the Public Policy Exception in Cross-Border Insolvencies”, Insol World – First Quarter 2013

“The Limits of Comity in Cross-Border Insolvency”, Corporate LiveWire (April 2013)

“Chapter 11 Track: International Program – Chapter 15 and the Public Policy Exception,” presented at the ABI Spring Meeting, National Harbor, MD (April 2013)

“A Chat Among the Chiefs of the Federal Courts,” New York Institute of Credit, moderated panel of Chief Judge Loretta Preska (USDJ, SDNY), Chief Judge Carol Amon (USDJ, EDNY), Chief Judge Cecelia G. Morris (USBJ, SDNY), and Chief Judge Carla E. Craig (USBJ, EDNY), Union League Club (November 2012)

“A Compilation of Decisions in the Aftermath of *Stern v. Marshall*”, ABI Views from the Bench, Washington, DC (October 2012)

“Another Set of Eyes, The Expert as Evaluator”, Expert Guide, Bankruptcy & Restructuring (March 2012)

“The Public Policy Exception in Cross-Border Recognition by American Bankruptcy Courts”, Financier Worldwide (January 2012)

Panelist, *Women as Judges and Partners*, presented at *Portrait of a Judge: The Honorable Judith S. Kaye – A Look at Her Continuing Legacy of Writings, Initiatives and Landmarks for Women in the Law*, Court of Appeals Hall (October 2011)

“Appointment of Receivers Under State Law,” “Alter Ego and Piercing the Corporate Veil,” and “Bringing Third Parties In,” presented at the National Attorneys General Training & Research Institute, National Association of Attorneys General, States’ Association of Bankruptcy Attorneys, Austin, Texas (October 2011)

“Expert Testimony and Reports,” presented at the Anti-Fraud/Anti-Money Laundering Conference, NYC Marriott Marquis (June 2010)

“Stub Rent: Is Payment of the First Month Rent Truly an Obligation of the Past?”, presented at the Capital Region Bankruptcy Bar Association, Saratoga Springs, NY (November 2009)

“Liquidating Chapter 11 Cases & Asset Disposition: The Bankruptcy Sale Process,” presented at the Capital Region Bankruptcy Bar Association, Saratoga Springs, NY (November 2009)

Report, Co-Chair of the New York State Bar Association’s Task Force on the State of our Courthouses, together with Sharon Porcellio, Esq. and Gregory K. Arenson, Esq. (June 2009)

“The Intersection of Advanced Bankruptcy and Matrimonial Practice,” presented at the American Academy of Matrimonial Lawyers, New York Chapter (May 2009)

“Chapter 11 Liquidation Cases: Selected Issues When Chapter 11 is the Beginning of the End,” ABI Views from the Bench, Washington, DC (October 2008)

“The Intersection of Domestic Relations & Bankruptcy Laws: The Top Ten Myths,” presented at the Federal and State Judiciary Program, New York (May 2008)

“Subprime Paradigm: Lessons on Maximizing Value from the Subprime, 1031 and Servicer Cases,” presented at the ABI Annual Winter Leadership Conference, Rancho Mirage, CA (December 2007)

"Sales & Executory Contracts: Bidding Procedures; Use of Findings (aka "how the 'whereas' clauses define the deal"); carve-outs; sales free and clear of successor liability claims," presented at the ABI Views from the Bench, Washington, DC (October 2007)

"Information a Committee is Required to Disclose to its Constituents and Deepening Insolvency as a Cause of Action," presented at the ABI Northeast Bankruptcy Conference, Newport, RI (July 2007)

"The Impact of a Bankruptcy Filing on State Court Proceedings and the Substantive Rights of Judgment Creditors in Bankruptcy," presented at the NYS Judicial Institute, White Plains, NY (March 2007)

"Should Lawyers Be Jurors?", Chair of Report by the New York State Bar Association Commercial & Federal Litigation Section, Committee on Lawyers as Jurors (1990)

Frequent commentator on *Fox Business News* concerning bankruptcy and reorganization issues

Speaker at numerous CLE programs sponsored by, *inter alia*, the American Bankruptcy Institute, the New York State Bar Association, The Turnaround Management Association, Women's Bar Associations, County Bar Associations, St. John's University Law School, Fordham Law School, Touro Law School, Georgetown University School of Law and NYIC, concerning bankruptcy law, cross-border and alternative dispute resolution issues (1993--).

