



Steven B. Smith

Partner

ssmith@herrick.com

(212) 592-1474 PHONE

(212) 545-2345 FAX

Steven B. Smith focuses his practice on complex corporate restructuring, liquidations and bankruptcy litigation, including in-court Chapter 11 and Chapter 15 cases and out-of-court workouts. He has extensive experience representing distressed debt investors, bondholders, official and ad-hoc creditor committees, administrative and collateral agents, indenture trustees, stalking horse and other asset purchasers, trade and tort claimants, and other significant parties-in-interest in a variety of jurisdictions across the United States.

Steve is also experienced in the analysis of true sale, non-consolidation, and bankruptcy remoteness principles in opinion and related contexts and has lectured on the topic on numerous occasions.

Steve played an active role in the following reported decisions:

- *Bricklayers and Trowel Trades International Pension Fund v. Wasco, Inc.*, 2015 WL 9459945 (M.D. Tenn. 2015)
- *In re TS Employment, Inc.*, 2015 WL 4940348 (Bankr. S.D.N.Y. 2015)
- *In re Intermet Corp.*, 2009 WL 2868749 (Bankr. D.Del. 2009)
- *In re XO Communications, Inc.*, 2008 WL 4587118 (C.A.2 (N.Y.) 2008)
- *In re Whitehall Jewelers Holdings, Inc.*, 2008 WL 2951974 (Bankr. D.Del. 2008)
- *Houlihan Lokey Howard & Zukin v. High River Limited Partnership*, 369 B.R. 111 (S.D.N.Y. 2007)
- *In re Muscletech Research and Development, Inc.*, (2006), 19 C.B.R. (5TH) 57 (Canada)
- *In re Ad Hoc Committee of Tort Victims*, 327 B.R. 138 (S.D.N.Y. 2005)
- *In re XO Communications, Inc.*, 323 B.R. 330 (Bankr. S.D.N.Y. 2005)
- *In re XO Communications, Inc.*, 330 B.R. 394 (Bankr. S.D.N.Y. 2005)
- *In re Exide Technologies, Inc.*, 299 B.R. 732 (Bankr. D. Del. 2003)

While in law school, Steve served as a judicial intern to Chief Judge William H. Gindin of the U.S. Bankruptcy Court for the District of New Jersey.

Services

- Restructuring & Finance Litigation
- Commercial Finance and Lending
- Litigation

Education

- Brooklyn Law School (J.D., 1999)
- Yeshiva University (B.A., 1996)

Accolades

- Thomson Reuters' *New York Super Lawyers*, 2014 - 2015
- Thomson Reuters' *New York Super Lawyers, Rising Stars*, 2011, 2013

Memberships & Associations

- New York City Bankruptcy Assistance Project Steering Committee
- Member, New York City Bar Association
 - Bankruptcy & Corporate Reorganization Committee
- UJA Bankruptcy and Reorganization Group Next Generation Committee
- Barry L. Zaretsky Roundtable Steering Committee
- Board of Editors, *The Bankruptcy Strategist*
- Member, Strafford Bankruptcy Law Advisory Board
- Master, The Bankruptcy American Inn of Court
- Member, American Bankruptcy Institute

Representative Matters

In re C.T.W. Realty Corp. (S.D.N.Y.)

Representing the debtor in multi-million dollar restructuring concerning a commercial building in Manhattan.

In re Blackhawk Mining, LLC, et al. (D. Del.)

Representation of Cantor Fitzgerald Securities as (i) successor administrative agent and collateral agent under a \$660 million first lien facility, (ii) the administrative agent and collateral agent under a \$150 million DIP facility in connection with the chapter 11 case of Blackhawk Mining, and (iii) the administrative agent and collateral agent under an \$85 million exit facility.

Sears - Special Counsel to Creditors Committee

Acting as special counsel to the creditors committee in investigating and pursuing claims of wrongful conduct in connection with debtors' auction of MTN notes.

Weinstein Companies, LLC

Representing a bank in connection with a dispute over royalties payable under a licensing agreement.

IRS Realty LLC and ISRS Realty LLC

Representing a bank as mortgage lender in Chapter 11 cases involving commercial real estate in Westchester County.

In re Gymboree, et al. (S.D.N.Y.)

Representing a defendant in a WARN Act action arising out of the sale of substantially all of Gymboree's assets.

SunEdison, Inc.

Counsel to Reorganized SunEdison, Inc. concerning indemnity claims asserted by the syndication agent and lead arranger for a pre-petition second lien loan facility.

In re Ample Hills (Bankr. E.D.N.Y.)

Serving as counsel for 16 Debtors, operating 10 retail ice-cream stores in the New York metropolitan area, in connection with recently-filed chapter 11 cases where company is seeking to sell its business as a going concern to restructure approximately \$15 million in debt.

In re Whiting Petroleum Corporation, et al. (Bankr. S.D. Tex.)

Representing indenture trustee for convertible noteholders in connection with Debtors' bankruptcy cases.

Chinatown Commercial Building Sale Post-Bankruptcy

Represented an affiliate of a New York City-based family office on the approximately \$28.6MM sale of a largely vacant commercial building in the Chinatown neighborhood of Manhattan. The sale was following a bankruptcy court order, in a Chapter 11, single-asset bankruptcy case.

In re RLCH, Inc. (Bankr. E.D.N.Y.)

Serving as counsel to the Debtor that owns a seven-story mixed-use building with 23 residential apartments, a community facility, and parking spaces for automobiles and seeks to resolve certain litigation claims, complete repairs of the real property and the condominium approval process, and reorganize its business affairs under chapter 11 of the Bankruptcy Code.