

## **REVIEW OF DELAWARE BANKRUPTCY COURT 2013 LOCAL RULE AMENDMENTS**

On February 1, 2013, the United States Bankruptcy Court for the District of Delaware (the “Delaware Bankruptcy Court”) released the 2013 version of the Local Rules for the United States Bankruptcy Court District of Delaware (Effective February 1, 2013) (the “Local Rules”). As a courtesy to our clients and friends, Morris Nichols’ Business Reorganization and Restructuring Group has summarized the most significant additions and changes to the Local Rules relevant to the business bankruptcy practice in the Delaware Bankruptcy Court. For your reference, we also provide links to the updated 2013 Local Rules and a redline version of the 2013 Local Rules marked to show changes against the 2012 Local Rules.

Pursuant to Local Rule 1001-1(e), the 2013 version of the Local Rules governs all cases or proceedings filed after the effective date and also applies to proceedings pending on the effective date, except to the extent that the Court finds that it would not be feasible or would work an injustice.

### **Local Rule Amendments**

#### **Local Rule 2002-1: Notices to Creditors, Equity Security Holders, United States and United States Trustee**

Local Rule 2002-1(e) has been revised to require a chapter 11 debtor to serve actual written notice of the entry of the bar date order on any environmental authorities listed in Question 17 of a Chapter 11 debtor’s Statement of Financial Affairs.

Local Rule 2002-1(f) has been revised to modify the functions of the notice and/or claims clerk in a case with more than 200 creditors or parties in interest listed on the creditor matrix as follows:

- Local Rule 2002-1(f)(ix) now provides that upon the entry of an Order dismissing a case or upon entry of a Final Decree, the claims agent shall box and transport all original claims to the Philadelphia Federal Records Center.
- New Local Rule 2002-1(f)(x) lists the required functions of

the notice and/or claims clerk upon conversion of a chapter 11 case. It requires the claims agent, within fourteen (14) days of entry of an Order converting a case, to forward to the Clerk (a) all claims and an updated claims register, (b) a CD of all imaged claims, and (c) an excel spreadsheet containing all claims information, along with an updated 2002 list and updated creditor mailing list.

- Revised Local Rule 2002-1(f)(xi) now provides that upon conversion of a chapter 11 case to a chapter 7 case, an appointed claims agent may submit a termination order and, if granted, comply with the requirements of Local Rule 2002-1(f)(x). Previously, the local rule stated only that the claims agent was required to continue to serve at the direction of the chapter 7 trustee or the Clerk’s office.

#### **Local Rule 2014-1: Employment of Professional Persons**

New subsection (c) of Local Rule 2014-1 provides that any professional person whose employment is sought pursuant to Local Rule 2014-1 must disclose the employment, or intended employment, of another professional person for whom reimbursement will be requested under Local Rule 2016-2(f). Such disclosure may be excused by the court if it would require the disclosure of privileged information or information which may reveal confidential litigation strategy; however, the professional must still comply with the requirements of Local Rule 2016-2(f)<sup>1</sup> in order to be reimbursed for any payment made by it to the other professional.

New Local Rule 2014-1(c) may operate to mandate disclosure in a number of situations, including counsel’s retention of another professional to provide expert opinion testimony, the hiring of appraisers through counsel, and counsel’s outsourcing of document review and other legal services.

#### **Local Rule 2016-2: Motion for Compensation and Reimbursement of Expenses**

Local Rule 2016-2 has been modified in two respects.

First, new subsection (f) requires an entity subject to Local Rule 2016-2 seeking reimbursement for any payment made to another

<sup>1</sup> Local Rule 2014-1(c) provides that the professional is required to comply with the requirements of Local Rule 2016-1(f); however, it is clear that the drafters intended to refer to Local Rule 2016-2(f).

professional to comply with the information requirements of subsections (c), (d), and (e) with respect to the services rendered or expenses incurred by such other professional, unless a waiver is obtained. Such information requirements are applicable to all motions for compensation and reimbursement of expenses, unless a waiver is obtained under paragraph (h) of Local Rule 2016-2.

Second, subsection (j) (renumbered from subsection (i)) now provides that, upon conversion of a case, the authority of the fee examiner ends unless the fee examiner is retained by the chapter 7 trustee or otherwise ordered by the Court.

