



C. Edward Dobbs
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Education

- Davidson College (A.B., 1971)
- Vanderbilt University School of Law (J.D., 1974); Order of the Coif; Articles Editor, Vanderbilt Law Review, 1973-1974

Admitted to Practice

- All Georgia Courts
- United States Supreme Court
- 11th Circuit Court of Appeals
- 5th Circuit Court of Appeals
- U.S. District Courts for Northern and Middle Districts of Georgia
- U.S. District Court for Eastern District of Michigan

Overview

Mr. Dobbs' practice for more than 44 years has been concentrated in documenting and closing commercial loans for banks and other financial institutions, including asset-based lending arrangements; representing secured creditors and debtors in debt restructurings, workouts and forbearance arrangements; representing financial institutions as secured and unsecured creditors in Chapter 11 bankruptcy cases, including in the defense of claims; and representing unsecured creditors, creditors' committees and debtors in Chapter 11 reorganization cases.

Mr. Dobbs has been involved in large Chapter 11 cases in bankruptcy courts throughout the southeast, as well as in Delaware, Louisiana, Michigan, New York, Oklahoma and Texas. In addition to his experience representing both debtors and creditors in bankruptcy cases and in representing financial institutions in large commercial loan transactions, Mr. Dobbs has also served as an expert witness on various commercial law and bankruptcy matters.

A long-time participant in the alternative dispute resolution arena, Mr. Dobbs is on the panel of neutrals maintained by the American Arbitration Association for complex commercial cases and frequently serves as a mediator in complex commercial disputes, including controversies arising out of or related to corporate bankruptcy cases.

Arbitration and Mediation Experience

Arbitration: For more than 22 years, Mr. Dobbs has served as an arbitrator in numerous complex commercial disputes, including disputes under Articles 2 and 9 of the Uniform Commercial Code, construction litigation disputes, cases involving brokerage commissions and other breach of contract matters, accounting and auditor malpractice cases, intellectual property cases, real estate disputes, disputes under partnership agreements, lender liability matters, disputes involving change of control provisions in investment banking agreements, and various cases involving conversion, fraud and breach of fiduciary duty.

Mediation: For more than 20 years, Mr. Dobbs has served as a mediator in numerous complex commercial matters in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Minnesota, North Carolina, South Carolina, Tennessee, and Texas, including (i) commercial litigation arising out of or related to bankruptcy cases, fraudulent transfer claims (including claims arising from Ponzi schemes), professional fee disgorgement disputes in administratively insolvent bankruptcy cases, voidable preference claims, dischargeability disputes, plan confirmation challenges, suits against officers and directors for breach of fiduciary duty, and (ii) disputes under commercial leases, lender liability claims, inter-bank disputes (including disputes under participation and syndication agency agreements), claims asserted under various types of contracts (including sales and distribution agreements, construction contracts, and joint venture agreements), suits on guaranties, and claims by banks and insurers regarding scope and coverage of mortgage credit insurance.

Alternative Dispute Resolution Training and Teaching:

- Arbitration Institute, Institute of Continuing Legal Education In Georgia (2012, 2017, 2019); Alternative Dispute Resolution Training AAA Webinar, Drafting Mediation Settlements that Stick, 2011; AAA Webinar, What's a Respondent Like You Doing in a Place Like This? Confronting Arbitrability and Jurisdiction Issues in Arbitration, 2011; AAA Webinar, How Are Your (Negotiation) Table Manners?, 2011; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; ABA Program, Code of Ethics for Arbitrators, 2004; AAA Commercial Arbitrator II Training, 2002; AAA Arbitrator Update 2001; AAA Commercial Arbitrator Training, 1999; AAA Commercial Mediator Training, 1997.
- Course instructor, ABI/St. Johns Law School Bankruptcy Mediation Course (2010-2018)

Professional Activities

- Fellow, American College of Bankruptcy (since 1993)
- Fellow, American College of Commercial Finance Lawyers (since 1991; President, 1996-1998)
- Fellow, Lawyers Foundation of Georgia (1983-); American Bar Foundation (2011-)
- Atlanta Chapter of Turnaround Management Association (Board member, 2002-2010; President 2007 - 2009)
- Adjunct Professor of Law, Emory University School of Law (1987-1992)
- Member, National Academy of Distinguished Neutrals

