

Turnarounds & Workouts

News for People Tracking Distressed Businesses

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Year in Review

By Christopher Patalinghug

As 2025 comes to a close, *Turnarounds & Workouts* surveyed leading restructuring practitioners from prominent firms to capture their firsthand perspectives on key trends and challenges shaping the U.S. restructuring industry this year. Providing their insights are **Andrew Behlmann**, Partner, Bankruptcy & Restructuring Department, Lowenstein Sandler LLP; **Hon. Melanie L. Cyganowski (Ret.)**, Partner and Head of the Bankruptcy Group, Otterbourg P.C.; **Adam C. Silverstein** and **Sunni P. Beville**, Partners and Co-Leads of the Mass Tort Bankruptcy Practice, Otterbourg P.C.; **Shana Elberg**, Partner, Corporate Restructuring, Skadden, Arps, Slate, Meagher & Flom LLP; **Gregory F. Pesce**, Partner, Financial Restructuring & Insolvency Group, White & Case LLP; **Jacob Adlerstein** and **Robert Britton**, Partners, Restructuring Department, Paul, Weiss, Rifkind, Wharton & Garrison LLP; **Joseph T. Moldovan**, Chair, Bankruptcy,

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Navigating Customer Data Sales

By Amy S. Mushahwar, David M. Posner, Eric Chafetz, and Tricia Y. Wagner

Companies in financial distress confront a paradox. On the one hand, data is often among the most valuable assets available to preserve enterprise value and drive a successful reorganization or sale. On the other, mishandling that same data, especially personal and sensitive information, can destroy trust, invite regulatory scrutiny, and materially depress value at precisely the moment stakeholders most need stability. Data protection is also expensive, and in a bankruptcy environment, the last thing that you need is yet another cost to lessen the pool of funds available to operations and creditors. For debtors, boards, and restructuring professionals, data privacy and security are not peripheral concerns; they are central to fiduciary duty, operational continuity, and transaction integrity during Chapter 11. They might even make the difference between having salable assets and not.

Even after 10 years, the 2015 RadioShack bankruptcy remains a cautionary

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Restructuring & Governance Practice, Morrison Cohen LLP; **Heath D. Rosenblat** and **David J. Kozlowski**, Partners, Bankruptcy Practice, Morrison Cohen LLP; **Douglas E. Spelfogel**, Partner, Bankruptcy and Restructuring, Jenner & Block LLP; and **Carl N. Wedoff**, Special Counsel, Bankruptcy and Restructuring, Jenner & Block LLP. These seasoned professionals offer frontline views on key trends, challenges, and emerging strategies in the evolving restructuring landscape.

Turnarounds & Workouts: From your perspective, what were the key factors that drove (or suppressed) restructuring and bankruptcy activity in 2025? Please briefly explain each.

Gregory F. Pesce, White & Case: 2025 was a unique year for restructuring activity. The key drivers of restructuring activity included the impact of tariffs and inflation on consumer spending, the Big Beautiful Bill's impact on industries such as renewables where funding was significantly cut, and periodic impacts from geo-political crises. Those impacts, in turn, led to a significant number of out-of-court liability management (LME) transactions and the descent of a number of LME companies into chapter 11. In addition, 2025 saw a handful of good, old-fashioned crash restructurings such as First Brands Group, Tricolor, and Linqto, which crashed into

bankruptcy following allegations of fraud and “run-on-the-bank” type customer dynamics.

Andrew Behlmann, Lowenstein Sandler: Commercial chapter 11 filings were relatively flat year-over-year through the first half of 2025, then exploded in July and remain on track to outpace every year since 2010, the end of the financial crisis. Debtors routinely blame tariffs, retaliatory tariffs, and interest rates that remain at elevated levels relative to the last two decades despite three Fed Funds Rate cuts in 2025. However, there's more to it than that and the roots go back a few years. The excess liquidity the federal government poured into the banking system during the early months of the COVID-19 pandemic drove interest rates to all-time lows. We saw companies in varying degrees of financial distress—many of which were well on their way to filing chapter 11 in 2021—obtain relatively irrational refinancings or maturity extensions at single-digit interest rates that would approach prime in normal times. Many even borrowed new money on top of their existing overleveraged capital stacks. Most of those facilities have maturities between late 2025 into 2028. As those maturities start to become current liabilities, borrowers are facing the harsh reality that they can never refinance in normal times. The result is a steady flow of debtors filing chapter 11 with immense amounts of leverage. That's not the whole picture. Businesses that are heavily dependent on imports but lack the

market power to pass on the cost of tariffs to their customers have taken quite a beating in 2025. Thankfully, the tariff roller coaster seems to be slowing down and perhaps reaching an equilibrium.

Melanie L. Cyganowski, Otterbourg: 2025 was an economically tumultuous year as the United States initiated a new world-wide tariff program which impacted disposable cash availability for persons and corporations, interest rates and inflation. From the consumer perspective, Chapter 7 and 13 filings exploded. From the corporate perspective, we saw increased filings in multiple industries, most especially in healthcare, airlines and restaurants. Retail and consumer discretionary companies (such as fashion and general retail chains) also made up a large share of bankruptcy filings.

Jacob Adlerstein and Robert Britton, Paul Weiss: Sustained higher interest rates continued to drive up borrowing costs, tighten liquidity, and complicate refinancings. Persistent inflation also compressed margins and stressed working capital while weakening consumer demand in discretionary categories. Another key factor was geopolitical instability, which created volatility in markets and supply chain challenges. It is also difficult to talk about 2025 without mentioning tariffs and regulatory action. The tariff regime has introduced incremental costs, uncertainty and related supply chain instability, and demand constraints for import-reliant businesses, leading to

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significant distress in some sectors.

At the same time, in-court activity was impacted by the high volume of liability management transactions that we saw throughout the year. Strong capital markets provided an abundance of accessible capital to deploy into many of these situations.

Joseph Moldovan, Heath Rosenblat and David Kozlowski, Morrison Cohen: High interest rates and cost of capital; the end of the COVID era benefit packages; reduction in consumer discretionary spending; anticipated geopolitical issues arising from various governmental policies [are driving activity]. Failure of Congress to increase Subchapter V debt threshold; use of “extend and pretend”; waiting for the macroeconomic issues and impact of tariffs to shakeout [are suppressing it].

Douglas Spelfogel and Carl N. Wedoff, Jenner & Block: According to public reporting, business filings were up marginally in 2025, however Chapter 11 filings declined modestly. This divergence reflects a combination of macroecon, homic volatility and a continued shift toward alternative restructuring paths.

In terms of key trends, uncertainty surrounding tariffs, interest rates, and inflation introduced meaningful volatility into the market, complicating forecasting, impairing liquidity planning, and accelerating financial distress across multiple sectors. At the same time, as has been the trend in recent years, more companies

pursued out-of-court solutions, which can often be implemented with lower transaction costs, greater speed, and reduced execution risk compared to traditional Chapter 11 proceedings.

Tariffs, interest rates, and inflation. U.S. tariffs implemented in 2025 particularly affected businesses reliant on imported goods, especially those operating on thin margins with limited ability to pass increased costs on to consumers. Companies such as Claire’s and At Home Group Inc. illustrate the pressure tariffs placed on retail operators. Frequent changes in tariff policy further complicated decision-making and increased uncertainty.

Inflation. Inflation drove sustained increases in input and labor costs, constraining profitability even where revenues remained stable. Many companies experienced what appeared to be permanent increases in production and operating costs that could not be fully passed through without eroding demand. Discretionary spending, particularly in retail, casual dining, and leisure, was significantly affected. Several companies that had previously restructured returned to bankruptcy in 2025, resulting in notable “Chapter 22” filings, including Claire’s, Rite Aid, Forever 21, and Bravo Brio Restaurants.

T&W: Which sectors saw the highest demand for restructuring services in 2025? What emerging sectors do you anticipate needing more restructuring support in the near future?

Shana Elberg, Skadden: In 2025, our busiest sectors were some of the same that have been around the last few years - namely - consumer & retail, industrials, healthcare, automotive, mass torts and aviation. Inflation, tariffs and geopolitical uncertainty, among other reasons, propelled the distress in many of these sectors. I expect many of these sectors to continue to have material restructuring needs but also see the possibility of a few new sectors potentially experiencing distress - including software and technology businesses and cross-border infrastructure and other companies.

Pesce: 2025 saw an uptick in retail, consumer, and fast-casual dining restructurings. I expect that those trends will continue in 2026, along with other consumer-facing businesses (such as auto financing companies).

Behlmann: Industrials and anything heavily levered to imports without meaningful domestic alternatives were hit hard in 2025. Our eye is on retail in 2026. The 2025 holiday selling season is going to be a boom for some retailers and lead to a reckoning for others in the new year. Consumer credit card balances are currently over \$1.2 trillion, up 5.75% year over year. The annualized increase in consumer credit card balances skyrocketed in 2022 as households had little choice but to put the costs of inflation on their credit cards. That first-derivative measure finally slowed in 2024 and 2025 but likely due to household austerity,

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which is likely to filter up through the retail value chain and exacerbate the distress of already-troubled retailers.

Sunni P. Beville, Otterbourg: In 2025, U.S. corporate bankruptcies were on the rise. Supply-chain disruptions and other impacts of tariffs led to a spike in the filing of mega cases, most recently the auto parts maker, First Brands. The healthcare industry will likely continue to spiral, especially in light of the healthcare cuts and increasing cost to consumers triggered by implementation of the Big Beautiful Bill. With these increased costs, consumers are likely to spend less so we may see another wave of filings by retailers.

Alderstein and Britton: Notable sectors include retail and consumer (particularly specialty retail and casual dining), commercial real estate, healthcare, automotive, and pulp, paper, and packaging products. Renewable energy also saw high demand throughout the year—Paul, Weiss advised or is currently advising on multiple renewable matters.

Looking broadly at 2026, highly levered PE-backed companies face mounting headwinds. Many 2025 hotspots—especially retail and energy—should stay active. Longer term, we expect AI and technology may see a shakeout that separates winners from overextended entrants.

Moldovan, Rosenblat and Kozlowski: Consumer retail continues its decline, especially box retail. Online competition is unstoppable and has a vastly different cost structure.

Large box retail footprint stores are dying, as are many malls that offer only shopping (although experiential malls may be in trouble as well). This has a clear trickle-down impact on suppliers and vendors. A relatively new phenomenon are retail stores in Manhattan, for example, that are barely more than showrooms for clothing that will be delivered via an online entity. Commercial real estate has been hard hit by significant vacancies. Time will tell if the “back to work” mandates will be enforced or if people will just say no and continue working from home. Nothing seems to be helping the retail store vacancies in major cities.

Spelfogel and Wedoff, Jenner & Block: The healthcare sector experienced particularly acute distress in 2025. Persistent labor shortages and inflation-driven wage increases significantly raised operating costs, while Medicare and Medicaid reimbursement rates failed to keep pace. This created a severe margin squeeze across providers, driving elevated restructuring demand.

Consumer discretionary sectors, including retail, travel, and leisure, continued to lead bankruptcy activity. Inflation-constrained households reduced spending, and many companies that had emerged from earlier restructurings proved unable to withstand prolonged cost pressures and softening demand.

The commercial real estate sector, especially aging and over-leveraged office properties, remained under significant stress. According to reporting, office vacancy rates in the

United States reached record levels in Q1 2025. A notable development was the Chapter 11 filing of Office Properties Income Trust, a publicly traded office REIT that reportedly owned 122 office properties comprising 17.1 million rentable square feet. The company reported occupancy falling to 77%, while its market capitalization declined from nearly \$2 billion in 2017 to effectively zero. The filing cited structural changes in office demand accelerated by the COVID-19 pandemic, including increased remote-work arrangements affecting both private and government tenants.

Other sectors facing increasing headwinds heading into 2026 include construction, automotive suppliers, and potentially segments of the artificial intelligence ecosystem. While core AI market leaders are expected to continue growing, analysts have flagged unsustainable valuations across the broader sector. Companies such as Nvidia, Broadcom, and Palantir have reported record price-to-sales ratios, levels historically associated with bubble conditions. AI-adjacent and complementary businesses are particularly vulnerable, especially where they are over-leveraged and lack the scale or capital resources of major technology incumbents.

The failure of Builder.ai, once valued at \$1.5 billion with backing from Microsoft and Qatar’s sovereign wealth fund, illustrates these risks. Builder.ai filed for bankruptcy in May 2025 after inflating revenue by roughly 300% and relying heavily on

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manual labor rather than genuine AI technology.

Healthcare AI is expected to face a difficult consolidation phase in 2026 as the “pilot era” ends and hospital systems demand demonstrable return on investment rather than accuracy metrics alone. Similarly, companies making heavy investments in data center infrastructure face the risk that advances in semiconductor design or quantum computing could render portions of that infrastructure underutilized, echoing the fiber-optic overbuilding seen during the dot-com era.

Crypto remains an open question. The sector has expanded significantly, in part due to scaled-back regulation, creating new business opportunities. However, rapid expansion combined with lighter regulatory oversight has historically proven destabilizing, suggesting continued restructuring risk.