#### **Local Rule 3001-1: Filing Proof of Claim; Transfer of Claim**

New Local Rule 3001-1(a)(ii) complements the Court's recent decision, effective as of September 15, 2012, to permit the electronic filing of proofs of claim in all cases in which there is no claims agent assigned. Information about the electronic filing of proofs of claim is available on the Court's web site at <http://www.deb.uscourts.gov/filing-claim>. It provides that claims submitted through a court-approved electronic claims filing system are considered the original proof of claim and that additional copies for the Clerk and trustee are not required. Electronic claims must be served on the debtor if the debtor is pro se.

#### **Local Rule 3002-1: Government Deadline to File Proof of Claim**

New subsection (a) of Local Rule 3002-1 implements the mandate of section 503(b)(1)(D) of the Bankruptcy Code, which was added pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, § 1001(a), 119 Stat. 23, 185 (2005), and excuses the government from the requirement to file a request for the payment of taxes and penalties described in subsections (B) and (C) of section 503(b)(1) of the Bankruptcy Code. It provides that in a chapter 11 case, notwithstanding any provision of a plan of reorganization, any motion, notice, or court order in a specific case, the government shall not be required to file any proof of claim or application for allowance of any administrative claims covered by section 503(b)(1)(B), (C), or (D).

#### **Local Rule 3003-1: Proofs of Claim in Chapter 11 Cases**

Local Rule 3003-1 has been revised (i) to clarify the requirements for filing proofs of claim in chapter 11 cases depending on whether a claims agent is appointed and (ii) to incorporate new Local Rule 3001-1(a)(ii) on electronically filed claims. Subsection (a) provides that in cases where a claims agent is appointed, an entity must file the original and one copy of the proof of claim with the claims agent and serve a copy on the trustee, if any, unless the claims agent accepts claims electronically. If the claims agent accepts claims electronically, only the electronically filed claim must be submitted.

Subsection (b) provides that when no claims agent is appointed, any entity filing a paper proof of claim must file the original and one copy of the proof of claim with the Clerk's Office and serve a copy on the trustee, if any. Consistent with new Local Rule 3001-1(a)(ii), subsection (b) further provides that claims submitted through a court-approved electronic claims filing system are considered the original proof of claim and additional copies for the Clerk and trustee are not required. Electronic claims must be served on the debtor if the debtor is pro se.

#### **Local Rule 3017-1: Approval of Disclosure Statement**

Local Rule 3017-1(a) now provides that a hearing on approval of a disclosure statement shall be at least thirty-five (35) days following service of the disclosure statement and the objection deadline shall be at least twenty-eight (28) days from service of the disclosure statement. This revision expressly incorporates both the required twenty-eight (28) days' notice of the time fixed for filing objections to a disclosure statement under Federal Rule of Bankruptcy Procedure 2002(b) and the requirement that the objection deadline must be seven (7) days prior to the hearing on the disclosure statement.

#### **Local Rule 3022-1: Closing of Chapter 11 Cases**

In the 2013 version of the Local Rules, former Local Rule 5009-1, concerning the requirements for closing of chapter 11 cases, has been renumbered as Local Rule 3022-1 to correspond with the applicable Bankruptcy Rule.

Additionally, Local Rule 3022-1 now requires that a separate proposed order closing each jointly administered or consolidated case shall be filed in connection with such a motion.

#### **Local Rule 4001-2: Cash Collateral and Financing Orders**

Local Rule 4001-2(a)(i) has been revised to include provisions that seek to affect the Court's power to consider the equities of the case under 11 U.S.C. § 552(b)(1) as a type of provision which must be highlighted in all Financing Motions (as defined in subsection (a)).

#### **Local Rule 4004-1: Automatic Extension of Time to File Complaint Objecting to Discharge in Event of Amendment**

Local Rule 4004-1 has been revised to provide an automatic extension of the deadline to file a complaint objecting to discharge when the § 341 meeting of creditors is continued or rescheduled to the latter of the original deadline or thirty (30) days after the § 341 meeting is concluded.

**Local Rule 4007-1: Automatic Extension of Time to File Complaint to Determine Dischargeability of a Debt in Event of Amendment**

Local Rule 4007-1 has been revised to provide an automatic extension of the deadline to file a complaint to determine the dischargeability of a debt when the § 341 meeting of creditors is continued or rescheduled to the latter of the original deadline or thirty (30) days after the § 341 meeting is concluded.

