

John H. Drucker, Esq.

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**I. Profession: Jurisdiction**

I have been licensed or admitted as a practicing attorney and I remain in good standing in the jurisdictions identified below:

<u>Profession</u>	<u>Accrediting Agency or Jurisdiction</u>	<u>Date of Admission</u>
Attorney	Appellate Division Second Department State of New York; New York State Bar	1979
Attorney	U.S. District Court E.D.N.Y.	1981
Attorney	U.S. District Court S.D.N.Y.	1983
Attorney	U.S. District Court N.D.N.Y.	1985
Attorney	United States Supreme Court	1989
Attorney	U.S. Court of Appeals, Second Circuit	1989
Attorney	U.S. Court of Appeals, Third Circuit	1990
Attorney	U.S. Court of Appeals, Eleventh Circuit	1998
Attorney	U.S. Court of Appeals, Ninth Circuit	1998

**II. Professional Organizations:**

I am a member of good standing of the professional organizations listed below:

<u>Professional Organization</u>	<u>Date of Admission</u>	<u>Active</u>	<u>Inactive</u>
American Bar Association	Member since 1989	X	
American Bankruptcy Institute	Member since 1997	X	
New York State Bar Association	Member since 1998	X	

**III. Alternate Dispute Resolution Training and Certification:**

- (i) Received Certificate from the Harvard Law School Program on Negotiation (“PON”) Mediation Workshop October 22-26, 2007 ( 5-day intensive program).

- (ii) Participant in American Bar Association Section of Dispute Resolution program “ *The .Best Impasse Breaking technique: Preparation* “ November 8, 2011
- (ii) Basic Arbitration Training sponsored by City Bar Center for Continuing Legal Education, April 2004, 3 hours.
- (iii) Certificate of Mediation Skills Training issued by the Institute for Conflict Management, Inc., for two-day program sponsored in June 1995 by the U.S. Bankruptcy Court, S.D.N.Y.

#### **IV. General Professional Experience:**

I am a shareholder of the law firm of Cole, Schotz, Meisel, Forman & Leonard P.A., resident in the New York City office. As a member of the firm of Cole Schotz and, previously, as a member of the firm of Angel & Frankel, P.C., I have developed a national reputation in corporate reorganization/ bankruptcy/ insolvency law- related matters through the representation of debtors, debtors-in-possession, and other parties in interest in sophisticated Chapter 11 proceedings and in non-judicial corporate reorganization and restructurings. I frequently represent domestic and international businesses and individuals in a wide range of matters involving formal bankruptcy, out-of-court restructuring, and workouts of financially troubled companies. I have substantial experience and expertise in the representation of business debtors, creditors, creditors' committees, asset purchasers, landlords, secured creditors, shareholders, class-action claimants, Chapter 11 trustees, liquidating trustees, plan administrators, and governmental units and agencies. I have served as a party-appointed neutral arbitrator under the American Arbitration Association rules for large complex commercial disputes.

I provide mediation services and serve on the authorized panel of mediators maintained by (a) the U.S. Bankruptcy Courts for the Southern District of New York; (b) the District of Delaware; and (c) the United States District Court for the Southern District of New York. I have mediated bankruptcy and non bankruptcy related matters. Non bankruptcy related matters have included commercial and employment disputes.

I have been a practicing attorney since 1979. From June 1979 through September 1981, I was General Counsel to Ronko Sports, Inc, whose primary business was the ownership and operation of a sport and recreational resort. Throughout this period I also maintained a private practice located in Sullivan County, N.Y. From September 1981 until March 1986, I was an associate at Angel & Frankel, P.C., a nationally recognized corporate reorganization and bankruptcy boutique firm located in New York City. From 1986 until joining Cole Schotz in the beginning of 2006, I was a member of Angel & Frankel, P.C.

I have been lead counsel or participating counsel in numerous adversary proceedings and contested matters. In hundreds of preference and avoidance actions, I served as lead counsel for the plaintiff/debtor or the defendant. I also have acted as lead or participating counsel in large, medium, and small corporate, commercial, and individual bankruptcies, including, by example, the cases and matters appearing at the end of this profile (see Section VIII, below).

I have been awarded an AV rating, the highest possible rating, for professionalism and the quality of my legal work, from Martindale-Hubbell, the premier directory of legal professionals. I have also been selected by my peers for inclusion in the prestigious Best Lawyers in America in Bankruptcy and Creditor-Debtor Rights Law, 2007-2012, and as a New York Super Lawyer in Bankruptcy and Creditor/ Debtor Rights, 2008-2012.

**V. General Pertinent Experience:**

The following is a general statement concerning my pertinent mediation experience.

I provide mediation services and serve on the authorized panel of mediators maintained by the (a) U.S. Bankruptcy Courts for the Southern District of New York; (b) District of Delaware; and (c) United States District Court for the Southern District of New York. I have mediated bankruptcy and non bankruptcy related matters. Non bankruptcy related matters have included commercial and employment disputes.