T&W: What were the most common types of restructuring engagements your firm undertook in the past year? Chapter 11 bankruptcy, out-of-court restructurings, debt refinancing, operational turnarounds, mergers & acquisitions in distress, creditor advisory, other (please specify).

Pesce: There were few if any operational turnarounds of note. Most restructuring activity was focused on out-of-court LME transactions, cleaning up capital structures in

chapter 11 where LME transactions did not fully succeed or the borrowers encountered further unexpected distress, and dealing with fraud-induced bankruptcy cases such as First Brands Group, Tricolor, and Linqto.

Elberg: For our firm, out-of-court solutions and opportunistic transactions were the core of our work in 2025. This work included out-of-court restructurings, debt refinancings and liability management transactions, as well as M&A-related engagements.

Behlmann: We have one of the most active creditors’ committee practices in the country and that practice remained exceedingly busy in 2025. We also advised on a number of out-of-court refinancings, distressed M&A transactions, trade vendor matters both in and out of court, distressed portfolio company wind-downs, bankruptcy appeals, and bankruptcy litigation matters.

Beville: Given the increase in chapter 11 filings, there is a greater need for firms to act in a fiduciary capacity in addition to their roles as advocates. For example, Melanie Cyganowski, in addition to her mediator roles, was appointed as co-Patient Care Ombudsman in Genesis Healthcare and as a post-effective date trustee in the Avon and Purdue cases.

Adlerstein and Britton: Our practice remained balanced across the full spectrum of restructuring engagements, spanning chapter 11, out of court liability management, refinancings, distressed M&A, and creditor-side mandates. Some of our most noteworthy matters

from 2025 include , representing borrower side clients such as Rite Aid, 23andMe, Sandvine, Mitel and iRobot; lender side constituencies in matters including Serta, Sunnova, Superior Industries, AMG, Saks and Cutera; and sponsors in matters such as Klockner. We were active in both chapter 11 cases and out-of-court restructurings, with a high volume of liability management transactions throughout the year. We also saw a notable increase in in-court activity in the second half of 2025—especially in the fourth quarter—and expect continued momentum into 2026.

Moldovan, Rosenblat and Kozlowski: Out-of-court real estate restructurings. Representation of investors in crypto bankruptcies. Workouts for PE Firm portfolio companies. Sales or winddowns of distressed companies.

Spelfogel and Wedoff: Restructuring engagements in 2025 increasingly reflected strategic, litigation-driven considerations rather than traditional balance-sheet distress alone. Our restructuring practice is broad and multifaceted, encompassing private equity, court-appointed, and commercial fiduciary representations, often in high-stakes bankruptcies and related litigation, and portfolio and strategic debtor side restructuring work.

We frequently leverage our firm’s investigations and litigation capabilities in fraud-driven insolvencies and complex disputes. We also represent portfolio companies and strategic debtors across multiple industries, including healthcare, energy, finance, and financial

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technology.

Noteworthy engagements during the past year included representing an international private equity fund in connection with fraud claims involving more than \$500 million in diverted assets arising from investments across Latin America; representing the indenture trustee in connection with one of the largest bank failures in U.S. history; and representing a subsidiary of a major healthcare company in the Chapter 11 bankruptcy of its subsidiary.

T&W: What were the biggest challenges your firm faced in executing restructuring projects in 2025? How did your firm address these challenges?

Pesce: There is a hastening march away from chapter 11 to LME transactions due to (1) the immense costs of chapter 11, particularly for legal fees and (2) market familiarity and expectations around the prospect of LME in debt documents. With that, firms need to reconsider asset allocations away from the bread and butter of major chapter 11 (i.e., armies of litigators) to debt finance and high yield attorneys positioned for LME work.

Silverstein: Founded in 1909, Otterbourg has seen every economic cycle in modern American history. 2025 presented no unique challenges we have not seen before. Restructuring work was in increasing demand, and we embraced the hard work and long hours needed to meet that demand.

Adlerstein and Britton: Restructuring transactions have grown more complex, often due to the legacy efforts of prior liability management transactions that created intricate “Frankenstein” capital structures and intercreditor factions. This complexity frequently elevates litigation risk and requires careful navigation of covenants and intercreditor arrangements. To preserve and create value in this environment, we rely on deeply integrated, cross-disciplinary teams that combine restructuring expertise with leveraged finance, capital markets, litigation, tax, and regulatory capabilities. Our firm’s breadth and coordination across practices allow us to manage these complexities efficiently and deliver executable solutions under tight timelines.

T&W: Describe any innovations or tools (e.g., AI, data analytics) your firm adopted in the past year to improve restructuring processes or outcomes.

Behlmann: Generative AI has been a game changer. AI does not, and never will, replace human insight and judgment. But what AI can do, and does extremely well, is accelerate and enhance knowledge work. We treat AI tools as force multipliers that take rote tasks off of lawyers’ plates and help find answers to complex issues much, much faster. Would you rather spend hours having someone summarize complex consent provisions in a group of interrelated credit agreements, or craft a few targeted prompts, have a summary table in 30 seconds that

you can spend a few minutes cross-checking, and spend your time—and your team’s time—focusing on solving the restructuring problem in front of you?

Silverstein: While 2025 brought innovations in technology, including in AI development, our Firm largely stayed the course. Our firm is over 100 years old, and the firm expects to carry on with the practice of law for another century and beyond. Law firms with that kind longevity exist because of their careful and conservative approaches, not by thrusting headlong into the latest trends. In 2025, we continued to invest in traditional document management systems while thoughtfully and deliberately explore AI products and policies.

Adlerstein and Britton: Over the past year, we embedded AI-enabled capabilities across a wide range of restructuring workflows and have deployed legal tech and AI tools to assist with a variety of tasks including drafting, research, data extraction, diagramming and benchmarking and market analysis.

Moldovan, Rosenblat and Kozlowski: The danger of use of AI in the practice of law is well known. We are examining and deploying AI tools that live only in sealed environments. That does not mean that other AI cannot be consulted, but it cannot be relied upon without rigorous vetting. Pure data analytics is perhaps a different story. Extracting information from documents where command prompts are clear is extremely useful. The key danger is when you ask the Robot to “think.” It’s not something that it is actually able to do —yet. ☐

Research Report

Who's Who in Fossil Group's "Stapled Exchange" Transaction

by Carlo Fernandez

Fossil Group, Inc., (NASDAQ: FOSL) is a global design, marketing and distribution company that specializes in consumer fashion accessories. Under a diverse portfolio of owned and licensed brands, its offerings include men's and women's fashion watches and jewelry, handbags, small leather goods, belts and sunglasses. Its brands include Fossil, Skagen, Relic and Zodiac and its licensed names include Armani Exchange, Diesel, Michael Kors, Tory Burch, and Kate Spade.

As of July 2025, the Company Group operates 214 stores worldwide, and has over 4,500 employees. The Company Group's products are sold across 130 countries worldwide through various distribution channels, including wholesale, direct-to-consumer through retail stores and e-commerce, and through third-party distributors. In certain international markets, the Company Group's products are also sold online and through licensed and franchised FOSSIL retail stores, retail concessions operated by the Company Group and kiosks. The Company Group offers online and in-store experiences in the United

States, Europe and Asia.

The Company Group operates in the UK through Fossil (UK) Holdings Limited and Fossil (UK) Limited. The Company currently operates two full price stores and nine outlet stores in the UK and facilitates sales in the UK through its own websites.

Fossil Group reported \$704.5 million in total assets against \$570.6 million in total liabilities as of July 5, 2025.

The Company recorded a \$19.9 million loss on net sales of \$453.7 million for the 27 weeks ended July 5, 2025, compared with a net loss of \$63.2 million on net sales of \$514.9 million for the 26 weeks ended June 29, 2024.

In early 2023, the Company Group announced that it would undertake a strategic review of its business model and capital structure.

In early 2025, the Company Group and its advisors commenced negotiations with key stakeholders regarding the terms of a refinancing transaction to refinance the Company Group's \$225 million asset-based revolving credit facility with JPMorgan, which was due to mature on Nov. 7, 2027. These

negotiations culminated in the entry into a new ABL Credit Facility on August 13, 2025, the proceeds of which were used in part to pay down the JPM ABL Facility.

The Company Group engaged with the largest bondholder, HG Vora Capital Management, LLC in respect of a potential consensual restructuring of \$150 million of 7.00% Senior Notes due 2026 on either an in-court or out-of-court basis.

After failing to receive the required minimum of at least 90% of valid tenders to exchange its \$150 million of unsecured notes, Fossil Group's subsidiary Fossil (UK) Global Services Ltd. on Oct. 15, 2025, commenced before the High Court of Justice, Business and Property Courts of England and Wales proceeding under the Companies Act 2006 of England and Wales to seek approval of a plan that would restructure its unsecured notes that is nearing maturity. Mr. Justice Cawson granted an order approving the application of Fossil (UK) to convene a meeting of the holders of the notes. Weil Gotshal partner Gemma Sage was appointed as the chairperson of the meeting of

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Who's Who in Fossil Group's "Stapled Exchange" Transaction

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plan creditors.

Fossil (UK) on Oct. 20, 2025, filed a Chapter 15 bankruptcy petition at a bankruptcy court in Houston, Texas (Bankr. S.D. Tex. Case No. 25-90525) to seek recognition of the UK proceeding. The Honorable Bankruptcy Judge Christopher M. Lopez handles the case.

Fossil Group on Nov. 10, 2025 announced that its subsidiary, Fossil (UK) Global Services Ltd, has been granted an order from the UK Court sanctioning the restructuring plan under Part 26A of the UK Companies Act 2006 (as amended) in respect of the Notes.

On Nov. 12, 2025, the U.S. Bankruptcy Court in Texas granted a Chapter 15 recognition order in connection with the restructuring of the Notes.

The groundbreaking U.K. restructuring plan restructures the notes but leaves equity and a majority of the Company's debt intact. The restructuring would cancel the existing 7.00% Senior Notes due 2026 and issue new secured senior notes, specifically 9.500% First-Out First Lien Secured Senior Notes and 7.500% Second-Out Second Lien Secured Senior

Notes, both due in 2029.

Fossil (UK) received UK court approval to hold in early November a plan meeting, at which the restructuring plan was approved by the bondholders. At least 75% in value of the notes held by creditors at the meeting needed to vote in favor of the plan. A total of 363 creditors, representing 99.99% by value of those present and voting, voted in favor of the restructuring.

The Nov. 12 order by the Texas Court recognizes and gives effect of the Plan in the United States.

Fossil's restructuring attorneys, Weil, Gotshal & Manges LLP, said this is the first time a U.S. public company has gone outside the U.S. to conduct a restructuring of U.S.-governed debt and Fossil is the first publicly listed U.S. company to adopt Weil's new "Stapled Exchange" transaction.

Weil touted that in the Fossil case it has developed a groundbreaking method for companies to restructure debt that avoids equity cancellation, delisting and the need to address the entire capital structure. According to the firm, the "Stapled Exchange" surgically addresses only the part of the capital structure that needs

attention to give companies more runway to turn their businesses around.

DEBTORS

Franco Fogliato, a brand veteran who most recently led the turnaround of sports brand Salomon, was appointed as CEO in September 2024.

The Weil, Gotshal & Manges LLP team advising Fossil is led by Restructuring Department Co-Chair **Sunny Singh** and partner **Gary Holtzer** and includes Restructuring associates **Phil DiDonato, Alexandra Langmo, Joe Sullivan** and **Immanuel Vorbach**; Capital Markets partners **Frank Adams** and **Corey Chivers** and associates **Michael Cremers, Emma McBride, Andrene Loiten** and **Evan Caltavuturo**; Co-Head of Weil's Governing, Securities & Reporting Group **Lyuba Goltser** and partner **Ade Heyliger**; Banking & Finance partner **Vynessa Nemunaitis** and associates **Angela Estrada** and **Emma Xing**; U.K. Restructuring partners **Andrew Wilkinson** and **Gemma Sage**, counsel **Kirsten Erichsen** and associates **Kyle McLachlan** and

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Rupert Balfe; U.K. Litigation partner **Jamie Maples**, counsel **Frankie Cowl** and **Rosalind Meehan** and associates **Craig Watson**, **Rhys Williams** and **Dhru Vyas**; U.K. Tax counsel **Stuart Pibworth** and associate **Anna Ritchie**; and Tax partners **Stuart Goldring** and **Graham Magill** and counsel **Adam Sternberg**.

Evercore Group LLC and **Alvarez & Marsal North America, LLC**, are the financial advisers to the Fossil Group. Evercore Group was retained by Fossil Group in March 2024 to assist with a comprehensive strategic review of its business model and capital structure. Alvarez & Marsal was retained by Fossil Group in August 2023 as part of Fossil Group's expanded "Transform and Grow" (TAG) plan.