**Local Rule 5005-2: Facsimile Documents and E-Mailed Documents**

Local Rule 5005-2(a) addresses the common practice of using copies of faxed documents for filing. The revised version of the Local Rule carries forward the prohibition against transmitting documents by facsimile directly to the Clerk's Office for filing and the ability of filers to use reasonably legible copies of faxed documents in court filings. New this year is that the period for which the filing party must maintain the original of any faxed document, including any original signatures, has been shortened to not less than two (2) days from the time the document appears on the docket. Previously, the filing party was required to maintain the original document for not less than two (2) years from the later of the close of the case or other proceeding in which the document was filed, unless otherwise ordered by the Court.

Additionally, new subsection (b) provides that documents may not be transmitted by e-mail to the Clerk's Office for filing unless authorized by the Court.

**Local Rule 5005-4: Electronic Filing**

Local Rule 5005-4 has been revised in two respects.

First, Local Rule 5005-4 now provides that an electronic signature of a person on an electronically filed document constitutes the original signature of that person.

Second, Local Rule 5005-4 has been revised to remove the requirement that all electronically filed pleadings be maintained in paper form with an original signature for a period of not less than two (2) years from the later of the close of the case or other proceeding in which the document was filed, unless otherwise ordered by the Court.

**Local Rule 5009-1: Closing of Chapter 7 Cases**

Local Rule 5009-2, concerning the closing of chapter 7 cases, has been renumbered as Local Rule 5009-1. Former Local Rule 5009-1, concerning the closing of chapter 11 cases, has been renumbered as Local Rule 3022-1. No other changes have been made.

**Local Rule 5011-1: Motions for Withdrawal of Reference from Bankruptcy Court**

This Local Rule change, together with revisions to Local Rules 7008-1, 7012-1, 7016-1, 9027-1 and 9029-1, anticipate proposed revisions to the Bankruptcy Rules 7008, 7012, 7016, 9027 and 9033 that have been approved by the Judicial Conference of the United States and transmitted to the United States Supreme Court with the recommendation that they be adopted by the Supreme Court and transmitted to Congress in accordance with the law. The Local Rule changes and the proposed Bankruptcy Rule changes respond to the United States Supreme Court's decision in *Stern v. Marshall*, 131 S. Ct. 2594 (2011), which has increased the likelihood that a proceeding defined as core under 28 U.S.C. § 157(b) may nevertheless lie beyond the constitutional power of a bankruptcy judge to adjudicate finally.

Local Rule 5011-1 now requires a movant seeking to withdraw the reference of a matter or proceeding to concurrently file a motion for determination by the Bankruptcy Court with respect to whether the proceeding is one over which the Bankruptcy Court has authority to enter final orders and judgments.

**Local Rule 6004-1: Sale and Sale Procedures Motions**

Local Rule 6004-1(b)(iv)(N) now provides that a Sale Motion (as defined in subsection (a)) must highlight any provision by which the debtor seeks to allow, disallow or affect in any manner, credit bidding pursuant to Bankruptcy Code section 363(k).

The 2012 version of subsection (b)(iv)(O) already required a Sale Motion to highlight any provision whereby the debtor seeks relief from the stay imposed by Bankruptcy Rule 6004(h). The sole change here is to conform it to the current version of Bankruptcy Rule 6004(h) by referencing a 14-day stay instead of a 10-day stay.

**Local Rule 7007-4: Notice of Completion of Briefing or Certificate of No Objection, and Notice of Completion of Briefing Binder**

Local Rule 7007-4 now requires counsel to the movant to file and serve on counsel to all parties in the adversary proceeding a "Notice of Completion of Briefing" or, in the case of an unopposed motion or pleading, a "Certificate of No Objection" no earlier than seven (7) days and no later than fourteen (14) days after completion of briefing or expiration of a deadline on an adversary proceeding motion. This change responds to logistical problems the Court experienced when Notices of Completion of Briefing (previously required to be filed no later than seven (7) days after the completion of briefing) were submitted before oral argument requests (governed by Local Rule 7007-3) were received by the

Court. Counsel to the movant must deliver a copy of the relevant complaint and any answers in the Notice of Completion of Briefing Binder in addition to the pleadings identified in the notice and any request(s) for oral argument.

