

MORRIS NICHOLS ARSHT & TUNNELL



GREGORY W. WERKHEISER
PARTNER

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PRACTICE AREAS

Business Reorganization &
Restructuring

Distressed Enterprise Representation

Bankruptcy/Insolvency Litigation

Creditor Representation

Cross-Border Insolvency

EDUCATION

J.D., magna cum laude, 1996,
Widener University School of Law

Member, 1994-1995 and Articles
Editor, 1995-1996, *Delaware Journal
of Corporate Law*

B.S., finance, 1992, Pennsylvania
State University

CLERKSHIPS

Law Clerk to The Honorable Jane R.
Roth, U.S. Court of Appeals for the
Third Circuit, 1996-1997

Wolcott Fellow to Justice Randy J.
Holland of the Delaware Supreme
Court, 1995-1996

ADMISSIONS

Delaware, 1996

District of Columbia, 2012

U.S. District Court for the District of
Delaware, 1996

Greg has represents debtors, creditors and other parties in complex business bankruptcy cases and out-of-court restructurings.

Greg devotes a substantial portion of his practice to bankruptcy appellate litigation and assisting clients with navigating the intersection of intellectual property and bankruptcy law.

In addition, Greg's extensive experience includes advising fiduciaries and managers for distressed enterprises, acquisitions of financially distressed companies, representing official and ad hoc creditors' committees, negotiating and drafting debtor-in-possession financing documents, and bankruptcy-related litigation.

He has represented clients across a range of industries, including retail, energy, transportation, healthcare and pharmaceuticals, financial services and investment.

Greg is a frequent writer and speaker on leading edge bankruptcy and insolvency topics. He has been recognized as a leading Delaware attorney in the bankruptcy and restructuring area by *Chambers USA* and listed in *The Best Lawyers in America*.

Honors

- *Chambers USA: America's Leading Lawyers for Business*, Ranked in Delaware for bankruptcy/restructuring (2014-2018), with sources noting he is an "extremely proficient technical lawyer" and "an extremely analytical and deep thinker, who makes sure all the bases are covered."
- *The Best Lawyers in America*, Listed in the bankruptcy and creditor debtor rights / insolvency and reorganization category (2016-2019) and bankruptcy litigation (2018-2019)
- *Who's Who Legal*, Selected among top restructuring and insolvency practitioners (2019)

Professional Activities

- American Bankruptcy Institute
- American Bar Association
 - Business Law Bankruptcy Law Section
 - Litigation Section: Appeals, Bankruptcy and Insolvency Litigation Committee
- Federal Bar Association, Delaware Chapter
- Turnaround Management Association

Community Activities

- *Delaware Lawyer* (Board of Editors)
- The Tatnall School (Board of Trustees)

Representative Matters

- Representing Scottish Holdings, Inc. as Delaware co-counsel in their restructuring and bankruptcy reorganization cases. Successfully addressed a host of novel issues involving recapitalization and an offshore reinsurance provider. *In re Scottish Holdings, Inc. et al.*, No. 18-101600 (LSS) (Bankr. D. Del.).
- Represents Crayola LLC as creditor in the high-profile Toys “R” Us, Inc. bankruptcy cases. *In re: Toys R Us Inc. et al.*, No. 17-34665 (Bankr. E.D. Va.).
- Successfully represented troubled biotech startup KaloBios Pharmaceuticals, Inc. in complex, high-profile reorganization. *In re: KaloBios Pharmaceuticals Inc.*, No. 15-12628 (LSS) (Bankr. D. Del.).
- Represent Teachers’ Retirement Systems of Alabama and Employees’ Retirement Systems of Alabama in the bankruptcy of Signal International, Inc., and its affiliated debtors.
- Represented the E-ZPass Interagency Group in the bankruptcy of the ITR Concession Company LLC, the sole private member of the E-ZPass consortium.
- Bankruptcy counsel for Broadcast Music, Inc., a leading U.S.-based music rights organization, in various bankruptcy cases throughout the country involving artists, publishers and licensees.
- Lead counsel for Luby’s, Inc., in its bankruptcy acquisition of the 185-unit Fuddruckers fast casual restaurant chain.
- Lead counsel for an energy company in its successful challenge on bad faith grounds for bankruptcy cases filed by subsidiaries of another multi-billion dollar energy company. *In re 15375 Memorial Corp.*, 589 F.3d 605 (3d Cir. 2009). The client also obtained sanctions against the debtors’ parent companies, including the recovery of more than \$1.5 million in attorneys’ fees and costs. *In re 15375 Memorial Corp.*, 430 B.R. 142 (Bankr. D. Del. 2010).
- Co-counsel to Garlock Sealing Technologies, LLC, in its successful efforts to compel access to asbestos personal injury claim related court documents in 12 large asbestos bankruptcy cases. *In re Motions for Access of Garlock Sealing Technologies LLC*, 488 B.R. 281 (D. Del. 2013).
- Co-counsel to a Fox Sports affiliate in the chapter 11 case of the Los Angeles Dodgers LLC, which resulted in a successful appeal to protect its interests in the telecast rights agreement with the club. *In re Los Angeles Dodgers LLC*, 2011 WL 6749081 (D. Del. Dec. 23, 2011).

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