Jon Yorke Consultancy Limited, a private limited company incorporated in England and Wales, is the retail advocate appointed by the Company in respect of the Restructuring Plan. **William Day** was instructed by the retail advocate, Jon Yorke, for the sanction hearing.

Cantor Fitzgerald & Co. is the dealer manager in relation to the

SEC-registered exchange offering to all noteholders and related transactions. Cravath, Swaine & Moore LLP and Slaughter and May are the dealer manager's advisors.

Epiq Corporate Restructuring, LLC, represented by senior director **Joe Arena**, is the information agent in respect of the Restructuring Plan.

ABL LENDERS

In August 2025, Fossil announced a new \$150 million asset-based revolving credit facility with **Ares Management Credit** funds. The new facility has a maturity date of August 13, 2030 and is priced at SOFR plus 500 basis points.

Ares Commercial Finance's ACFFinco ILP, is the administrative agent and collateral agent under the \$150 million ABL facility entered into on Aug. 13, 2025.

BONDHOLDERS

Ropes & Gray LLP is counsel for the consenting bondholders. Partners **Leonard Klingbaum**, **Sam Badawi**, **Matthew Roose** and **Faiza Rahman**, in New York, and **Matthew Czyzyk** in London, are the primary attorneys involved in the representation.

The Consenting Bondholders are certain funds and accounts managed or advised by **HG Vora Capital Management, LLC**, and certain funds and accounts managed or advised by **Nantahala Capital Management, LLC**.

The Bank of New York Mellon Trust Company, N.A., is the notes trustee in connection with the existing \$150 million unsecured notes.

Wilmington Trust, National Association, is the notes trustee and collateral agent for the issuance of \$182.5 million of new notes under the Plan. **Alston & Bird LLP**, led by partner **Jason Solomon** and senior attorney **Matthew Dow**, is advising Wilmington Trust.

JUDGES

Mr. Justice Cawson, a UK High Court judge, presided over the restructuring plan of Fossil (UK) Global Services.

U.S. Bankruptcy Judge **Christopher M. Lopez** oversaw the Chapter 15 cases in the U.S. □

Customer Data, from page 1

tale in privacy circles. It vividly demonstrates how legacy privacy promises, uneven data governance, and the pressures of a distressed sale can collide, generating reputational, legal, and economic consequences. Since then, the privacy landscape has only grown more complex: State privacy statutes proliferate, federal and state regulators elevate expectations, and counterparties place increased emphasis on cyber diligence. At the same time, threat actors view distressed companies as soft targets due to resource constraints and staffing disruptions. The takeaway is clear: Thoughtful privacy and security planning is not merely risk mitigation; it is value preservation.

The RadioShack Precedent: Privacy Promises, Regulatory Scrutiny, and Value Impairment

RadioShack sought to monetize 117 million customer records as part of its bankruptcy sale process, notwithstanding prior consumer-facing promises regarding how the data would be used. Thirty-eight state attorneys general (AGs) and the Federal Trade Commission closely scrutinized the proposed transfer, namely for the following statement, which had been in the company's privacy policy for years: "We will not sell or rent your personally identifiable information to anyone at any time," with no exception for M&A, asset sales, and/or bankruptcy.

Regulators argued that this was a deceptive business practice, given that the company was now selling information pursuant to bankruptcy. Ultimately, the resolution imposed restrictions on the buyer's use of the data and required certain consumer protections and opt-out mechanisms, significantly constraining the contemplated monetization. The episode underscores several durable lessons for modern restructurings.

No. 1: Do What Your Privacy Policy Says. Privacy commitments made over years of commercial activity do not evaporate in bankruptcy. They can follow the data, shape what can be sold, and limit how buyers may exploit assets post-closing. Where there is a material conflict between stated privacy policies and a proposed transfer of personally identifiable information, the court may require tailored safeguards or appoint a consumer privacy ombudsman to evaluate and mitigate risks before a sale proceeds.

No. 2: Regulators and AGs Can Actively Participate in Bankruptcy. Regulators and state enforcement authorities remain active participants in the process. Their interventions can reshape deal terms quickly and publicly, creating execution risk and valuation uncertainty at a critical juncture in a case. While RadioShack is a classic example of this friction, similar dynamics have played out in other proceedings (e.g., National Public Data / Jerico Pictures).

No. 3: Data Governance Matters – Do This First Before You File.

The lack of a current, accurate data inventory and a clear legal basis for processing and transfer can significantly impair negotiating leverage. This creates immediate regulatory risk and reduces bidder confidence, ultimately depressing asset valuations and affecting recoveries at a critical juncture in a case. Proper data mapping and a clear understanding of consumer consent are essential pre-filing diligence items.

In short, RadioShack teaches that debtors should approach personal data as a regulated asset class. A rigorous review of privacy obligations, data composition, and transfer restrictions ought to be a first-order task at the outset of a restructuring, not an afterthought during a sale process. It also acts as a privacy prelude to the security issues we will now discuss. Without security, privacy is simply an empty promise.

Maintaining Security Under Chapter 11: Practical Controls That Protect Value

Even with strong privacy governance, security lapses can be catastrophic in Chapter 11. Data exfiltration, ransomware events, and business email compromise can derail business continuity, delay court milestones, and erode creditor confidence. Do you really want another event that prevents you from collecting operational revenue during a cash-poor time? Implementing the following operational controls is foundational and defensible,

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particularly when resources are constrained, even if it costs some more money.

Patch and Configuration Management: A disciplined vulnerability management program (both traditional software patching and hardened configurations) is essential. Establish a risk-based cadence that prioritizes internet-facing systems, identity infrastructure, and business-critical applications. Emergency patching and hardening procedures should remain active throughout Chapter 11, with leadership-approved exceptions for any necessary change freezes. Documenting decisions, what was patched, what was deferred, and why reduces hindsight risk and demonstrates prudent management to the court and stakeholders. Also, there should be preexisting systems for the documentation of this in most large enterprises.

Strong Authentication (Including MFA) and Identity Management: Strong authentication is nonnegotiable. Enforce multi-factor authentication (MFA) across corporate email, virtual private networks, privileged accounts, cloud admin consoles, and any remote access pathways. Modern phishing-resistant methods for administrative access should be implemented wherever feasible. Concurrently, tighten identity governance: Revoke stale accounts (you typically have a number of stale accounts in bankruptcy, given the shifts in employees and vendors), reduce standing privileges, and

implement just-in-time elevation for administrators. Controlling identity sprawl helps prevent opportunistic lateral movement by threat actors.

Don't Forget Endpoint Protection (EDR Is Expensive but Necessary): Endpoint detection and response (EDR) provides real-time visibility and containment. Deploy an EDR or Extended Detection and Response platform across servers and endpoints, ensure alerts flow to a monitored queue, and confirm that containment actions are tested and understood by the response team. Where in-house coverage is thin, a managed detection and response provider can bridge after-hours or 24/7 gaps. Complement monitoring with centralized logging for identity, network edge, and critical applications, and retain logs long enough to support incident response and forensic analysis.

Immutable Backups Are a Must: Resilient backups remain a cornerstone. Maintain regular, tested, and preferably immutable backups for critical systems and data. Simulate restoration, not just backup completion, to validate recovery time objectives. For cloud workloads, confirm backup responsibilities under the shared responsibility model and ensure encryption keys and access are controlled to avoid lockouts during staffing changes.

Don't Skimp on Third-Party Risk Management: Third-party risk requires renewed scrutiny during restructuring. Vendors providing hosting, payment processing, HR, or customer engagement services may

hold sensitive data or operational keys. It is a fiduciary imperative to validate their security posture, confirm contractual routes for emergency support, and ensure that critical vendor invoices remain current to prevent sudden service disruptions for necessary security functionalities. Where termination or transition is anticipated (or occurring already due to cost containment measures), prepare a secure data transfer and destruction plan, if possible.

Employees Will Be in Flux, but Continue To Train Them: Finally, communicate and train. Brief employees on heightened phishing risks, confirm escalation pathways for suspected incidents, and enforce clear policies for personal device use, especially if cost-saving measures expand bring-your-own-device practices. Ensuring a concise, well-understood incident response playbook often averts the most damaging outcomes.

Staffing, Scanning, and Longitudinal Risk Assessment: A Governance Framework for the Entire Case

Governance must be adapted for the realities of bankruptcy. The goal is to preserve institutional knowledge, sustain essential capabilities, allocate limited resources, and maintain oversight that withstands scrutiny by the court, the U.S. Trustee, and creditor constituencies.

Begin with accountable leadership. If the company has a chief information

Customer Data, from page 11

security officer, define their authority and ensure continuity. If the role is vacant or at risk, designate an interim leader with clear decision rights over incident response, access control, and third-party management. Document a RACI (responsible, accountable, consulted, informed) matrix that clarifies who approves risk acceptance during the case and who communicates with counsel and advisors when incidents arise. Counsel should be looped in to preserve privilege where appropriate and to align on regulatory notification triggers.

Resource planning is equally important. Identify critical roles that cannot be vacated without jeopardizing security operations, such as identity administrators, endpoint engineers, and incident responders. Where attrition risk is high, prearrange surge capacity through trusted external providers. Ensure that proposed cost reductions account for security-critical software renewals, certificate management, domain registrations, and logging infrastructure – the quiet dependencies that, if allowed to lapse, create disproportionate risk.

Vulnerability management requires disciplined cadence and scope. Conduct initial baseline scanning of external and internal assets to surface acute exposures, then establish a recurring schedule aligned to the company's patching windows and maintenance cycles. Validate scan coverage against an asset inventory that includes shadow IT, cloud

accounts, and acquired subsidiaries or affiliates. Track remediation metrics, time-to-fix by severity, exception counts, and recurring defects, and report them to management and the board or restructuring committee to reinforce accountability.

Longitudinal risk assessment should anchor the program. Early in the case, perform a focused risk assessment that maps critical processes, data types, legal obligations, and control gaps. Ensure a team of lawyers is responsible for this, and on the creditor's side, we would recommend that the review be done by an independent third party. Prioritize risks that could impede court milestones, compromise sale processes, or trigger regulatory obligations. Update the assessment at key junctures, after workforce changes, before marketing a sale of customer data, upon onboarding a new critical vendor, or following any security incident. This longitudinal approach turns risk management into a living process that adapts as the case evolves, rather than a one-time exercise.

Data governance deserves particular attention when personal data may be transferred or sold. Develop a current data map that identifies what personal information is held, where it resides, the applicable legal bases for processing, and any policy commitments that limit transfer. Assess whether contemplated transfers conflict with prior privacy statements, and if so, prepare mitigation measures such as consumer

notices, opt-out opportunities, or scope limitations. Where the Bankruptcy Code contemplates the appointment of a privacy-focused expert in connection with the transfer of personally identifiable information, engage proactively to streamline the process and reassure regulators and bidders.

Incident preparedness cannot pause during Chapter 11. Refresh the incident response plan, align it with counsel, and conduct a tabletop exercise that includes executive leadership and key advisors. Confirm that breach notification decision-making is clearly assigned and that customer, regulator, and counterparty communications are drafted in advance where possible. Establish thresholds for when to brief the court or key case stakeholders to avoid surprises and maintain credibility.

Finally, integrate cybersecurity into case economics. Budget for essential controls in 13-week cash flow forecasts. Embed security covenants or reporting requirements into debtor-in-possession financing where appropriate to ensure funding stability for critical tools. Keep the board and key creditor groups apprised of material cyber risks and the steps taken to mitigate them; transparency builds confidence and supports valuation.

A Practical Road Map To Preserve Trust and Value

A privacy-aware and security-forward approach to restructuring is not an aspirational luxury; it is

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integral to preserving going-concern value and minimizing friction in sale processes. In the case of RadioShack, its experience in Chapter 11 illustrates how overlooked privacy commitments can constrain transactions and invite enforcement. Today's environment intensifies those stakes, with regulators vigilant and threat actors opportunistic.

Debtors and fiduciaries can meet the moment by grounding their programs in a few durable principles. Treat data as a regulated, high-value asset. Maintain core security controls, even amid budget pressure, with documented, risk-based decisions. Staff to critical competencies and prearrange external support for coverage gaps. Scan continuously and remediate systematically, guided by a current asset inventory. Assess risk longitudinally, updating the picture as the case evolves. Prepare for incidents with clear playbooks and legal alignment. And when contemplating data transfers, reconcile plans with legacy privacy promises early and transparently.

By integrating these practices from first-day motions through plan confirmation or sale closing, companies can protect consumers, meet regulatory expectations, and preserve the very data-driven value that frequently underpins a successful restructuring outcome.

About the Authors

Amy S. Mushahwar is a legal-technology leader, former Chief Information Security Officer (CISO), and technologist who advises innovators who believe progress and



protection must move in synchrony. As Chair of Lowenstein Sandler LLP's Data Privacy, Security, Safety & Risk Management practice, she leads a multidisciplinary team that unites law, technology, and human insight to help organizations design, defend, and sustain trusted systems in an increasingly intelligent world.