**Local Rule 7008-1: Statement in Pleadings Regarding Consent to Entry of Order or Judgment in Core Proceeding**

New Local Rule 7008-1 requires that each complaint, counterclaim, cross-claim, and third-party complaint in an adversary proceeding contain a statement as to whether the pleader consents or does not consent to the entry of final orders or judgments by the Court in the event that it is determined that the Court, absent consent, cannot enter such final orders or judgments consistent with Article III of the U.S. Constitution. As discussed above in connection with Local Rule 5011-1, new Local Rule 7008-1 responds to the Supreme Court's recent decision in *Stern v. Marshall*, 131 S. Ct. 2594 (2011), and proposed revisions to the Bankruptcy Rules 7008, 7012, 7016, 9027 and 9033.

One notable way in which Local Rule 7008-1 differs from the proposed revised Bankruptcy Rule 7008 is that Local Rule 7008-1 expressly provides that a pleader who fails to include a statement withholding consent waives the right to contest the Court's authority and assert its right to final judgment from an Article III court.

**Local Rule 7012-1: Statement in Answer, Motion or Response Thereto Regarding Consent to Entry of Order or Judgment in Core Proceeding**

New Local Rule 7012-1 tracks the language of new Local Rule 7008-1 and requires any answer, motion or response in an adversary proceeding to contain a statement as to whether the filing party consents or does not consent to the entry of final orders or judgments by the Bankruptcy Court. If no statement withholding consent is included, the filing party waives the right to contest the authority of the Bankruptcy Court to enter final orders or judgments.

**Local Rule 7012-2: Extension of Time to Plead or File Motion**

Pursuant to new Local Rule 7012-2, the deadline to plead or move in response to a complaint or other pleading in an adversary proceeding may be extended by up to thirty (30) days by stipulation of the parties or, for a longer period, by order of the Court. A motion for extension of time to plead or move in response to a complaint or other pleading must be filed prior to the expiration of the deadline to be extended and, if the extension is granted, does not affect any other deadlines set forth in a Scheduling Order entered by the Court.

**Local Rule 7016-2: Pretrial Conferences**

New Local Rule 7016-2(d)(iii) requires that proposed pretrial orders address whether the bankruptcy court has adjudicatory authority to render final orders and judgments in the proceeding, either on the basis of the nature of the claims or through consent.

**Local Rule 8006-1: Filing of Copies of Record on Appeal**

Local Rule 8006-1 has been revised to alter the process for filing copies of documents to be included in the record on appeal/cross appeal and transmitting the record on appeal to the District Court Clerk's Office. At the time the designation is filed, the parties must file an index identifying, by docket number, documents identified in the designation, other expressly requested documents, and a copy of the relevant transcript or evidence that the transcript has been ordered. If a document referenced in the index does not have a docket number, such document must be filed at the time the index is filed and referenced in the index by hearing date and exhibit number. Once all documents referenced in the index have been filed, the Bankruptcy Court Clerk shall electronically transmit the record on appeal to the District Court Clerk's Office. Finally, Local Rule 8006-1 provides that no paper copies of the record on appeal shall be filed absent a case-specific order.

**Local Rule 9006-1: Time for Service and Filing of Motions and Objections**

Local Rule 9006-1(c)(i) now requires all motion papers to be filed and served at least eighteen (18) days prior to the hearing date. If service is by first class mail, the motion papers must be served at least twenty-one (21) days prior to the hearing date and if service is by overnight mail, at least nineteen (19) days prior to the hearing date. Pursuant to Local Rule 9006-1(e), parties continue to have the ability to move the Court to shorten notice in appropriate circumstances.

**Local Rule 9011-4: Signatures**

New Local Rule 9011-4(c) provides that the electronic filing of a proof of claim constitutes the filing claimant's approved signature. Claimants filing electronically are not required to be registered CM/ECF users and electronically filed proofs of claim are deemed signed upon electronic submission.

**Local Rule 9013-1: Motions**

Local Rule 9013-1(f) and (h) now require all motions and all objections or other responses to motions to contain a statement as to whether the filing party consents or does not consent to the entry of final orders or judgments by the Court if it is determined that absent consent, the Court does not have authority to enter

final judgments or orders consistent with Article III of the U.S. Constitution. If no statement withholding consent is included, the filing party waives the right to contest the authority of the Court to enter final orders or judgments.