In addition to the experience gained by my participation in the Harvard Law School Program on Negotiation (“PON”) Mediation Workshop October 22-26, 2007 (5-day intensive program) and other mediation training, I often am called upon to utilize my mediation skills when representing debtors and other parties in interest in Chapter 11 proceedings. Mediation skills often come into play when negotiating resolutions of sophisticated and complex issues and disputes, not only between the debtors and other parties-in-interest, but also between and among the various parties-in-interest. At the request of the parties or the court, I have served as a mediator in matters involving commercial disputes, employment disputes and landlord-tenant disputes. I also have participated as an advocate in the formal mediation of numerous matters. In addition, I have served as a party-appointed neutral arbitrator under the American Arbitration Association’s rules for large complex commercial disputes.

**VI. Pertinent Bankruptcy Training**

See Sections I, II, III, and IV above and VIII below

**VII. General Pertinent Business or Legal Experience**

- (i) See Sections I, II, III, and IV, above, and VIII, below.
- (ii) Lecturer: The New York State Bar Association  
“Litigating in the New York U.S. Bankruptcy Courts,” Fall 1998
- (iii) Mediator: Court-appointed mediator on official registers of mediators for the United States Bankruptcy Courts for the (a) U.S. Bankruptcy Courts for the Southern District of New York; (b) District of Delaware; and (c) United States District Court for the Southern District of New York.

**VIII. Representative Cases/Matters**

- The Lionel Corporation and Lionel Leisure Inc., a large national toy and leisure product retailer and public parent holding company
- The Great Atlantic & Pacific Tea Company, inc, et al. a national food retailer. Lead bankruptcy counsel to class action plaintiffs with respect to consolidated Chapter 11 cases  
Lead bankruptcy counsel to debtors and debtors-in-possession in Chapter 11 cases
- The Athlete's Foot Stores, LLC, a large national retailer of athletic footwear and related merchandise  
Lead bankruptcy counsel to debtors and debtors-in-possession in Chapter 11 cases
- Adelphia Communications Corp., et .al., a cable systems operation  
Lead bankruptcy counsel to class action plaintiffs with respect to consolidated Chapter 11 cases

- Bethlehem Steel Corporation, a large steel manufacturer and distributor  
Lead counsel to defendant in preference litigation in Chapter 11 cases seeking avoidance of transfers to defendant in excess of \$2 million
- Brown Publishing Company, et al, publishers of regional newspapers and other publications throughout the United States  
Lead counsel to Creditors' Committee in chapter 11 proceedings in the E.D.N.Y.
- Tricom, S.A., a Dominican Republic telecommunications company in Chapter 11 proceedings in the S.D.N.Y.  
Lead bankruptcy counsel to foreign bank in its capacity as holder of claims in excess of US \$116,000,000.00.
- Wedtech Corp., a large national publicly held defense contractor  
Lead bankruptcy counsel to company as debtor and debtor-in-possession in Chapter 11 cases and lead bankruptcy counsel to Chapter 11 liquidating trustee
- ANC Rental Corporation, et al., the parent company at time of bankruptcy filing to co-debtors Alamo and National Car Rental  
Lead bankruptcy counsel in Chapter 11 cases to surety company with exposure at commencement of cases in excess of \$100 million
- Ermco Erectors Inc., a small family-held steel erector contractor business  
Lead counsel to company as debtor and debtor-in-possession in Chapter 11 reorganization
- Cyttox Corp. and Polybac Corp., a small public biochemical manufacturer and distributor  
Lead counsel to companies as debtors and debtors-in-possession in Chapter 11 reorganization
- Drexel Burnham Lambert Group, Inc., a securities and investment firm  
Co-lead bankruptcy counsel to class action claimants in corporate Chapter 11 case
- Lone Star Industries, a manufacturer and distributor of cement, concrete, and aggregate  
Lead bankruptcy counsel to class action claimants in Chapter 11 reorganization
- Accessory Place, Inc., a medium-sized retailer of ladies' accessory items  
Lead bankruptcy counsel to company as debtor and debtor-in-possession in Chapter 11 reorganization case
- Berger Industries Inc., a publicly held manufacturer and distributor of steel tubing and electrical fittings  
Lead bankruptcy counsel to company as debtor and debtor-in-possession in corporate Chapter 11 case
- Orbit Industries, Inc., a manufacturer, importer and distributor of ladies' sports wear  
Bankruptcy counsel to company as debtor and debtor-in-possession in Chapter 11 reorganization case
- Caldor, Inc., Petrie Retail, Inc., Rickels, Inc., national retailers  
Bankruptcy counsel to certain landlords in corporate Chapter 11 reorganization cases
- Constable Plaza Associates LP, a single-asset real estate holding entity  
Bankruptcy counsel to company as debtor and debtor-in-possession
- Trim Corporation of America and Concept Fixtures, a manufacturers of displays  
Counsel to creditors' committee
- The New Hague Restaurant, Inc., small restaurant  
Counsel to creditors' committee
- Salisbury Sales Corp., retailer of linens and housewares  
Lead bankruptcy counsel to company as debtor and debtor-in-possession in Chapter 11 case
- Woodward & Lothrop, Inc., large retail department store chain  
Bankruptcy counsel to governmental unit responsible for public employee retirement fund
- Grossingers, a resort in Sullivan County, NY  
Bankruptcy counsel to party to alleged executory contract/joint venture agreement
- Delta Airlines, Inc.  
Local NY bankruptcy counsel to surety company secured creditor in Chapter 11 cases

- Sure Sellers, Inc., book publisher  
Bankruptcy counsel to purchaser of assets in bankruptcy case