Vice Chair of Lowenstein Sandler's Bankruptcy & Restructuring Department, **David M. Posner** leverages a deep knowledge of reorganization proceedings and commercial litigation earned from over 25 years in the practice of creditor-focused advocacy. He is highly sought after by companies, creditors' committees, acquirers, financial institutions, and other significant parties-in-interest for his counsel on complex reorganizations and financially distressed situations, as well as disputes over debtor/creditor rights.

Eric Chafetz is a trusted advisor to creditors' committees and individual trade creditors, debtors, and plan/liquidating trustees involved in

complex Chapter 11 bankruptcies



throughout the United States. He advises clients across a wide range of industries on all aspects of the Chapter 11 process, from pre-filing negotiation and preparation of first day pleadings, including financing and sale documents; through the drafting and negotiation of plans of reorganization and all related ancillary documentation.



With more than 20 years of experience in cybersecurity, information governance, and compliance, **Tricia Wagner** CIPP/US, CISSP, CISA is recognized for developing and executing data privacy, security, and risk management strategies that address the full lifecycle of data-related challenges. As a Certified Information Systems Security Professional (CISSP) and former PCI Qualified Security Assessor (QSA), Tricia bridges legal, regulatory, and technical domains to deliver effective incident response and data management solutions. ☐

Research Report

Who's Who in Ascend Performance's Bankruptcy Cases

by Carlo Fernandez

Ascend Performance Materials Holdings Inc. is one of the largest, fully-integrated producers of nylon, a plastic that is used in everyday essentials, like apparel, carpets, and tires, and also new technologies, like electric vehicles and solar energy systems.

Headquartered in Houston, Texas, Ascend has a global workforce of 2,200 employees and operates eleven manufacturing facilities that span the United States, Mexico, Europe, and Asia.

Ascend's business predominately focuses on the production and sale of a specific type of nylon, nylon 6,6 or "PA66," and the chemical intermediates and downstream outputs thereof. PA66 is used in applications which require impact, heat, abrasion, and chemical resistance.

Ascend's origins date back nearly eight decades as a subsidiary and later, a divestiture, of the Monsanto Chemical Company. Ascend, as it exists today, was formed in 2009 when SK Titan Holdings LLC acquired the nylon business from Monsanto's spin-off, Solutia Inc. Since its founding, Ascend has been a pioneer in the production of high-quality

materials for everyday products and has demonstrated strong financial performance with average annual revenue of \$2.7 billion since 2020.

Robert Del Genio, CRO of the Debtors, explains that despite its strong performance and leading position in the industry, Ascend has faced significant headwinds since mid-2022 due to global economic malaise, reduced demand, and increased competition out of China—each of which have acutely impacted Ascend's performance across its business segments.

Several of the key end markets for Ascend's downstream and chemical intermediates businesses, including the manufacturing industry, have been slow to recover to pre-pandemic levels of production due to destocking, inflation, labor shortages, and supply chain issues. Additionally, increased competition out of China, coupled with aggressive price cutting strategies from such market players, has eroded Ascend's pricing power and further tapered demand for its products.

Ascend is also party to multiple long-term, take-or-pay contracts for certain chemical intermediates,

which, when paired with the current market environment, have further undercut Ascend's margins. Given the current market environment and trough in prices for the Company's products, Ascend is now locked into uneconomic contracts, forcing it to sell at a loss.

Despite cost-saving and liquidity management measures and due to a series of one-time negative events, the Company's liquidity crisis became increasingly severe beginning in the fourth quarter of 2024. In response, the Company increased its vendor payment deferrals, resulting in a past-due accounts-payable wall of more than \$110 million at its apex in late February 2025.

In early 2025, the Company engaged advisors to evaluate potential refinancing and restructuring options. The Company and its advisors also engaged with an ad hoc group of term loan lenders regarding a potential bridge financing facility and a value-maximizing path forward. The Company, the Ad Hoc Group of Term Loan Lenders, and each of their respective advisors worked expeditiously to negotiate the terms of a bridge facility on the timeline

Research Report

Who's Who in Ascend Performance's Bankruptcy Cases

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required by the Company to avoid a value-destructive plant shutdown.

The Debtors ultimately decided to commence chapter 11 cases to right size the Company's balance sheet, streamline operations, and position Ascend for sustainable, long-term growth.

As demonstrated by the provision of \$900 million in debtor-in-possession financing, including \$250 million in new-money loans, Ascend entered chapter 11 with a plan of reorganization that is supported by its key stakeholders, including its ABL Lenders, Bridge Lenders, and Term Loan Lenders.

With its stakeholders' backing, Ascend will be able to pursue a value-maximizing restructuring transaction in the chapter 11 cases and will be positioned to emerge from chapter 11 as a healthy, well capitalized enterprise that will continue to provide best-in-class materials and specialty solutions to nearly 1,650 customers around the globe.

Ascend Performance Materials Holdings Inc. and its affiliates filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code (Bankr. S.D. Tex. Lead Case No.

25-90127) on April 21, 2025, with a plan that would reduce \$2.1 billion in funded debt by over \$1 billion.

The Creditors Committee negotiated a global settlement that secures meaningful recoveries for holders of unsecured claims. The Committee settlement provides for changes to the Plan to provide for (a) the bifurcation of the general unsecured claims into (i) go-forward vendor claims, and (ii) general unsecured claims, (b) the establishment of a cash pool to fund a recovery for the go-forward vendor claims, (c) payment of fees accrued by committee advisors, and (d) payment of certain amounts budgeted for the Committee's go-forward advisor fees and an ombudsman to assist in the resolution of remaining general unsecured claims.

Ascend also reached a settlement with MasTec Industrial Corporation, formerly known as MasTec Power Corporation. The parties have been engaged in litigation stemming from MasTec's construction of a cogeneration facility at Ascend's facility in Decatur, Alabama. After three weeks of mediation facilitated by the Honorable Shelley C. Chapman (Ret.), the parties agreed

to a settlement which provides that Ascend and MasTec will jointly cause the LOC Proceeds to be delivered to MasTec, and on the Effective Date, MasTec will receive an allowed administrative claim of \$9 million against Ascend.

Ascend on Dec. 9, 2025, announced the U.S. Bankruptcy Court for the Southern District of Texas has confirmed the Plan. The judge credited the Company for crafting a plan that garnered widespread creditor agreement despite the challenges that typically accompany a free-fall bankruptcy. The Company said Dec. 19, 2025, that the Plan of Reorganization is now effective.

Ascend achieved the objectives it set for the chapter 11 process, including reducing its total long-term debt by \$1.3 billion, securing access to a \$350 million asset-based credit facility, strengthening its liquidity position through more than \$600 million of new capital provided by its new shareholders, and materially lowering its debt service costs, which will enable Ascend to reinvest in reliability, efficiency, and long-term growth.

Research Report

Who's Who in Ascend Performance's Bankruptcy Cases

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DEBTORS

Kirkland & Ellis LLP is serving as counsel to the Debtors. Partners **Christopher Marcus, P.C.**, and **Derek I. Hunter** lead the core group of attorneys providing services to the Debtors.

Bracewell LLP, led by partner **Jason G. Cohen**, and counsel **Jonathan L. Lozano**, is serving as co-counsel and conflicts counsel to the Debtors.

FTI Consulting, Inc., is serving as restructuring advisor to Ascend. **Robert Del Genio**, a Senior Managing Director in FTI's Corporate Finance and Restructuring practice and the co-leader of FTI's Corporate Finance and Restructuring segment's New York Metro Region, has been designated as Chief Restructuring Officer of each of the Debtors. **David Rush**, a Senior Managing Director in FTI's Corporate Finance and Restructuring practice and the co-leader of FTI's Corporate Finance and Restructuring segment's Southwest Region, has been designated as Associate Chief Restructuring Officer of the Debtors.

PJT Partners, Inc., is the Debtors' investment banker. **James H. Baird, III**, a partner in the Restructuring

and Special Situations Group at PJT Partners, is one of the lead restructuring advisors in the chapter 11 cases.

Katten Muchin Rosenman LLP is counsel to disinterested directors Todd Arden, Charlie Piper, and Michael Wartell, with respect to, among other things, an investigation into whether the Debtors hold potentially valuable and viable claims or causes of action against certain related parties. **Steven J. Reisman**, a partner of the law firm of Katten Muchin, heads the engagement.

Province, LLC, is the financial advisor to the Disinterested Directors, with **Daniel Moses**, a partner with Province, heading the engagement.

Epiq Corporate Restructuring LLC is the Debtors' claims, noticing, and solicitation agent. **Brad Tuttle**, a member at Epiq Corporate Restructuring, heads the engagement.

GA Group Advisory & Valuation Services, LLC, is serving as the Debtors' valuation advisor. Westlake Village, California-based GA Group is performing valuation services in connection with the appraisal of certain of the Debtors' personal property, inventory, and real property.

Bill Soncini is the national sales manager of GA Group.

Hilco Real Estate, LLC, is equipment lease advisor to the Debtors. **Eric W. Kaup** is the Executive Vice President, Chief Commercial Officer, and Special Counsel of Hilco Real Estate parent Hilco Trading, LLC.

Deloitte Tax LLP is the Debtors' tax advisory services provider. **Rupesh R. Vadapalli**, a partner at Deloitte Tax, leads the engagement.

ABL LENDERS

Wells Fargo Capital Finance, LLC, is the Prepetition ABL Agent and DIP ABL Agent.

Greenberg Traurig, LLP, led by senior vice president **Shari L. Heyen** and shareholder **David R. Eastlake** in Houston, Texas; shareholder **Julia Frost-Davies**, in Boston, Massachusetts; and shareholder **Leo Muchnik** and associate **T. Charlie Liu** in New York, is advising Wells Fargo.

TERM LENDERS

Gibson, Dunn & Crutcher LLP is serving as legal counsel to the ad hoc group of term loan lenders. **Scott J. Greenberg**, and **Jason**

Research Report

Who's Who in Ascend Performance's Bankruptcy Cases

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Zachary Goldstein, in New York, and **AnnElyse Scarlett Gains**, in Washington D.C., lead the core group of attorneys representing the ad hoc group.

Howley Law PLLC, led by **Tom Howley** and **Eric Terry**, serves as the group's Texas co-counsel.

Evercore Group L.L.C. is the group's investment banker.

As of Oct. 20, 2025, members of the Ad Hoc Group are (1) **Apex Credit Partners, LLC**, (2) **ArrowMark Colorado Holdings LLC**, (3) **Bank of America N.A.**, (4) **Blue Owl Liquid Credit Advisors LLC**, (5) **Elmwood Asset Management LLC**, (6) **Invesco Senior Secured Management, Inc.**, (7) **MJX Asset Management LLC**, (8) **Nuveen Asset Management, LLC**, (9) **ORIX Advisers, LLC** (d/b/a Signal Peak Capital Management), (10) **Saranac CLO VIII Limited**, (11) **Silver Point Capital, L.P.**, (12) **Strategic Value Capital Solutions II MF LP**, (13) **Strategic Value Excelsior Fund, L.P. (Series VI)**, (14) **Strategic Value Special Situations Master Fund V, LP**, (15) **Strategic Value Special Situations VI MF, L.P.**, (16) **Sycamore Tree Capital Partners,**

LP, (17) **UBS Asset Management**, (18) **Voya Investment Management LLC**, and (19) **Western Alliance Bank**.

Gibson, Dunn & Crutcher LLP is also serving as counsel to the DIP Term Loan Lenders.

Wilmington Savings Fund Society, FSB ("WSFS") is the agent under the DIP Term Loan Facility. **ArentFox Schiff LLP** is counsel to WSFS.

UNSECURED CREDITORS

The U.S. Trustee for Region 7 appointed an official committee to represent unsecured creditors in the Chapter 11 cases. The committee members are: (1) **SDI, Inc.**, (2) **Turner Industries Group, LLC**, (3) **Veolia WTS USA, Inc.**, (4) **Optimal Field Services, LLC**, (5) **Sulzer Chemtech USA Inc.**, (6) **Gulf Coast Water Authority**, (7) **Pension Benefit Guaranty Corporation**, (8) **Clariant Corporation**, and (9) **MHBA CB, L.L.P.** Optimal Field Services later resigned from the Committee.

Brown Rudnick LLP is serving as the Creditors Committee's lead counsel. The Brown Rudnick team

is led by partner **Robert Stark** and includes partners **Ken Aulet**, **Jeff Jonas**, **Ben Silverberg**, **Shari Dvoskin**, and associates **Elizabeth Castano** and **Jessica Liang**.

Parkins & Rubio LLP is the Committee's Texas co-counsel. Founding partners **Lenard Parkins** and **Charles Rubio** lead the core group of attorneys representing the Committee.

AlixPartners, LLP, is the Committee's financial advisor. **David MacGreevey**, a partner and managing director at AlixPartners, is responsible for the engagement.

Ducera Partners LLC and affiliate **Ducera Securities LLC** are serving as investment banker to the Committee. Michael Genereux, a managing director at Ducera Partners heads the engagement.