Notably, the revisions to Local Rule 9013-1(f) and (h) go beyond the proposed revisions to Bankruptcy Rules 7008, 7012, 7016, 9027 and 9033 approved by the Judicial Conference of the United States. Unlike the Delaware Local Rules, the Judicial Conference has not proposed that parties in contested matters affirmatively state whether they do or do not consent to the entry of final orders or judgments by the Bankruptcy Court.

Additionally, Local Rule 9013-1(j) has been revised to clarify that the forty-eight (48) hour waiting period after an objection deadline has passed before a Certificate of No Objection can be filed should be calculated in accordance with Bankruptcy Rule 9006(a)(2).

**Local Rule 9018-1: Lodged Exhibits; Documents under Seal; Confidentiality**

Local Rule 9018-1(b) now requires a party seeking to file a document under seal to submit only a copy, and not an original, of the document to the Court, clearly identified as “FILED COPY.” New subsection (e) provides that where a party intends to use a previously sealed document at a hearing or in connection with briefing, a sealed document in an envelope and prominently marked “CHAMBERS COPY” shall be provided to the Court in the binder delivered to Chambers. The Chambers copy will be destroyed or returned to the sender upon conclusion of the hearing or after the motion is decided, at the Court’s discretion.

**Local Rule 9019-2: Mediator and Arbitrator Qualifications and Compensation**

Local Rule 9019-2(f) has been revised to remove the requirement of prior Court approval for mediator or arbitrator compensation where the estate is to be charged.

**Local Rule 9019-5: Mediation**

Local Rule 9019-5, which governs Bankruptcy Court mediation, has been significantly revised and expanded. A summary of the most significant changes follows:

- Types of Matters Subject to Mediation: Local Rule 9019-5(a) has been revised from a permissive rule to a mandatory rule, requiring (i) all Chapter 11 adversary proceedings and (ii) all adversary cases that include “a claim for relief to avoid

a preferential transfer” to engage in mandatory mediation unless otherwise ordered by the Court. This change marks a significant shift from the prior rule, which simply enabled the Court to assign matters to mediation at its discretion and places a greater emphasis on the role of mediation in adversary proceedings.

- The Mediation Process: Local Rule 9019(c)(i) now provides that when parties are unable to agree on an acceptable time and place for a mediation conference the mediator shall establish the time and place “on no less than twenty-one (21) days’ written notice to all counsel and pro se parties.” The new 21-day notice provision replaces an “as soon as practicable” standard and ensures that counsel and clients will have at least twenty-one (21) days’ notice of a scheduled mediation conference. New Local Rule 9019(c)(iii)(B)(v) provides that when parties reach a settlement of a matter assigned to mediation prior to the scheduled mediation conference, the plaintiff must provide the mediator with written notice of such settlement within one (1) business day of such settlement.
- Post-Mediation Procedures: Local Rule 9019(f)(i) has been revised to require that if a settlement is reached at mediation, the plaintiff must file a Notice of Settlement or, where required, a motion and proposed order seeking Court approval within thirty (30) days. Within sixty (60) days after the Notice of Settlement is filed or an order is entered approving the settlement, the parties must file a Stipulation of Dismissal, failing which, the Clerk’s office will close the case. Revised Local Rule 9019(f)(ii) requires the mediator to file a Certificate of Completion within fourteen (14) days after conclusion of the mediation conference or notice from the parties of a pre-mediation settlement.
- Alternative Procedures for Certain Preference Proceedings: New Local Rule 9019(j) allows defendant(s) in a preference action where a small dollar amount is at issue to opt-in to summary mediation and avoid the necessity and expense of formal discovery. Below, we summarize the most significant provisions:

*Notice of Alternative Procedures:*

In adversary proceedings where Local Rule 9019-5(j) is applicable, the plaintiff must serve a copy of the Rule and a certificate in the form of new Local Form 118 (a “Certificate”) on the defendant(s) with the Summons.

*Opt-in Procedures:*

Where the amount in controversy from any one defendant is equal to or less than \$75,000, defendant(s) may opt-in to the subsection (j) procedures by filing the Certificate and serving the Certificate on the plaintiff on or within thirty (30) days after the date that the defendant's response is due under the Summons. This election to proceed to mediation operates as a referral for all claims naming the defendant in the adversary proceeding.