Speaker, National Neighborhood Revitalization Conference in The White House. One of twelve speakers invited by President Ford. Topic: Revitalization in Buffalo's East Side Neighborhoods (1976).

WRITTEN OPINIONS & SIGNIFICANT CASES

During the period in which I served as United States Bankruptcy Judge for the Eastern District of New York, I presided over thousands of bankruptcy cases, including the following:

- *In re Telcar Group, Inc.*, 365 B.R. 345 (Bankr. E.D.N.Y. Feb. 13, 2007)
- *In re R.F. Cunningham & Co., Inc.*, 47 Bankr. Ct. Dec. 158, 61 U.C.C. Rep. Serv. 2d (Callaghan) 642 (Bankr. E.D.N.Y., Dec. 21, 2006)
- *In re R.F. Cunningham & Co., Inc.*, 355 B.R. 408 (Bankr. E.D.N.Y. 2006)
- *In re DiGeronimo*, 354 B.R. 625 (Bankr. E.D.N.Y. 2006)
- *In re Total Time Solutions LLC*, 806-71631 (Bankr. E.D.N.Y. 2005)
- *In re Brunswick Hospital Center, Inc.*, 805-88168 (Bankr. E.D.N.Y. 2005)
- *In re The Motorcycle Excellence Group, Inc.*, 805-70089 (Bankr. E.D.N.Y. 2005)
- *In re New Times Securities Services, Inc.*, 318 B.R. 753 (Bankr. E.D.N.Y. 2004)
- *In re Acclaim Entertainment, Inc.*, 804-85595 (Bankr. E.D.N.Y. 2004)
- *In re David Blatt a/k/a Jay Black*, 805-94851 (Bankr. E.D.N.Y. 2005)
- *In re Developmental Disabilities Institute, Inc.*, 801-80920 (Bankr. E.D.N.Y. 2001)
- *In re Bay Harbour Associates LP*, 899-85379 (Bankr. E.D.N.Y. 1999)
- *In re QC Piping Installations, Inc.*, 225 B.R. 553 (Bankr. E.D.N.Y. 1998)
- *In re Sanders-Langsam Tobacco Co.*, 224 B.R. 1 (Bankr. E.D.N.Y. 1998)
- *In re Corporate Food Management, Inc.*, 223 B.R. 635 (Bankr. E.D.N.Y. 1998)
- *In re PG Realty Co.*, 220 B.R. 773 (Bankr. E.D.N.Y. 1998)
- *In re Gurney's Inn Corp. Liquidating Trust*, 215 B.R. 659 (Bankr. E.D.N.Y. 1997)
- *In re Koula Enterprises, Ltd.*, 197 B.R. 753 (Bankr. E.D.N.Y. 1996)
- *In re Braniff International Airlines, Inc.*, 164 B.R. 820 (Bankr. E.D.N.Y. 1994)

- *In re IBI Security Service, Inc.*, 158 B.R. 1 (Bankr. E.D.N.Y. 1993)

FIDUCIARY APPOINTMENTS

- *Neogenix Oncology, Inc. v. Peter Gordon, et al.*, Case No. 14-CV-04427 (EDNY) (Special Master Discovery)
- *In re 21st Century Oncology Holdings, Inc.*, Case No. 17-22770 (Bankr. SDNY) (Patient Care Ombudsman)
- *Interfaith Medical Center*, CRO and Temporary Operator (NYS Commissioner of Health Appointment)
- *California Proton Treatment Center, LLC*, Case No. 17-10477 (Bankr. DE) (Patient Care Ombudsman)
- *In re Vivendi*, Case No. 5571 (SDNY) (Special Master) (Securities class action)
- *Picard v. Merkin*, Adv. Pro. No. 09-1182 (Bankr. SDNY) (Arbitrator of e-discovery disputes)
- *Biolitec, Inc.*, Case No. 13-11157 (DHS) (Chapter 11 & 7 Trustee)
- *Mill River Foundation, Inc.*, Case No. 12-50306 (Bankr. D. CT) (Chapters 11/7 Trustee)
- *Batavia Nursing Home, LLC*, Case No. 11-13223 (Bankr. WDNY) (Chapter 11 Trustee)
- *Geriatric Realty Corp.*, Case No. 11-13225 (Bankr. WDNY) (Chapter 11 Trustee)
- *U.S. Trustee v. Capital One*, Adv. Pro. No. 08-012720 (Bankr. D. Mass) (Auditor)
- *Ross v. Thomas*, Case No. 09-cv-05631 (SDNY) (Receiver)
- *JPMorgan Chase Bank, N.A. v. Global Capital Services LLC*, 11-cv-01648 (SDNY) (Receiver)
- *Bank of America, N.A., as Trustee, et al., v. PCV St Owner LP, et al.*, 10 Civ. 1178 (SDNY) (Referee) (aka Stuyvesant/Peter Cooper Village foreclosure)

