



ALBERT TOGUT

Togut, Segal & Segal LLP
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New York, New York 10119
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August 1, 2024

I. Profession

Attorney

Accrediting Agency or Jurisdiction

State of New York (May 20, 1975)
U.S. District Court for the Southern District of New York
U.S. District Court for the Eastern District of New York
U.S. Bankruptcy Court for the District of Delaware
U.S. Bankruptcy Court for the District of New Jersey
U.S. Bankruptcy Court for the Eastern District of Michigan
U.S. Court of Appeals for the Second Circuit
Supreme Court of the United States

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II.	Professional Organization	Date of Admission	Active/Inactive
	American College of Bankruptcy	2002	Active
	International Insolvency Institute	2008	Active
	American Bankruptcy Institute	1985	Active
	<i>Former Officer and Member of Board of Directors</i>		
	International Bar Association	1996	Active
	INSOL	1975	Active
	American Bar Association	1975	Active
	Federal Bar Council	2020	Active
	Association of the Bar of the City of NY	1989	Active
	National Assn of Bankruptcy Trustees	1982	Active

III. General professional experience:

I have specialized in corporate reorganizations, creditors rights and bankruptcy law since I was admitted to practice 49 years ago. In 1980, I formed the firm of Togut, Segal & Segal LLP, a nationally recognized bankruptcy boutique known for its sophisticated work offered at lower billing rates than the other major New York City firms.

My firm has served as court-authorized counsel to the debtor or official committee, or principal owner in some of the largest and highest profile Chapter 11 cases, including Endo Pharmaceuticals, Vice Media, Latam Airlines, Endo Pharmaceutical, McClatchy Newspapers, Pacific Drilling, Westinghouse, American Airlines, Kodak, Lehman Brothers Aurora, General Motors, Chrysler Automotive, Enron, Toisa Shipping, Dewey & LeBeouf, Relativity Media, Avaya, Nautilus, Ambac Financial, Sun Edison, Aeropostale, A&P, Delphi Automotive, Collins & Aikman, St. Vincent's Hospitals, Charter Communications, Loehman's, Frontier Airlines, Tower Automotive, Winn-Dixie, Ames Department Stores, Loew's Cineplex, SK Global, Daewoo International (America) Corp. (which together with its Korean parent underwent the largest non-sovereign debt restructuring in history with aggregate liabilities exceeding \$70 billion); Allegiance Telecom, OnSite Access, joan and david helpen inc. (the famous luxury footwear and accessory retail chain); ContiFinancial Corporation, et al. (consumer finance companies responsible for originating, purchasing, selling and/or servicing billions of dollars in home equity loans).

My firm was lead counsel to the European Operations of Westinghouse, Lehman Brothers' Aurora mortgage origination company, Rockefeller Center Properties, and Olympia & York Tower B Company, better known as the World Financial Center, which involved the restructuring of a 43-story commercial office building located at Two World Financial Center at Battery Park in Manhattan. I served as lead counsel to Pacific Drilling, and Toisa Shipping, both of which confirmed consensual Chapter 11 plans in 2018.

For the past 18 years, I have been the Future's Claims Representative in Quigley, a Pfizer-owned company and I now represent Roger Frankel as the Futures Claims representative of Cyprus Mines. Ken Feinberg is the mediator in that case. In Johnson & Johnson's LTL case, I represented Mr. Feinberg who was appointed the Court's own valuation expert to determine the size and amount of talc tort claims. I am well versed in mass tort cases.

Since 1981, I have been an active member of the bankruptcy trustee panel maintained by the Department of Justice in the Southern District of New York and have served as Trustee in bankruptcy in several thousand bankruptcy cases, under Chapter 11 and Chapter 7 of the Bankruptcy Code, including Refco, LLC (registered commodities broker) which at \$4 billion, is the largest Chapter 7 case in the history of bankruptcy; Anthracite Capital, Inc., a specialty real estate finance company that invested in commercial real estate assets; Kingston Square (which owned apartment complexes subject to secured claims of approximately \$400 million), and Axona International Credit & Commerce Limited (the liquidation of a Hong Kong banking institution).

This year, I was appointed by Chief Judge Michael Kaplan of the New Jersey Bankruptcy Court to mediate a complex dispute in the real estate Chapter 11 case concerning the former Vesey Street headquarters of the New York County Lawyers Association. As a registered mediator in the Southern District of New York, I was appointed Mediator for the

dispute with the Noteholders of Solutia, that was settled for \$220.5 million. In Calpine, I represented the Court-appointed valuation expert who was appointed to assist the Court in evaluating the \$10 billion spread between competing estate values which was resolved by consensual agreement of the parties allowing the Court to have an uncontested confirmation hearing. The work done in Calpine got the parties to agree to the settlement. I was asked to mediate close to 100 adversary proceedings which were commenced in the Conseco cases in Chicago, nearly all of which I settled. None of my mediations ever hit an impasse. All were successful.

I am a Fellow of the American College of Bankruptcy, a Fellow of the International Insolvency Institute, co-Chair of the Commission of the American Bankruptcy Institute ("ABI") that studied the reform of Chapter 11, and a past Officer and ABI Director and Chair of its New York City program; I also served on the ABI's fee-study commission that examined professional fees in chapter 11 business bankruptcy cases. The ABI's fee commission's report provides the most comprehensive, independent look at professional fees in chapter 11 cases to date. I was twice a member of the Committee on Bankruptcy and Reorganization of the Association of the Bar of the City of New York, a member of the International Bar Association, and a past President of the Bankruptcy Lawyers Bar Association of New York.

For six years, I chaired a Task Force of the Business Bankruptcy Committee of the American Bar Association Section of Business Law that analyzed disclosure statement requirements and confirmation practices in Chapter 11 cases. I have written and lectured on many topics under the former Bankruptcy Act and current Bankruptcy Code, and have particular expertise in conflicts of interest and ethics.

In 2019, I was honored by the Lincoln Center Corporate Council for my leadership in corporate reorganizations. I received the New York Institute of Credit Leadership Award and was also the recipient of the Prof. Lawrence P. King award. I have been named a New York Super Lawyer every year since 2007 and have been named in the Top 100 lawyers in New York, and have been repeatedly chosen as a "Leading Lawyer" by Chambers USA.

IV. Mediation training:

I successfully completed the three-day NASD Dispute Resolution course of the Southern District Bankruptcy Court headed by the immediate past chief bankruptcy judge, the Hon. Cecelia G. Morris, which was held on October 30, 31 and November 1, 2002 at the U.S. Bankruptcy Court in Bowling Green, New York.

V. Pertinent to serving as a mediator:

Throughout my career, I have earned the reputation of being a problem-solver and consensus builder. In this era of litigious parties, nearly every one of my cases has resulted in a consensual confirmation hearing. People trust me, my word and my leadership. That is hugely important in every mediation.

I am often referred to as a "dean of the bankruptcy bar" because of my many leadership roles over nearly five decades. Due to the many efforts that I have led, I know a tremendous number of people and those relationships help in getting people to move toward an agreement.

And I have an enormous amount of experience in huge and complex cases involving many billions of dollars. That sophistication also helps in getting people to "yes."