JUDGE

U.S. Bankruptcy Judge **Christopher M. Lopez** is overseeing the Debtors' cases. □

Special Report

Sources of Debtor-in-Possession Financing

DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
[212]MEDIA, LLC	Conscious Content Media, Inc.	\$10,000,000 (\$3,241,517 new money)	Landis Rath & Cobb LLP (Matthew B. McGuire, Kimberly A. Brown, Elizabeth A. Rogers)
364 Capital, LLC	Alta Loma Vivative, LP	\$1,295,000	
3650 REIT Investment Management, LLC	1060 Nepperhan Ave, LLC	\$22,000,000	
3650 SS1 Pittsburgh LLC	CBRM Realty, Inc., and Crown Capital Holdings, LLC	\$9,705,162	Lippes Mathias, LLP (Joann Sternheimer; Leigh A. Hoffman); McCarter & English, LLP (Joseph Lubertazzi Jr.)
Acquiom Agency Services, LLC	Office Properties Income Trust	\$125,000,000	White & Case LLP
Acquiom Agency Services LLC and Seaport Loan Products LLC	MLN US HOLDCO LLC and Mitel Networks Corporation	\$131,000,000 (\$69,000,000 new money)	McDermott Will & Schulte LLP (Marcus A. Helt, Jonathan I. Levine, Lucas B. Barrett)
Alter Domus (US) LLC	AGDP Holding Inc.	\$45,800,000 (\$25,000,000 new money)	McDermott Will & Schulte LLP (David R. Hurst, Andrew A. Mark, Adam C. Harris, Reuben E. Dizengoff)
	Anthology Inc.	\$100,000,000	Seward & Kissel LLP (Gregg Bateman, John R. Ashmead)
	RunItOneTime LLC	\$22,500,000 (\$7,500,000 in new money on interim basis)	Norton Rose Fulbright US LLP (Bob B. Bruner, H. Stephen Castro)
	Sunnova Energy International Inc.	\$90,000,000	Paul, Weiss, Rifkind, Wharton & Garrison LLP (Andrew N. Rosenberg, Robert A. Britton, Michael J. Colarossi, Zachary Singer, Lindsay A. Wasserman)
Anchorage Illiquid Opportunities Master VI (B), L.P.	CHG US Holdings LLC, d/b/a Planta Group	\$3,000,000	Benesch, Friedlander, Coplan & Aronoff, LLP (John C. Gentile, Kevin M. Capuzzi, Benjamin W. Butterfield, Ilayna Guevrekian)
Ankura Trust Company, LLC	DocuData Solutions, L.C. and Exela Technologies, Inc.	\$185,000,000 (\$80,000,000 new money)	Ropes & Gray LLP (Matthew M. Roose, Eric M. Sherman, Eric P. Schriesheim)

Special Report

Sources of Debtor-in-Possession Financing

Continued from page 18

DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
Ares Capital Corporation	Vobev LLC	\$115,377,477 (\$37,250,000 new money)	Proskauer Rose LLP (Vincent Indelicato, Matthew R. Koch); Parr Brown Gee & Loveless, PC (Joseph M.R. Covey)
Ault Lending LLC	Gresham Worldwide, Inc.	\$1,850,000	Osborn Maledon, P.A. (Christopher C. Simpson, Warren J. Stapleton, Andrew B. Haynes)
Auxilior Capital Partners, Inc.	Consolidated Burger Holdings, LLC	\$1,600,000	Moritt Hock & Hamroff, LLP (Theresa A. Driscoll)
AWS Claire's LLC	Claire's Stores, Inc.	\$22,500,000	Paul Hasting, LLP (Alan M. Noskow, Lindsey Henrikson); Young Conaway Stargatt & Taylor, LLP (Joseph Barry, Kara Hammond Coyle, Ashley E. Jacobs)
Banc of California	Flagship Resort Development Corporation	\$5,602,000	Holland & Knight, LLP (Stuart J. Glick, Anthony F. Pirraglia, Christopher A. Bailey)
Bank of America, N.A.	Tilson Technology Management Inc., and Boundless Broadband, LLC	\$150,000,000 (\$37,500,000 new money)	Morgan, Lewis & Bockius LLP (Jennifer Feldsher, David K. Shim)
	New Rite Aid LLC	\$1,940,000,000 (\$1,700,000,000 Revolver and \$240,000,000 FILO)	Choate, Hall & Stewart LLP (John F. Ventola, Jonathan D. Marshall, Mark D. Silva); and Greenberg Traurig, LLP (Alan J. Brody, Julia Frost-Davies)
Bar Louie LLC (Rubio's Restaurant Group LLC, its sole member)	BLH TopCo, LLC d/b/a Bar Louie	\$2,475,000 (\$1,350,000 new money)	Pierson Ferdinand LLP (Lynnette R. Warman, Mette H. Kurth)
Barclays Bank PLC	Spirit Airlines, Inc. (2024)	\$300,000,000	Dentons US LLP
	Spirit Airlines, LLC (2025)	\$1,225,000,000 (\$475,000,000 new money)	Dentons US LLP
Battelle Memorial Institute	Amplifybio, LLC	\$2,500,000	
Bayonne Medical Center Opco, LLC	CarePoint Health Systems Inc.	\$20,500,000	Mandelbaum Barrett PC (Mohamed H. Nabulsi)

Special Report

Sources of Debtor-in-Possession Financing

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
Bedrock Industries Investco 1 LLC	KTRV LLC	\$4,000,000	ArentFox Schiff, LLP (Andrew I. Silfen, Beth M. Brownstein, Patrick Feeney, Carolyn Indelicato); Potter Anderson & Corroon, LLP (Christopher M. Samis, Aaron H. Stulman, Ethan H. Sulik)
BID Administrator LLC (Brookfield Asset Management)	Pine Gate Renewables	\$551,400,000 (\$134,100,000 new money)	Paul, Weiss, Rifkind, Wharton & Garrison LLP
Blue Owl Capital Corporation	Walker Edison Holdco, LLC	\$13,000,000 (\$6,000,000 new money)	Whiteford, Taylor & Preston LLP (David W. Gaffey, Brandy Rapp)
Brightmark Plastics Ashley Holdco LLC	Brightmark Plastics Renewal, LLC	\$13,000,000	Kilpatrick Townsend & Stockton, LLP (Paul M. Rosenblatt); Chipman Brown Cicero & Cole, LLP (Mark L. Desgrosseilliers, Alison R. Maser, Robert A. Weber)
Capital Credit Incorporated	Oak Creek Wood Products, LLC	\$2,000,000	Richman & Richman, LLC (Michael P. Richman)
Carlyle Global Credit Investment Management L.L.C.	Pine Gate Renewables	\$374,000,000 (\$51,700,000 new money)	Milbank LLP
Celtic Master Fund LP and U.S. Bank Trust Company, N.A.	Hooters of America LLC	\$40,000,000 (\$35,000,000 new money)	Shipman & Goodwin LLP (Kathleen M. LaMannam, Kimberly S. Cohen); and Sidley Austin LLP (Jeri Leigh Miller)
CK Strategic Partners, LLC	Watchtower Firearms LLC	\$9,139,109 (\$5,000,000 new money)	Polsinelli PC (Trinitee G. Green)
Compass Group Diversified Holdings LLC	Lugano Diamonds & Jewelry Inc.	\$12,000,000 (\$10,000,000 new money)	Squire Patton Boggs (US) LLP and Polsinelli PC
CS One, LLC	Partners Pharmacy Services, LLC	\$6,500,000	Glenn Agre Bergman & Fuentes, LLP (Andrew K. Glenn, Malak S. Doss); Kane Russell Coleman Logan, PC (Mark C. Taylor, Michael P. Ridulfo)

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Sources of Debtor-in-Possession Financing

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
CSNK Working Capital Finance Corp. d/b/a Bay View Funding	Supra National Express, Inc.	\$1,500,000	Levinson Arshonsky Kurtz & Komsky, LLP (Steven N. Kurtz)
CSV Capital, LLC	Deqser, LLC	\$2,500,000	Morris James, LLP (Eric J. Monzo)
CTCI Americas, Inc.	Global Clean Energy Holdings, Inc.	\$75,000,000	Davis Wright Tremaine LLP (Ragan L. Powers, Hugh R. McCullough) and Haynes and Boone, LLP (Stephen M. Pezanosky, Ian T. Peck)
Deutsche Bank AG, London Branch	Marelli Automotive Lighting USA LLC	\$864,782,594 (first out new money)	Willkie Farr & Gallagher LLP (Joseph Minias, Christine Thain, Jennifer J. Hardy); and Bayard, P.A. (Ericka F. Johnson, Steven D. Adler)
DHC Private Lending, LLC	Bellaviva at Whispering Hills, LLC	\$750,000.00	
DKOF VI Trading Subsidiary LP	CTL-Aerospace, Inc.	\$13,500,000	Cozen O'Connor
Dove Mortgage Corporation	NB Strands, LLC	\$8,200,000	
East West Bank, N.A.	Charter School Capital, Inc.	\$5,000,000	Norton Rose Fulbright US LLP (Robert M. Hirsh, Francisco Vazquez); Morris James LLP (Eric J. Monzo, Jason S. Levin)
Eastern Acquisitions, LLC	Water's Edge Limited Partnership	\$3,400,000	Greenberg Traurig, LLP (Brian Greer)
EB5AN Wohali Utah Fund XV, LP	Wohali Land Estates, LLC (Chapter 11 trustee)	\$6,300,000	Ray Quinney & Nebeker P.C. (Michael R. Johnson, Jeffrey W. Shields, David H. Leigh)
eCapital Healthcare Corp.	Landmark Holdings of Florida, LLC	\$3,500,000	Foley & Lardner, LLP (Mark J. Wolfson, Edward J. Green, Jake W. Gordon)
Endurance Capital Lending, LLC	Richfield Nursing and Rehabilitation LLC	\$1,000,000	
ERC Acquisitions IV, LLC	145 Navarro LLC	\$17,230,000 (\$8,500,000 new money)	Munsch Hardt Kopf & Harr, P.C. (John D. Cornwell, Brenda L. Funk, Alexander R. Perez)
Expedition Ag Holdings, LLC	Benson Hill, Inc.	\$7,500,000	Young Conaway Stargatt & Taylor, LLP (Debbie Laskin)

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Sources of Debtor-in-Possession Financing

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
F&M Bank	Faith Electric, Inc. (Chapter 11 trustee)	\$1,900,000	McAfee & Taft (Kevin Blaney)
Fairbridge Credit, LLC	Water's Edge Limited Partnership	\$9,050,600	Nicholson Devine, LLC (Kate E. Nicholson)
Falcon Strategic Partners IV, LP and 1397225 Ontario Limited	Village Roadshow Entertainment Group USA Inc.	\$12,786,104.96 (\$7,000,000 new money)	Morrison & Foerster LLP (James A. Newton, Miranda K. Russell); Potter Anderson & Corroon LLP (Christopher M. Samis)
Firelands Regional Health System	The Bellevue Hospital	\$1,500,000	Dinsmore & Shohl, LLP (Ellen Arvin Kennedy)
First Horizon Bank	Razzoo's, Inc.	\$3,300,000	Snell & Wilmer L.L.P. (Steven D. Jerome, J. Seth Moore, Zachary Cooper)
Forbright Bank	Solar Mosaic	\$45,000,000 (\$15,000,000 new money)	Blank Rome LLP
FP Solar Development I LLC (Fundamental Renewables)	Pine Gate Renewables	\$730,800,000 (\$64,600,000 new money)	Sidley Austin LLP
Gemini Investors VI, L.P.	Wynne Transportation Holdings LLC	\$6,000,000 (\$5,000,000 new money)	Proskauer Rose LLP (Charles A. Dale, Jorge Gonzalez)
Gladstone Capital Corporation	Eege's, LLC	\$4,500,000	DLA Piper LLP (US) (Kyle T. Orne)
GLAS USA LLC	Exactech, Inc.	\$101,000,000	Morris James LLP (Eric J. Monzo, Brya M. Keilson)
	Marelli Automotive Lighting USA LLC	\$242,139,126 (second out new money)	Akin Gump Strauss Hauer & Feld LLP
	Meyer Burger (Holding) Corp.	\$10,000,000	Alston & Bird LLP (William Hao, Anna Nolan); Pashman Stein Walder Hayden, P.C. (John W. Weiss)
Glencore Canada Corporation	Li-Cycle Holdings Corp.	\$10,500,000	Weil, Gotshal & Manges LLP (Matt Barr, Chase Bentley, Loren Findlay)
GPCCO LLC	Arizona State Masonry, LLC	\$2,500,000	Snell & Wilmer L.L.P. (Bryce A. Suzuki)

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Sources of Debtor-in-Possession Financing