Where the amount in controversy from any one defendant is greater than \$75,000, the parties may opt-in to the procedures outlined under subsection (j) by filing a joint certificate in the form of Local Form 119 ("Jt. Certificate"). In cases with multiple defendants, the subsection (j) procedures will only apply to those defendants who affirmatively opt-in.

*Costs:*

Plaintiff bears the costs of the mediator in a mediation under subsection (j).

*Scheduling Order and Deadlines:*

Subsection (j)(xi) provides several procedures applicable where the Court enters a scheduling order in an adversary proceeding prior to referral to mediation under subsection (j):

- The scheduling order shall apply to the parties and claims which are subject to mediation under subsection (j), provided that referral to mediation under subsection (j) operates as a stay as against the parties to the mediation of any requirement under Fed. R. Bankr. P. 7026 to serve initial disclosures and to the parties' rights or obligation to propound, object, or respond to written discovery requests or other discovery demands from parties to the mediation. This stay automatically terminates upon the filing of the Certificate of Completion.
- If the parties fail to resolve their disputes at mediation, within two (2) business days after the entry of the Certificate of Completion on the adversary docket, the mediation parties must confer regarding adjustment of the timeframes set forth in the original scheduling order and submit an agreed form of scheduling order or stipulation and proposed order under certification of counsel. If the parties cannot agree, the mediator shall file a notice providing adjusted deadlines calculated from

the date the mediation concluded; such notice may be incorporated into the Certificate of Completion upon consent of the parties. Absent objection, the deadlines in the filed notice govern.

- Plaintiff may elect to have the deadlines in proceedings in which mediation under subsection (j) are completed within a given fourteen (14) day period each calculated from the date of completion of the last mediation within such 14 day period.

*Mediation Submission Materials:*

Within twenty-one (21) days after the Certificate is filed, the defendant(s) must serve a position statement on the plaintiff and mediator; plaintiff then has twenty-one (21) days to serve its position statement on the defendant(s) and mediator. Absent leave of the mediator, no further statements shall be served and the position statements shall not be filed on the adversary docket.

The position statements shall address the merits of plaintiff's claim and defendant's defenses thereto and may also address other procedural and substantive issues relevant to the mediation. Each position statement must include evidence then known to such party that supports that party's assertion.

Absent consent of the mediator, no position statement should exceed ten (10) pages, excluding exhibits and supporting evidence.

*The Mediation Conference:*

Mediation shall be initiated so as to be concluded within 45 days after service of the plaintiff's mediation statement.

A representative of each party who has full authority to negotiate and settle the matter on behalf of the parties must attend the mediation in person. The party or other representatives may appear via telephone, videoconference or other similar means as directed by the mediator.

*Further Mediation:*

Unless otherwise required by the Court or agreed to by the parties, conclusion of mediation pursuant to subsection (j) excuses participating parties from any requirement to mediate in a scheduling order entered prior to the conclusion of mediation. In the event of further mediation, plaintiff shall not bear the presumption of cost for the mediator.

**Local Rule 9027-1: Statement in Notice of Removal  
Regarding Consent to Entry of Order or Judgment in Core  
Proceeding**

New Local Rule 9027-1 requires that any party filing a notice of removal must include a statement as to whether the filing party consents or does not consent to the entry of final orders or judgments by the Bankruptcy Court. If no statement withholding consent is included, the filing party waives the right to contest the authority of the Bankruptcy Court to enter final orders or judgments.

**Local Rule 9029-1: Statement in Response to Notice  
of Removal Regarding Consent to Entry of Order or  
Judgment in Core Proceeding**

New Local Rule 9029-1 is a companion rule tracking New Local Rule 9027-1 and requires that any party filing a statement in response to a notice of removal must include statement as to whether the filing party consents or does not consent to the entry of final orders or judgments by the Bankruptcy Court. If no statement withholding consent is included, the filing party waives the right to contest the authority of the Bankruptcy Court to enter final orders or judgments.

This Delaware Bankruptcy Update provides general information and should not be used or taken as legal advice for specific situations, which depend on the evaluation of precise factual circumstances. For a more complete or detailed discussion, please contact any member of the Morris Nichols Business Reorganization and Restructuring Group.

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