



## FINANCIAL POISE WEBINAR ONE SHEET **BANKRUPTCY BATTLE ROYALE 2019- COMMON COMMITTEE CONTROVERSIES**

### SERIES OVERVIEW

No matter how you are involved in a Chapter 11 bankruptcy proceeding, there is a real chance you will wind up litigating some issue. Litigating in bankruptcy court, however, is very different than litigating in any other federal or state court because the customs, rules and players are all different. This webinar is designed for the litigator who does not generally find herself in front of a bankruptcy judge

As with all Financial Poise Webinars, each episode in the series episode is delivered in Plain English, bringing you into engaging, sometimes humorous conversations designed to entertain as they teach. And, as with all Financial Poise Webinars, each episode in the series is designed to be viewed independently of the other episodes, so that participants will enhance their knowledge of this area whether they attend one, some, or all of the episodes.

### EPISODE SUMMARIES

#### EPISODE #1

##### **Cash Collateral and DIP Loan Contests**

February 26, 2019 at 1:00 PM CST

*Show me the money!* Debtors in Chapter 11 cases cannot survive without money to continue operations, pay vendors and professionals, and work to restructure debt and/or sell assets. Where do those necessary funds come from? There are really only two sources – cash the debtor has or can generate (in either case, generally the collateral of the secured lender) or new money coming into estate in the form of a post-petition debtor-in-possession (DIP) loan. At the very outset of the case, a debtor must obtain a court order allowing it to use its cash when that cash is the collateral of a third party or must obtain authority from the court to borrow funds. In either case, what the debtor is permitted or not permitted to do can seal the fate of a case from the outset. As a result, the battles over the terms of the use of cash collateral or DIP financing are some of the most hotly contested in the Chapter 11 process. This webinar examines the issue involved and how the various constituencies



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fight about them.

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### **EPISODE #2**

#### **Anatomy of a Preference Action**

March 26, 2019 at 1:00 PM CST

Chapter 5 of the Bankruptcy Code creates certain causes of action that arise only upon the filing of a bankruptcy case. Specifically, these provisions enable the debtor or trustee to take actions to bring assets back into the debtor's estate. Most commonly, these come in the form of preference lawsuits. This webinar discusses the standards for bringing these causes of action and then dives into how to defend against them. The panelists also provide practical tips on how creditors can try to protect and insulate themselves from these attacks ahead of time, by taking certain precautions when dealing with distressed business prior to the filing of a bankruptcy case.

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### **Episode #3**

#### **Anatomy of a Fraudulent Transfer**

April 23, 2019 at 1:00 PM CST

Fraudulent transfer law is old. The precursor to our modern fraudulent transfer law dates back to the Statute of Elizabeth, enacted in England in the 16th Century. It was designed to protect creditors against debtors that would thwart collection efforts by giving away their property with the hopes of having it reconveyed after discouraged creditors gave up on collecting their claim. Today, every state has its own fraudulent conveyance law, which is applicable outside of bankruptcy as well as in bankruptcy. In addition, the Bankruptcy Code contains its own fraudulent conveyance law, codified in §548 of the Code, which applies only in bankruptcy cases. This webinar discusses the elements of a fraudulent transfer lawsuit and how one can be defended against.



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#### **EPISODE #4**

##### **Contesting Confirmation**

May 21, 2019 at 1:00 PM CST

A chapter 11 plan of reorganization or liquidation is the document that controls the methodology and order by which the debtor proposes to pay its creditors. The plan is subject to comment and criticism by any party affected by it – namely, each and every creditor of the debtor, potential targets of causes of action that the debtor may have, and parties that may have potential causes of action against the debtor. Confirmation of a plan is commonly a key goal in a chapter 11 case. Why? And trying to confirm one is often rife with dispute and litigation. Why? This webinar explores this process and provides guidance as to how to both defend and attack the confirmation of a debtor’s chapter 11 plan.

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