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
GrayStreet Credit, LLC	FCI Sand Operations, LLC and FCI South, LLC	\$5,000,000	Okin Adams Bartlett Curry LLP (Edward A. Clarkson, III)
Gulf Coast Bank and Trust Company	Databased Solutions Inc.	\$1,000,000	
HCS 107, LLC	Lion Ribbon Texas Corp	\$53,000,000 (\$38,000,000 new money)	Greenberg Traurig, LLP (Jeffrey M. Wolf, Oscar N. Pinkas, Charlie Liu)
Highbridge Capital Management, LLC, Davidson Kempner Capital Management LP, and Context Capital Management, LLC	Biora Therapeutics, Inc.	\$46,125,000 (\$10,250,000 new money)	Ropes & Gray LLP (Gregg M. Galardi; Lindsay C. Barca); Chipman Brown Cicero & Cole, LLP (Robert A. Weber; Mark L. Desgrosseilliers)
Indaba Capital Management (U.S. Bank Trust Company, N.A., as agent)	Accelerate Diagnostics, Inc.	\$36,800,000 (\$12,500,000 new money)	Clifford Chance US LLP (David M. Feldman, Madelyn Nicolini)
ISG Capital Group, LLC	JB Group of LA, LLC	\$4,975,000	Butler Snow LLP (David S. Rubin)
Israel Discount Bank of New York	E. Gluck Corporation	\$29,000,000	Otterbourg P.C. (Jonathan N. Helfat, Matthew Breen)
Jackson Investment Group, LLC	Independent MedEquip, LLC	\$2,000,000	Kilpatrick Townsend & Stockton LLP (Paul M. Rosenblatt)
JMB Capital Partners Lending, LLC	23andMe Holding Co.	\$35,000,000	Norton Rose Fulbright (Kristian W. Gluck, James Copeland, Robert Hirsh)
	Omicare, LLC	\$110,000,000	Norton Rose Fulbright US, LLP
	Prospect Medical Holdings, Inc.	\$155,000,000	Norton Rose Fulbright US LLP (Kristian W. Gluck, Robert M. Hirsh, James Copeland)
	Zen JV, LLC and CareerBuilder, LLC	\$20,000,000	Norton Rose Fulbright US LLP (Robert M. Hirsh, James A. Copeland); Young Conaway Stargatt & Taylor, LLP (Matthew B. Lunn, Robert F. Poppiti, Jr.)

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
JPMorgan Chase Bank, N.A.	Liberated Brands LLC	\$45,000,000	Morgan, Lewis & Bockius LLP
	Del Monte Foods Corporation II Inc.	\$500,000,000	Simpson Thacher & Bartlett LLP (Sandeep Qusba, Nicholas E. Baker, Dov Gottlieb, Zachary J. Weiner); Greenberg Traurig, LLP (Alan J. Brody)
	Diamond Comic Distributors, Inc.	\$41,000,000	Troutman Pepper Locke LLP (Jonathan W. Young, Toyja E. Kelley, Indira K. Sharma, Katherine E. Culbertson)
	Harvest Sherwood Food Distributors, Inc.	\$105,000,000 (\$25,896,000 new money)	Latham & Watkins LLP (James Ktsanes, Randall Carl Weber-Levine); Hunton Andrews Kurth LLP (Timothy A. Davidson II, Ashley L. Harper, Philip M. Guffy)
Keyframe Capital Partners, L.P.	Powin, LLC	\$27,500,000	Faegre Drinker Biddle & Reath LLP (Michael P. Pompeo, James H. Millar, Kyle R. Kistingner)
KIA II, LLC	Wilson Creek Energy, LLC and Corsa Coal Corp.	\$15,000,000	Tucker Arensberg, P.C. (Michael A. Shiner)
LTV Private Equity, Inc.	Machiko Management, LLC	\$850,000	
M&T Bank	SpiriTrust Lutheran	\$12,200,000 (\$6,700,00 new money)	Ballard Spahr, LLP (Diane E. Vuocolo, Kevin P. Ray)
	Azzur Group Holdings	\$23,500,000	Otterbourg P.C. (Andrew M. Kramer, James V. Drew); and Richards, Layton & Finger, PA (John H. Knight)
MPT TRS Lender PMH, LLC, a unit of Medical Properties Trust, Inc.	Prospect Medical Holdings, Inc.	\$105,278,328	Wachtell, Lipton, Rosen & Katz (Emil A. Kleinhaus, Michael S. Benn)
Noor Strategies, Inc. and Noor Staffing Group, LLC	Headway Workforce Solutions, Inc.	\$1,130,000	Kirschbaum, Nanney, Keenan & Griffin, P.A. (Pamela P. Keenan)
NOVO Tech, Inc.	Acquisition Integration, LLC	\$3,000,000	Heard, Ary & Dauro, LLC (Kevin D. Heard)

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
Oaktree Capital Management	TPI Composites, Inc.	\$82,500,000 (\$27,500,000 new money)	Bracewell, LLP (William A. (Trey) Wood III)
Orion Energy Partners TP Agent, LLC	Global Clean Energy Holdings, Inc.	\$75,000,000 (\$25,000,000 new money)	
Parkview Financial REIT, LP	Hudson 1701/1706, LLC and Hudson 1702, LLC	\$32,760,000	Hogan Lovells US LLP (Richard Wynne, David P Simonds); and Pachulski Stang Ziehl & Jones LLP (Jeffrey N. Pomerantz, James E. O'Neill)
Perceptive Credit Holdings III, LP	SyntheGo Corporation	\$50,000,000 (\$12,500,000 new money)	Morrison & Foerster LLP (James A. Newton, Miranda K. Russell, Ilayna Guevrekian); Potter Anderson & Corroon LLP (Christopher M. Samis, Brett M. Haywood, Shannon A. Forshay)
Peteski Productions, Inc.	Merit Street Media, Inc.	\$21,400,000 (\$13,400,000 new money)	Jackson Walker L.L.P. (Carl C. Butzer, Vienna F. Anaya, William T. Farmer)
Plannatech (USA) Corporation	Out the Gate, Inc.	\$6,500,000	IFRAH Law PLLC (George R. Calhoun)
PMA Lender, LLC, affiliate of The Villages Health Holding Company, LLC	The Villages Health System, LLC	\$39,000,000 (\$24,000,000 new money)	Trenam Law (Lara Roeske Fernandez)
ProAgInvest, LLC	Benson Hill, Inc.	\$500,000	Young Conaway Stargatt & Taylor, LLP (Debbie Laskin)
Retriever LLC	Wag! Group Co.	\$6,500,000	Honigman LLP (Glenn S. Walter); The Tuhey Law Firm LLC (John M. Tuhey)
Romspen Mortgage Limited Partnership	RIC (Austin), LLC	\$5,000,000	Bryan Cave Leighton Paisner (Kyle S. Hirsch)
Rosemawr Management, LLC	Oroville Hospital and OroHealth Corporation	\$38,000,000	KTBS Law LLP (Sasha Gurvitz, Nir Maoz)
S2G Investments, LLC	Benson Hill, Inc.	\$2,500,000	Young Conaway Stargatt & Taylor, LLP (Debbie Laskin)

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
Sandton Capital Solutions Master Fund VI, LP	F-Star Socorro, L.P. and Five Star Development LLC	\$30,000,000	Faegre Drinker Biddle & Reath LLP (Richard J. Bernard)
Sandton Capital Solutions Master Fund VI, LP	Linqto Texas, LLC	\$60,000,000	Faegre Drinker Biddle & Reath, LLP (Kristen L. Perry, Richard J. Bernard, Michael R. Stewart, Adam C. Ballinger)
Second Avenue Capital Partners LLC	American Signature USA Inc.	\$50,000,000	Choate, Hall & Stewart, LLP (John F. Ventola, Jonathan D. Marshall, Lucas B. Barrett); Richards, Layton & Finger, P.A. (Daniel J. DeFranceschi, John H. Knight)
Serene Investment Management, LLC	Lefever Mattson	\$4,000,000	Loeb & Loeb LLP (Lance N. Jurich, Vadim J. Rubinstein)
Silverview Credit Partners, LP	Pinstripes Holdings, Inc.	\$3,800,000	Alston & Bird LLP (James Vincequerra, Stephen Blank); Blank Rome LLP (Regina Stango Kelbon, John Lucian, Stanley B. Tarr)
SouthStar Financial, LLC	Sysorex Government Services Inc.	\$2,330,000	Spector & Cox, PLLC (Howard Marc Spector)
Specialty DIP LLC	MOM CA Investco LLC	\$5,000,000	Cole Schotz, P.C. (Justin R. Alberto, Stuart Komrower, Bryant P. Churbuck)
St. Louis Bank	Bick Group Holdings, LLC	\$450,000	Armstrong Teasdale, LLP (Laura Toledo)
Sterling ICF II, LLC	FCI Sand Operations, LLC and FCI South, LLC	\$6,000,000	
Stock Yards Bank & Trust Company	Presbyterian Homes and Services of Kentucky, Inc. and St. James Group, Inc.	\$1,237,623	Frost Brown Todd, LLP (Edward M. King, Jamie Brodsky)
Summit Investment Management, LLC	DCA Outdoor, Inc.	\$8,050,000	

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Sources of Debtor-in-Possession Financing

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
SummitBridge National Investments VIII, LLC	Luca Mariano Distillery, LLC and Luca Mariano Holdings, LLC	\$1,500,000	Frost Brown Todd LLP (Ronald E. Gold); and Maddin Hauser (Julie Teicher)
	Wellmade Floor Coverings International Inc.	\$4,000,000	Rountree, Leitman, Klein & Geer, LLC (Will B. Geer)
Tacora Capital, LP	Coking Coal, LLC	\$46,337,000 (\$4,500,000 new money)	Bailey & Glasser, LLP (Nicholas S. Johnson, Jonathan Gold, and Luke Thomas)
TBK Bank, SSB	Elma Transport Inc.	\$768,276.16	Quarles & Brady, LLP (Jeffrey P. Monberg)
Themiscyra S.A., Endurance Invest Corp., Maria Isabel Leal, Trillo San Carlos S.A.	House Spirits Distillery LLC	\$1,550,000	Bielli & Klauder, LLC (David M. Klauder)
Titan Funding, LLC	The Mark Real Estate Holdings, LLC	\$2,725,000	Drummond Woodsum (Kellie W. Fisher)
TJF Financial, LLC	Razzoo's, Inc.	\$4,000,000	Fishel Law Group (Michael Fishel)
Truist Bank	Mosaic Companies, LLC	\$15,000,000	Moore & Van Allen, PLLC (Stephen E. Gruendel, Matthew K. Taylor); Richards, Layton & Finger, P.A. (Michael J. Merchant, Jason M. Madron)
U.S. Bank Trust Company, N.A.	Ligado Networks LLC	\$547,000,000 (1:2 first-lien roll-up)+ \$940,000,000	Dorsey & Whitney (Delaware) LLP (Eric Lopez Schnabel, Alessandra Glorioso)
UMB Bank, N.A.	Aleon Metals, LLC	\$187,500,000 (\$62,502,000 new money)	Arnold & Porter Kaye Scholer, LLP (Christopher M. Odell, Michael D. Messersmith, Sarah Gryll, Owen Haney, Marjorie Carter)
	Buckingham Senior Living Community, Inc.	\$4,000,000	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. (Daniel S. Bleck, Eric R. Blythe); and Haynes and Boone, LLP (J. Frasher Murphy, David L. Staab)
UMB Bank, N.A. and TMF Brasil Administração e Gestão de Ativos Ltda.	Azul SA	\$1,571,000,000	Cleary Gottlieb Steen & Hamilton LLP (Richard J. Cooper, Thomas S. Kessler)
Vantage AGC, LLC	Corporate Air LLC	\$4,500,000	Lowenstein Sandler, LLP (Jake A. Rauchberg)

