



Michael Luskin

Partner

New York

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Areas of Concentration

- Bankruptcy, creditors' rights, loan restructurings, and workouts
- Litigation in state and federal courts, including bankruptcy courts around the country

Court Admissions

- Southern and Eastern Districts of New York
- Second Circuit Court of Appeals in various pro hac admissions courts around the country

Professional Activities

- American Bankruptcy Institute
- American Bar Association (Litigation Section)
- Association of the Bar of the City of New York
- Federal Bar Council
- New York State Bar Association (Co-chair, Creditors' Rights and Banking Litigation Committee, Commercial and Federal Litigation Section)

Highlighted Matters

- Representation of the Government of Ontario in the Chrysler and General Motors chapter 11 cases.
- Representation of The Bank of Nova Scotia, as agent on a \$625 million loan to an operating subsidiary of Adelphia Communications Corp. in Adelphia's chapter 11 proceedings.
- Representation of The Bank of Nova Scotia as a defendant in a \$5 billion "lender liability" action brought by the Adelphia

Practice Areas

Corporate Reorganization and
Bankruptcy
Litigation

Education Information

Harvard College, B.A., 1973, *magna cum laude*
Harvard Law School, J.D., 1977

Bar Admissions

New York, 1978

Creditors' Committee.

- Representation of The Bank of Nova Scotia as pre-petition agent in New World Pasta's chapter 11 proceedings.
- Representation of Deutsche Bank in the Ampad, Coltex, Happy Kids, and Polaroid bankruptcies. (Coltex made new law in the Second Circuit on so-called "new value plans" and the absolute priority rule.)
- Representation of First National Bank of Maryland as one of three lenders in the Cellular Information Systems bankruptcy that succeeded in confirming a bank-proposed plan of reorganization following a lengthy trial in the Bankruptcy Court.
- Representation of IBM Credit in the Pan Am and Best Products cases.
- Representation of Sanwa Bank as the single largest mortgagee in the collapse and reorganization of the Olympia & York real estate empire.
- Representation of Societe Generale as lender, letter of credit issuer, or derivative counterparty in the American Home Mortgage, Enron, Sunterra, New Century Capital, Owens Corning, PG&E National Energy Group, Stellex Industries and Warnaco bankruptcies.
- Representation of Sumitomo Mitsui Banking Corporation as aircraft financier in the United Airlines and US Air reorganizations.
- Representation of Transamerica Business Credit Corporation as defendant in various "lender liability" cases.
- Representation of Skopbank as lender to a failed REIT and as a "lender liability" defendant.
- Representation of the chapter 7 trustee in litigation and related case management in Metro-Tec. Served as the court-appointed Examiner in the Nellson Neutraceutical case in Delaware.

Highlighted Publications

- Author and Panelist, "SIRVA: The Extreme Prepack" (ABI 2009)
- Co-chair, 9th Annual New York City Bankruptcy Conference (ABI 2007)
- Co-chair and Panelist, "Working Out and Litigating the Problem Loan" (NYSBA 2007)
- Co-chair, 8th Annual New York City Bankruptcy Conference (ABI 2006)
- Co-chair and Panelist, "Gathering and Presenting Evidence in the 21st Century" (NYSBA 2004)

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- Author and Panelist, “Expert Testimony in a Contested Valuation” (ABI 2002)
- Author and Panelist, “Litigation in Bankruptcy Court: Hot Tips for a Hot Bench – What Judges Expect from the Bar” (ABI 2001)
- Author and Panelist, “Approaches to Litigation: Conciliation or Conquest” (ABI 2000)
- Author and Panelist, “Litigation: Pack for Success in Court and Depositions” (ABI 1999)
- Co-chair and Panelist, “Litigating and Working Out the Problem Loan” (NYSBA 1996)

Recognitions

- Ranked in *Chambers USA* 2005-2009 as one of the leading Bankruptcy/Restructuring lawyers in the United States.

Previous Experience

- Rogers & Wells (1977-1980)
- Gelberg & Abrams (1980-1987)
- Moses & Singer (1987-1989)
- Luskin, Stern & Eisler LLP, Founding Partner (1989-2008)