SIGNIFICANT MEDIATIONS

- *In re General Motors Corp.* (Member of Panel Mediators), Case No. 09-50026 (REG) (Bankr. SDNY)
- *In re Lehman Brothers Holding Inc. et al.* (Member of Panel Mediators), Case No. 08-13555 (Bankr. SDNY)
- *In re Intrep National Radio Sales Inc., et al.* (Member of Panel Mediators), Case No. 08-11079 (RDD) (Bankr. SDNY)
- *In re Madoff/BMLIS* (Member of Panel Mediators), Case No. 08-01789 (BRL) (Bankr. SDNY)
- *In re Metaldyne* (Member of Panel Mediators), Case No. 11-02000 (MG) (Bankr. SDNY)
- *In re Quebecor World Litigation Trust* (Member of Panel Mediators) (Bankr. SDNY)
- *In re ADOC Holdings, Inc., et al. (f/k/a Coda Holdings, Inc.)*, Case No. 13-11153 (CSS) (Bankr. Del.), *Tony Bulchak, et al., v. ADOC Holdings, Inc., et al.*, Adv. Pro. No. 13-51031 (CSS) (Bankr. Del.)
- *Alliance Bancorp Mediations, including First Collateral Services Inc.*, Adv. Pro. No. 09-51408 (Bankr. D. Del.)
- *Charter Communications/Law Debenture Trust Co.*, Adv. Pro. No. 11-01267 (JMP) (Bankr. SDNY)
- *Collavino Construction Company, et al., ads Port Authority of NY/NJ*, Case Nos. 14-12908 and 15-10344 (SCC) (Bankr. SDNY)
- *DTZ Rockwood Mediations*, Adv. Pro. No. 09-1263 (SMB) (Bankr. SDNY)
- *Genergy v. Port Authority of NY/NJ*, Case No. 10-05271 (REG) (Bankr. SDNY)
- *GII Industries, Inc. v. City of New York*, Adv. Pro. No. 08-01045 (Bankr. EDNY)
- *Grace/State of New York Mediations* (Bankr. EDNY)
- *In re FAH Liquidating Corp. (f/k/a Fisker Automotive Holdings, Inc.): Sven Etzelberger v. Fisker Automotive Holdings, Inc. and Fisker Automotive, Inc.*, Adv. Pro. No. 13-52517 (KG) (Bankr. DE)
- *Lindenwood Associates LLC, as Liquidating Trustee of Lighthouse Global Partners LLC & Lighthouse Financial Group LLC v. Halpern & Associates LLC*, Adv. Pro. 11-02781(SMB) (Bankr. SDNY)
- *In re 2607 Jerome N, LLC, et al.*, Case No. 13-10034 (REG) (Bankr. SDNY)

- *In re 261 E. 78 Realty Corp.*, Case No. 11-15624 (REG), *261 E. 78 Realty Corp. v. MB Financial Corp.*, Adv. Proc. 12-01118, 13-01000 (REG) (Bankr. SDNY)
- *In re 192 N. Main, LLC*, Case No. 806-70368-REG) (Bankr. EDNY)
- *McCord v. Countrywide Financial Corp.*, Adv. Pro. No. 08-01215 (Bankr. EDNY)
- *In re Malese 18 Corp.*, Case No. 02-80586 (DTE) (Bankr. EDNY)
- *In re Metro Fuel Corp., et al.*, Case Nos. 12-46913, et al., (ESS) (Bankr. EDNY)
- *Peter Mochnal v. EOS Airlines, Inc.*, Adv. Pro. No. 08-08279 (Bankr. SDNY)
- *In re Newbury Common Associates, LLC*, Case No. 15-12507 (LSS) (Bankr. DE)
- *In re Quad-C Funding LLC.*, Case No. 13-11725 (ALG) (Bankr. SDNY)
- *In re SageCrest II LLC*, Case No. 08-50754 (Bankr. D. CT)
- *Sheldrake Estates Condominiums & Sheldrake Lofts LLC v. Village of Mamaroneck*, Adv. Pro. No. 10-08424 (Bankr. SDNY)
- *Sonix Medical Resources, Inc., et al.*, Case No. 09-77781 (DTE), *Joshua Rizack, as the Plan Administrator, et al., v. Soni, et al.*, Adv. Pro. No. 11-09440 (AST)
- *Southside Mediations*, 09-43575 (ESS) (Bankr. EDNY)
- *Sven Etzelsberger v. Fisker Automotive Holdings, Inc. (In re FAH Liquidating Corp.) (f/k/a Fisker Automotive Holdings, Inc.)*, Adv. Pro. No. 13-52517 (Bankr. Del)
- *Wells Fargo Century, Inc. v. Safdeye*, Adv. Pro. No. 05-01417 (Bankr. EDNY)