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DIP Agent/Lenders	Debtor	Total Loan Amount	Counsel to DIP Agent/Lenders
Vitol Americas Corp.	Global Clean Energy Holdings, Inc.	\$100,000,000	Sidley Austin LLP (Jackson T. Garvey, Maegan Quejada, Ian C. Ferrell)
Vivex Biologics, Inc.	Arch Therapeutics Inc.	\$2,000,000	Kilpatrick Townsend & Stockton LLP (Colin Bernardino)
Wachob Irrevocable Trust	Paragon Industries, Inc.	\$3,000,000	Christensen Law Group, P.L.L.C. (J. Clay Christensen)
Wells Fargo Capital Finance, LLC	Ascend Performance Materials, LLC	\$500,000,000	Greenberg Traurig, LLP (Julia Frost-Davies, David R. Eastlake, Leo Muchnik, T. Charlie Liu)
Welltower OP LLC	Genesis HealthCare, Inc.	\$30,000,000	DLA Piper LLP (James Muenker)
Wex Capital	Dolche Truckload Corp.	\$1,750,000	
Wexford Capital, LP and KIA II LLC	Silver Airways, LLC and Seaborne Virgin Islands, Inc.	\$5,500,000	Markowitz Ringel Trusty & Hartog, P.A. (Ross R. Hartog)
Wilmington Savings Fund Society, FSB	Ascend Performance Materials, LLC	\$400,000,000 (\$250,000,000 new money)	ArentFox Schiff LLP (Matthew R. Bentley, Jeffery R. Gleit)
	Danimer Scientific, Inc.	\$15,000,000 (\$3,000,000 new money)	Proskauer Rose LLP (David M. Hillman, Dylan J. Marker, Eric R. Reimer); and Landis Rath & Cobb LLP (Adam G. Landis, Matthew R. Pierce, George A. Williams)
	First Brands Group, LLC	\$4,400,000,000 (\$1,100,000,000 new money)	Gibson, Dunn & Crutcher LLP (Frederick T. Lee, Eugene Y. Park); ArentFox Schiff, LLP (Jeffery R. Gleit, Eric J. Fromme, Matthew R. Bentley)
	Klockner Pentaplast and Kleopatra Finco S.a r.l.	€984,000,000 (€349,000,000 new money)	ArentFox Schiff LLP (Jeffery R. Gleit, Patrick A. Feeney, Matthew R. Bentley)
	Del Monte Foods Corporation II Inc.	\$412,500,000 (\$165,000,000 new money)	ArentFox Schiff LLP (Jeffery R. Gleit, Brett D. Goodman, Matthew R. Bentley)
Wilmington Trust National Association	ModivCare Inc.	\$100,000,000	Paul Hastings LLP (Matthew L. Warren, Lindsey Henrikson, Kristopher M. Hansen)
YYYYY, LLC	Marin Software Incorporated	\$1,200,000	Cozen O'Connor (Mark E. Felger, Marla S. Benedek)
Zimmer, Inc.	Spicy Partners Real Estate Holdings, LLC and Cosmed Group, Inc.	\$7,500,000	Faegre Drinker Biddle & Reath LLP (Mike T. Gustafson)

Worth Reading

TO PROTECT THEIR INTERESTS

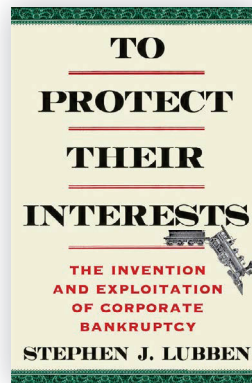
The Invention and Exploitation of Corporate Bankruptcy

Author: Stephen J. Lubben

Publisher: Columbia University Press

Publication Date: Jan. 20, 2026. 408 pages.

Hardcover \$130 · Softcover \$32 · Kindle \$17.27



[Order This Book Online Now »](#)

Prof. Stephen J. Lubben traces the development of modern chapter 11 reorganization practice across more than a century of corporate and legal experimentation in *To Protect Their Interests*. Prof. Lubben describes a system built not from sweeping legislative breakthroughs but from incremental innovations. He identifies techniques borrowed, adapted, and repurposed by lawyers, judges, and financiers working in an era when corporate law was forming simultaneously.

In the decades following the Civil War, sprawling capital-intensive railroad companies posed an unprecedented challenge. They crossed state lines, owed money to investors scattered across the country and abroad, and operated infrastructure too valuable to dismantle through ordinary liquidation. The traditional foreclosure remedy was too blunt for enterprises dependent on continuous operation. Insolvency practitioners turned to receivership, a device imported from English equity practice. Originally designed to hold assets during litigation, receivership

evolved into a mechanism to keep trains running while investors negotiated new capital structures.

By the 1870s, creditors' bills were filed in coordinated fashion across multiple jurisdictions. Federal circuit judges, empowered to sit across districts, issued receivership orders in several states on the same day. Senior management often served as receivers, overseeing operations while bondholders and other investors debated what a reconstituted enterprise might look like. In many cases, the railroad never stopped running even as its ownership and obligations were dismantled and rebuilt.

Railroads, operated in an environment shaped by state land grants, speculative financing, and federal ambitions for transcontinental routes, provided especially fertile ground for these emerging techniques. They became an early laboratory for reorganization practice, and here Jay Gould enters the story. When Texas and Pacific Railroad entered receivership on Dec. 15, 1885 (obligated to pay bondholders 5% until their bonds matured in the year

2000), Gould applied a coordinated set of existing restructuring tools at a scale not seen before. Prof. Lubben highlights this case as a moment when the components of modern reorganization—negotiated plans, multi-jurisdictional filings, investor committees, and the use of a new corporate shell—appeared together in a unified form. Gould didn't invent these techniques, but this receivership demonstrated a large, multi-state corporation could be reorganized without liquidation. This case served as a template others would refine and replicate, including J.P. Morgan in the following decade.

Prof. Lubben recounts how reorganizations reshaped corporate ownership during this period. Shareholders typically retained their interests only by paying assessments. Those who couldn't or wouldn't contribute were diluted or excluded. Bondholders who cooperated with reorganization committees traded their defaulted bonds for new securities. Unsecured creditors who didn't participate were left with claims against the old corporation, which no longer held operating assets.

Public skepticism accompanied these developments. An 1882 political cartoon reproduced in Prof. Lubben's work shows receivers hauling away bags of "fees" from a sinking ship while policyholders struggle in the water—evidence these procedures had already developed a reputation for complexity and high transaction costs.

Yet the system kept railroads operating. Reorganization preserved going-concern

Worth Reading

TO PROTECT THEIR INTERESTS

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value, maintained transportation links across vast regions, and allowed companies to function while their financial structures were rebuilt. It also normalized the idea that creditors and investors could negotiate their rights through a court-supervised process that didn't depend solely on statutory instructions.

By the time Congress enacted the modern Bankruptcy Code in 1978, many of the central features of chapter 11 were already long established. The automatic stay, debtor-in-possession operation, court-supervised plan negotiations, binding treatment of dissenting creditors, and the creation of new corporate entities under judicial protection all had predecessors in nineteenth century railroad reorganizations.

Statutory developments played a role. New York's early reorganization statute and the New Deal-era Chandler Act's corporate bankruptcy provisions introduced oversight and formal structure. But practice frequently led the way. When statutes were too rigid, parties worked around them; when they aligned with emerging norms, they codified techniques already in use.

The history Prof. Lubben reconstructs also resonates with the structure of the modern profession. In later chapters, he shows how major corporate reorganizations drew in attorneys from prominent law firms. The W. T. Grant case files, for example, show Wachtell, Lipton, Rosen & Katz stepping in as

company counsel, while a young associate—Richard Krasnow of Weil Gotshal—recorded minutes of creditors' committee meetings. Prof. Lubben also notes a former attorney from Sullivan & Cromwell who later chaired the Grand Union Company, and documents the involvement of Cravath, Swaine & Moore as the preferred counsel to the great investment houses. Archived interviews with Harvey Miller and Leonard Rosen, which Prof. Lubben cites, illustrate how techniques developed in nineteenth-century receiverships flowed into the sophisticated restructuring industry handling the nation's largest bankruptcies today.

Prof. Lubben's account shows corporate bankruptcy as the product of continuous adaptation among courts, corporations, financiers, and legislators. The Texas railroads, the Gould receiverships, and the later Morgan reorganizations didn't create a new system from scratch. They refined and demonstrated a set of tools that eventually coalesced into the chapter 11 process now used to restructure large enterprises. Today, Prof. Lubben observes, Kirkland & Ellis "dominates the representation of large corporate debtors," extending this lineage into the twenty-first century. He credits Kirkland with helping establish Houston as a premier venue for chapter 11 (and a similar migration to New Jersey), illustrating how the institutional power once concentrated in railroad financiers now resides in a national restructuring bar adept at steering

the forum, pace, and terms of modern reorganizations.

Prof. Lubben isn't complimentary about private equity's role in modern restructuring cases. Sponsors often "run a company until it falls down and then use the reorganization system to impose most of the costs of failure on smaller parties," Prof. Lubben says, citing Steward Health Care where Cerberus Capital "split off its ownership of the hospitals in a transaction ... to extract millions of dollars," leaving behind "a hospital operator without hospitals." In Caesars Entertainment's collapse, he says, Apollo Global Management and TPG Capital engaged in "machinations" including asset shifting and selective payments, pushing a plan to allow them "to retain ownership and obtain releases for their prior behavior." Other sponsors, like Bain Capital and Ares Management, Prof. Lubben continues, appear in transactions where companies "borrowed enthusiastically to fund the deal" and then faced liability-management maneuvers "designed to gain 'runway' ... but most often ... used to set up a subsequent chapter 11 case in a way that benefits the debtor's private equity owner." Private equity-owned debtors, Prof. Lubben concludes, "act much as Jay Gould or J. P. Morgan did a century ago, deferring to those with power and ignoring those without." □

Special Report

Outstanding Restructuring Lawyers 2025

Lawyer	Outstanding Achievements
<p>MATT BARR Weil, Gotshal & Manges LLP New York, NY matt.barr@weil.com New York Law School (J.D.)</p>	<p>Overseeing representations in 17 of the largest cases filed since early 2024 (exceeding \$1B in liabilities), delivered value preservation and enhanced outcomes across diverse industries. In the \$12B+ First Brands Group auto parts chapter 11—one of the year’s biggest filings—navigated complex litigation and capital structures to safeguard enterprise value and stakeholder interests. Representing an ad hoc group in Accuride—a global wheel manufacturer with approximately \$500M in funded debt—structured a comprehensive debt-to-equity conversion, eliminating \$400M in debt, injecting fresh capital, and repositioning creditors as majority owners of the reorganized company. Achieved within an aggressive 120-day timeline, the plan improved economic efficiency, restructured worldwide operations, and maximized recoveries through extended negotiations managing non-U.S. proceedings. In the high-profile \$23B+ claims process against Venezuela/PDVSA tied to the CITGO parent sale, advised the special master, steering protracted disputes to preserve and create value amid geopolitical complexities.</p>
<p>THOMAS R. CALIFANO Sidley Austin LLP New York, NY tom.califano@sidley.com St. John’s University (J.D., 1988)</p>	<p>In Eiger BioPharmaceuticals’ chapter 11 filing, led the debtor team against aggressive secured creditor attempts to shut down the case, arguing hopeless insolvency. Successfully confirmed a plan that paid the secured creditor in full, unsecured creditors in full with interest, and providing a substantial distribution to equity holders—achieving rare complete recoveries while overruling U.S. Trustee objections and approving opt-out third-party releases, full officer/director releases, and exculpations. For Prospect Medical Holdings and subsidiaries—one of 2025’s largest filings with \$2.3B in funded debt—guided the California-based hospital operator through chapter 11 in the Northern District of Texas, preserving operations amid extensive media scrutiny and maximizing stakeholder value. In CareMax’s chapter 11, addressing \$693M in debt and \$390M in assets, structured a prearranged plan supported by secured lenders, embodying five separate sales—including the integrated medical centers to ClareMedica and managed services portions to Revere Medical—plus targeted pharmacy/optical transactions, enabling swift emergence and optimized recoveries.</p>
<p>CHARLES A. DALE Proskauer Rose LLP Boston, MA cdale@proskauer.com Northeastern University School of Law (J.D., 1991)</p>	<p>In Red Lobster’s chapter 11 (annual revenues ~\$2B, over 500 restaurants), led representation of Fortress Credit Corp in a credit bid acquisition via a purchaser vehicle controlled by Fortress and other lenders. Within 120 days, he coordinated lease renegotiations for 240 stores, discharged substantial pre-bankruptcy debt, and confirmed a fully consensual plan with parallel Canadian recognition—preserving 544 corporate-owned locations across the U.S. and Canada, franchise operations, and thousands of jobs while repositioning the iconic brand under new ownership. For Centerbridge Partners in JOANN Fabrics’ second chapter 11, advised on a \$100M first-in-last-out (FILO) loan facility. After a failed resuscitation attempt and subsequent liquidation risks, he navigated a consensual wind-down and marketing process, achieving full repayment of the \$100M FILO—protecting lender principal despite the chain’s ultimate liquidation.</p>

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Outstanding Restructuring Lawyers 2025

