



## 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 and various pro hac admissions in courts around the country

### Professional Activities

- American Bankruptcy Institute
- American Bar Association (Litigation Section)
- Member, Bankruptcy and Corporate Reorganization Committee of the 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

- M&T Bank as defendant in a subprime "put back" litigation brought by monoline insurer CIFG against M&T and Goldman Sachs.
- The UK Administrators of Nortel's European, Middle Eastern and African affiliate in connection with their claims in the chapter 11 case of Nortel's U.S. affiliates in Delaware.

### Practice Groups and Other Information

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

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- Fortis Bank as plaintiff in litigation arising out of a \$285 million failed commercial real estate syndication.
- Societe Generale as plaintiff in a breach of contract action arising out of the termination of structured investment contracts with a notional value in excess of \$3 billion.
- Citibank as plaintiff in various actions for breaches of loan agreements.
- The Government of Ontario in the Chrysler and General Motors chapter 11 cases.
- 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.
- The Bank of Nova Scotia as a defendant in a \$5 billion "lender liability" action brought by the Adelphia Creditors' Committee.
- The Bank of Nova Scotia as pre-petition agent in New World Pasta's chapter 11 proceedings.
- 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.)
- 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.
- IBM Credit in the Pan Am and Best Products cases.
- Sanwa Bank as the single largest mortgagee in the collapse and reorganization of the Olympia & York real estate empire.
- 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; and as a plaintiff in litigation against MBIA challenging the restructuring of its monoline insurance business as a fraudulent conveyance.
- Sumitomo Mitsui Banking Corporation as aircraft financier in the United Airlines and US Air reorganizations.
- Transamerica Business Credit Corporation as defendant in various "lender liability" cases.
- Skopbank as lender to a failed REIT and as a "lender liability" defendant.
- The chapter 7 trustee in litigation and related case management in Metro-Tec.

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- Served as the court-appointed Examiner in the Nellson Neutraceutical case in Delaware.

### Highlighted Publications

- Panelist, "Litigation Panel: What Are Shareholders Fighting About?" (ABI 2011)
- Guest Lecturer, "DIP Financing," Brooklyn Law School (March 2009 and March 2011)
- Author and Panelist, "Litigating Class Action Claims in Bankruptcy Cases" (ABI 2010)
- 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)
- 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* 2005-2011 as one of the leading Bankruptcy/Restructuring lawyers in the United States.
- Fellow, American College of Bankruptcy (Selected for Class of 2012)

### Previous Experience

- Partner for nearly 20 years at the bankruptcy, creditors' rights and finance firm Luskin Stern & Eisler, which was acquired by

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Hughes Hubbard in October 2008.

- Moses & Singer (1987-1989)
- Gelberg & Abrams (1980-1987)
- Rogers & Wells (1977-1980)