SIGNIFICANT CLIENT REPRESENTATIONS

- *In re: General Motors LLC Ignition Switch Litigation – MDL*, Case No. 1:14-md-0253-JMF (SDNY) (Member of Executive Committee of MDL)
- *In re Quirky, Inc., et al.*, No. 15-12596 (MG) (Bankr. SDNY) (Committee of Unsecured Creditors)
- *In re Simon Posen*, No. 15-12859 (MEW) (Bankr. SDNY) (Debtor's counsel)
- *In re Sammy Eljamal*, No. 15-22872 (RDD) (Bankr. SDNY) (Committee of Unsecured Creditors)
- *In re Downey Financial Corp.*, No. 08-13041 (Bankr. D. Del.) (FDIC)
- *In re DPH Holdings Corp.*, No.10-4170-bk (2d Cir.) (State of Michigan Workers' Compensation Insurance Agency and State of Michigan Funds Administration)
- *In re Escada (USA) Inc.*, Case No. 09-15008 (Bkcty SDNY) (Committee of Unsecured Creditors)
- *In re General Motors Corp.*, Case No. 09-50026 (REG) (Bkcty SDNY) (Ally Financial Corp.)
- *In re Greatwide Logistic Services*, Case No. 08-12430 (Bkcty D. Del.) (Committee of Unsecured Creditors)
- *Guaranty Financial Group Inc. v. FDIC*, 10-cv-00980 (ND Tex.) (FDIC)
- *Claybrook v. United States*, 10-cv-00734 (Court of Federal Claims) (FDIC)

EXPERT TESTIMONY

- *The Federal Mogul Asbestos Personal Injury Trust v. The Federal Mogul Limited (formerly named T&N PLC, et al.*, Claim No. 2012 Folio 1093 (High Court of Justice, Queen's Bench Division, Commercial Division) (United Kingdom)
- *Fairfield Sentry Limited (In Liquidation)*, Claim No: BVIHC (COM) 133/2011 (High Court of Justice, British Virgin Islands, Commercial Division)
- *In re ICP Strategic Credit Income Fund Ltd and In re ICP Strategic Credit Income Master Fund Ltd.*, Cause Nos. FSD 82 & FSD 269of 2010 (Grand Court of the Cayman Islands, Financial Services Division)

- *In re Insigma Technology Co., Ltd and In re Section 216 of the Companies Ordinance, Cap. 32 of the Laws of Hong Kong Special Administrative Region*, No. 224 of 2013 (High Court of the Hong Kong Special Administrative Region, Court of First Instance, Companies Winding-Up (Hong Kong))
- *In re SphinX Group of Companies*, Cause No. 258 of 2006 (Grand Court of the Cayman Islands, Financial Services Division)
- *In re Vitro, S.A.B. de C.V.*, (Federal District Court for Civil and Labor Matters for the State of Nuevo León, the United Mexican States)
- *Vornado v. Stop 'n Shop*, Index No. 105819/03 (Supreme Court of the State of New York, New York County)
- *Miller v. Kluger, Kaplan, Silverman, Katzen & Levine, et al.*, Case No. 32-194-Y-00500-11 (American Arbitration Association, Miami, FL)
- *Aris Mardirossian and ARL LLC, et al., v. Miller Miller & Canby* (American Arbitration Association, MD)
- *Standard Chartered Bank of New York re Lehman Brothers Holdings, Inc.* (Philippines)
- *US Bank, NA, et al., v. 2150 Joshua's Path PLLC, et al.*, Case No. 13-1598 (GRB) (EDNY)