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Lawyer	Outstanding Achievements
<p>BENJAMIN I. FINESTONE Quinn Emanuel Urquhart & Sullivan, LLP New York, NY benjaminfinestone@quinnemanuel.com New York University School of Law (J.D., 2004)</p>	<p>Led the defense of Brazilian fiber provider V.tal in a SDNY trial, defeating Oi’s attempt to terminate Chapter 15 recognition and impose a U.S. plan. The court upheld international comity, precipitating a Rio court win removing Oi’s management and appointing a trustee—safeguarding V.tal’s interests. Representing the Chapter 11 debtor in BYJU’s Alpha (Delaware), obtained summary judgment enforcing a \$533M claim against affiliates, leading to a confirmed consensual liquidation plan that maximized distributions through judgment enforcement. For the BRIC in Celsius’s chapter 11 estates, advised on avoidance litigation against Tether, negotiating a \$299.5M settlement—the largest recovery in the estate—resolving claims over Bitcoin collateral and boosting creditor payouts post the July 2022 bankruptcy. In Ligado (Delaware), representing Viasat, objected to a plan subleasing spectrum, achieving mediation before Judge Drain that yielded a consensual plan with Viasat receiving \$420M in payments from AST through Ligado.</p>
<p>DANIEL FLIMAN Paul Hastings LLP New York, NY danfliman@paulhastings.com Emory University School of Law (J.D. 2003)</p>	<p>In Franchise Group, representing an ad hoc group, designed a settlement structure that preserved priority for his clients’ debt amid hostile maneuvers. Blocked an attempted priority jump, forced a favorable global resolution, and established a litigation trust to pursue claims against parties causing the harm—delivering enhanced security and ongoing upside. For an ad hoc group holding \$600M in notes of OCI N.V., leveraged Dutch law restrictions and document-based defaults to prevent shareholder payouts while notes remained outstanding. This strategic pressure forced OCI to tender all notes at 110.75% of par—full repayment plus the make-whole premium the company had sought to avoid. In Desktop Metal, advising lenders, countered debtor attempts to elevate junior claims, preserving his clients’ priority position and securing an orderly sale plus litigation trust pursuit of value-destructive actions. Also represented noteholders in Embarq’s indenture dispute and handled covenant challenges in Canadian Pacific Railway, blending transactional restructuring with litigation to enforce creditor rights.</p>
<p>BRIAN GLUECKSTEIN Sullivan & Cromwell LLP New York, NY gluecksteinb@sullcrom.com New York University School of Law (J.D., 2003)</p>	<p>In FTX Trading’s \$14+B chapter 11 emergence, led all litigation aspects, including the trial team for plan confirmation. Persuaded government agencies (IRS, CFTC, DOJ) to subordinate multibillion-dollar claims to individual victims, an unprecedented achievement that dramatically boosted creditor recoveries in one of history’s largest financial fraud collapses. Judge Dorsey praised the case as a “model” for complex chapter 11 proceedings, achieved in under two years. For Kidde-Fenwal in the nation’s first PFAS drinking-water contamination bankruptcy, negotiated a groundbreaking settlement with U.S. municipalities: \$540M in cash payments plus insurance rights and other consideration. This early resolution provided a post-Purdue model for mass-tort bankruptcies, maximizing stakeholder value while addressing widespread environmental litigation exposure.</p>

Special Report

Outstanding Restructuring Lawyers 2025

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Lawyer	Outstanding Achievements
<p>SCOTT J. GREENBERG Gibson, Dunn & Crutcher LLP New York, NY sgreenberg@gibsondunn.com Emory University (J.D., 2002)</p>	<p>In Altice France, lead counsel to an ad hoc group of secured debt holders controlling over 90% of €24B in debt. Created and negotiated Europe’s first major cooperation agreement among ~200 investors, facilitating the continent’s largest and most complex liability management transaction through a French accelerated safeguard process—delivering enhanced security and recoveries for clients in a landmark cross-border matter. For Zayo, representing an ad hoc group of lenders and noteholders, orchestrated an \$8.5B pro-rata amend-and-extend with 99.8% participation. The transaction included document tightening, interest step-ups, a 25% paydown, and a \$900M structured financing commitment for an acquisition, while directing 90% of future ABS proceeds to debt repayment—maximizing creditor protections and upside. In Quest Software, advised an ad hoc lender group in a \$3.85B liability management exercise. The deal moved valuable assets to a structurally senior entity, provided a \$350M new-money term loan backstopped by group members, offered tiered deleveraging exchanges with variable ratios, and fully subordinated sponsor-held debt—capturing material discounts and positioning creditors for superior recoveries and future M&A flexibility. Representing an ad hoc term loan lender group in Tropicana’s \$2.8B out-of-court recapitalization, achieved 100% participation from first- and second-lien lenders. The multi-tier exchange, backstopped capital raise, first-out new-money loan, and \$155M receivables facility strengthened liquidity and reduced default risk, significantly improving creditor security and recovery prospects.</p>
<p>MARSHALL HUEBNER Davis Polk & Wardwell LLP New York, NY marshall.huebner@davispolk.com Yale Law School (J.D., 1993)</p>	<p>In Purdue Pharma’s chapter 11—the largest mass-tort bankruptcy—led the debtor through a comprehensive resolution addressing opioid claims with unprecedented contributions. For Spirit Airlines and subsidiaries, advised on a chapter 11 case ensuring operational continuity and stakeholder value. Representing an ad hoc group of noteholders in SVB Financial Group’s \$3.37B funded indebtedness restructuring, subordinated massive government claims, enabling outsized recoveries for private creditors, creation of a liquidating trust pursuing additional assets (including a large venture portfolio), and a separate entity retaining key holdings. Post-emergence, continues leading \$2.1B litigation against the FDIC, further enhancing creditor prospects.</p>
<p>MICHAEL KLEIN Cooley LLP New York, NY mklein@cooley.com University of Pennsylvania Carey Law School (J.D., 2004)</p>	<p>In Whittaker Clark & Daniels’ chapter 11, represented the unsecured creditors committee, uncovering hidden asset shifts to Berkshire Hathaway. Through discovery and a weeklong trial, drove the settlement offer from \$50M to over \$500M—dramatically enhancing compensation for talc-related cancer victims. For Endo International’s Official Committee of Opioid Claimants, led months of mediation and investigations, negotiating a 40.2% increase in private claimant funding (from \$85M to \$119.2M) with accelerated two-year payments, positioning the committee to pursue additional estate claims. In Avon Products, advising the unsecured creditors committee, secured a</p>

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Lawyer	Outstanding Achievements
	<p>landmark December 2024 settlement including \$34M contribution from Natura, waiver of hundreds of millions in claims, and a trust for asset monetization amid talc-asbestos litigation. Also guided Gamida Cell through a groundbreaking global restructuring combining Israeli proceedings with U.S. chapter 15 and 11, achieving first-ever U.S. recognition of an Israeli debt arrangement order and converting \$75M debt to 100% equity for privatization. In WeWork, representing Yardi/Cupar Grimmond, negotiated a \$450M DIP facility (funding 75%), enabling renegotiation of 190 leases, \$800M+ rent savings, \$12B future obligation reductions, and a debt-free emergence with Cupar as majority owner after litigating Adam Neumann objections.</p>
<p>RON E. MEISLER Skadden, Arps, Slate, Meagher & Flom LLP Chicago, IL ron.meisler@skadden.com University of Michigan Law School (J.D., 1999)</p>	<p>In True Value Company’s chapter 11, served as lead counsel to the hardware cooperative with \$1B+ annual sales and 4,500 storefronts. Despite initial lack of secured lender support, negotiated non-consensual cash collateral use, then a resolution increasing purchase price consideration and liability assumptions. The November 2024 closing of the \$153M+ stalking horse sale to Do it Best Corp repaid lenders approximately \$216M, preserved hundreds of jobs, maintained the century-old brand, and enabled a consensual April 2025 plan confirmation. Advised TTAM—a nonprofit led by 23andMe co-founder Anne Wojcicki—in its \$305M section 363 purchase of 23andMe Holding Co. Overcoming a mid-May auction bidding war with Regeneron, secured TTAM as winning bidder, delivering a transformative acquisition amid competitive distress. Additionally, guided New Fortress Energy through multi-billion-dollar 2024 financing, waivers, forbearances, and strategic alternatives evaluations—extending maturities and enhancing liquidity.</p>
<p>ELLIOT MOSKOWITZ Davis Polk & Wardwell LLP New York, NY elliott.moskowitz@davispolk.com Columbia Law School (J.D., 2001)</p>	<p>Representing lender groups in Mitel, secured trial and appellate victories that validated a major liability management transaction involving hundreds of millions in debt, dismissing challenges and establishing a rare national precedent—one of only two such cases litigated to the appellate level—preserving priority and value for his clients. In the \$12.5B recapitalization of Lumen Technologies and Level 3 Financing, covering roughly 70% of the capital structure, advised an ad hoc group of noteholders and term loan lenders. Against the backdrop of potential litigation over events of default, prepared enforcement actions that ultimately yielded a highly favorable transaction without court filings: \$1.325B in new senior secured notes, multiple tiered exchanges (including unsecured to second-lien and superpriority upgrades), partial paydowns, a new \$1B superpriority revolver, maturity extensions, and covenant modifications—maximizing protections and recoveries for creditors. For Natura in the Avon bankruptcy, negotiated a comprehensive settlement resolving potential billions in talc-related liabilities through contributions, massive claim waivers, and an asset monetization trust, defeating committee opposition via expedited litigation and discovery. In Wesco Aircraft, supported a Chapter 11 plan distributing 98.4% equity and \$420M in notes to</p>

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Lawyer	Outstanding Achievements
	<p>first-lien bondholders while preserving appeal rights that led to favorable rulings. Also achieved voluntary dismissal of multi-hundred-million-dollar claims and eliminated a \$1.1B obligation for Digital Currency Group in the Genesis crypto bankruptcy litigation. In Silicon Valley Bank Financial Group's \$3B-plus restructuring, advised noteholders and later pursued a \$1.93B claim against the FDIC.</p>
<p>FELICIA GERBER PERLMAN McDermott Will & Shulte, LLP Chicago, IL fperlman@mwe.com Northwestern University Pritzker School of Law (J.D., 1992)</p>	<p>In Wellpath Holdings' chapter 11, led the debtor representation addressing a \$650M debt load for a provider of correctional and behavioral healthcare services. Negotiated a restructuring support agreement backed by 85% of first-lien lenders and over 80% of second-lien lenders—an extraordinary alignment in a sensitive sector. Secured \$326M in debtor-in-possession financing to maintain operations, oversaw the \$395M court-approved sale of the Recovery Solutions division, and structured post-emergence financing including a \$135M first-lien take-back credit facility and \$50M equity investment from lenders. This comprehensive approach preserved critical healthcare services for underserved populations, safeguarded thousands of jobs, and optimized recoveries across the capital structure while ensuring long-term viability for the reorganized company. Also represented Hartford HealthCare in acquiring Prospect Medical's Connecticut hospitals through bankruptcy, navigating regulatory complexities to secure distressed assets and enhance regional healthcare delivery.</p>
<p>RAY C. SCHROCK Latham & Watkins, LLP New York, NY ray.schrock@lw.com Chicago-Kent College of Law (J.D., 1998)</p>	<p>In Wolfspeed, led a groundbreaking restructuring equitizing approximately \$1B of existing notes while enhancing liquidity and maintaining normal operations—dramatically reducing debt and positioning the semiconductor company for long-term stability. For ModivCare (formerly Providence Service Corporation), orchestrated a comprehensive transaction equitizing substantial debt, injecting new capital, and strengthening the balance sheet amid a \$1.1B-plus capital structure overhaul, preserving enterprise value in the healthcare services space. Advised Pine Gate Renewables in a chapter 11 process facilitating multibillion-dollar sales of renewable energy assets, maximizing recoveries through strategic marketing and stakeholder alignment in one of the largest renewables restructurings. In Office Properties Income Trust, he guided a prearranged chapter 11 implementing a restructuring support agreement with the September 2029 Ad Hoc Group, equitizing debt and securing \$125M in committed new-money DIP financing syndicated to noteholders—providing runway for continued operations. Representing IG Design Group Americas—one of the world's largest giftwrap manufacturers—led a voluntary chapter 11 filing to conduct a court-supervised section 363 sale process, securing ~\$53M DIP financing (including \$25M new money approved by the court) to support a value-maximizing strategy, including going-concern sales of business segments.</p>

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Lawyer	Outstanding Achievements
<p>STEVEN N. SERAJEDDINI Kirkland & Ellis LLP New York, NY steven.serajeddini@kirkland.com University of Michigan Law School (J.D., cum laude)</p>	<p>Guided Pluralsight through a comprehensive recapitalization and secured debt exchange supported by all lenders and the sponsor. The transaction reduced funded debt by approximately \$1.2B, infused over \$200M in new capital, and strengthened the balance sheet to accelerate long-term strategic goals. In Wellness Pet, represented the company in a refinancing and new-money transaction raising \$100M in capital, refinancing the existing term loan, and extending the ABL facility maturity—with full support from ABL, first-lien, and second-lien lenders, enhancing liquidity and operational flexibility.</p>
<p>SUNNY SINGH Weil, Gotshal & Manges LLP New York, NY sunny.singh@weil.com Hofstra University School of Law (J.D., Summa Cum Laude, 2006)</p>	<p>Masterminded Fossil Group’s innovative cross-border restructuring, pioneering the “Stapled Exchange” method—a novel approach surgically addressing only the distressed portion of the capital structure without equity cancellation, delisting, or need to restructure the entire stack. This preserved shareholder value, avoided broader disruption, and provided critical financial runway for the company’s turnaround efforts. Co-leading the \$12B+ chapter 11 cases of First Brands Group—one of the world’s largest aftermarket auto parts suppliers and 2025’s biggest filing—optimized outcomes for a complex global operation spanning five continents, 17 countries, and over 20,000 employees (including 6,000 in the U.S.). His strategies maintained operational continuity while equitizing debt and realigning the capital structure to maximize stakeholder recoveries. Advised Phoenix Tower, the largest tower lessor and co-chair of the Unsecured Creditors Committee, in connection with the Chapter 11 cases of Chilean telecom operator WOM S.A.</p>

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