- Vice President, Georgia Arbitration Forum
- Master of the Bench, W. Homer Drake, Jr. Georgia Bankruptcy American Inn of Court (2014-)
- American Judicature Society (Member, Board of Directors, 1981-1982)
- Board of Directors, CFA Education Foundation, Inc.
- Faculty Member, Association of Certified Turnaround Professionals
- State Bar of Georgia (Chairman, Section of Bankruptcy Law, 1978-1979); Section of Dispute Resolution
- American Bar Association (ABA Young Lawyers Division, Chairman 1981-1982; Member, House of Delegates, 1982-1984; Creditors' Rights Subcommittee, Chair, 1994-1995; Syndications and Participations Subcommittee, Chair, 1996-1997, Member of Section of Business Law and Member, Section of Dispute Resolution)
- Board of Directors, Southeastern Bankruptcy Law Institute, Inc. (1979- ; President, 1991-1992, 2005-2006; Chairman, 1992-1993, 2006-2007)
- Member, American Arbitration Association, National Roster of Neutrals (arbitrations and mediations)

Civic Involvement

- Board of Trustees, Davidson College (2009-2011)
- Board of Visitors, Davidson College (2005-); Chairman (2009-2010)
- Board of Directors, Trees Atlanta, Inc. (2002-), President (2009-2013)
- Board of Trustees, The Georgia Conservancy (2012-present; chair, 2016-2018)
- Alumni Council, Vanderbilt University School of Law (1997-1999)

Representative Engagements

- Represented numerous financial institutions in syndicated loan transactions from \$100 million to in excess of \$1 billion, many of which have involved multi-currency loans to affiliated borrowers in Canada, the United Kingdom, Italy, France, Germany, Denmark and Belgium.
- Represented Oglethorpe Power Corporation, as co-owner of two nuclear plants under construction in Georgia, with respect to aggregate \$4.5 billion claim against Westinghouse Corporation and affiliates as Chapter 11 debtors in Southern District of New York.
- Represented The Colonial BancGroup, Inc., a bank holding company, as debtor, in a Chapter 11 case in Montgomery, Alabama
- Represented numerous financial institutions in connection with investigation and prosecution of claims arising from fraud perpetrated on the financial institutions by third parties.
- Represented Bank of America as agent bank with respect to \$900 million DIP financing in Chapter 11 case of American Tire Distributors, Inc., in Delaware; \$850 million DIP financing in ModSpace and affiliates in Delaware; \$350 million credit facility in Chapter 11 case of Kellstrom Industries in Delaware; \$350 million DIP financing in Chapter 11 case of West Point Stevens in Southern District of New York; \$120 million credit facility in Chapter 11 bankruptcy case of Plastech Engineered Products, Inc. and affiliates in

Detroit, Michigan, and in connection with debtor-in-possession financing for those debtors.

- Represented Enstar Group as debtor in in Chapter 11 case, which resulted in full payment of more than \$175,000,000 in debt, together with a distribution to equity security holders and subsequent listing of the reorganized debtor on the New York Stock Exchange
- Represented Regions Bank as prepetition lender and DIP lender in Chapter 11 case of Bruno's Inc. in Birmingham, Alabama
- Represented Ames Taping & Tooling and affiliates, as debtors, in Chapter 11 cases in Delaware
- Represented Barclays Bank in Chapter 11 case of Murray Industries (manufacturer of Chris Craft boats) in Tampa, Florida
- Represented Vesta Insurance Group, Inc., a publicly traded insurance holding company, and its wholly owned management subsidiary, as Chapter 11 debtors in Birmingham, Alabama.
- Represented Currahee and affiliates, owners of resort and golf course development, as debtors in Chapter 11 cases in Atlanta, Georgia.
- Represented Standard Chartered Bank and Lloyd's Bank as secured creditors in Chapter 11 bankruptcy case of General Development Corporation in Miami, Florida.

Publications and Presentations

- Editor and Co-author, "Georgia Commercial Lending Law" in Commercial Lending Law: A State-by-State Guide (American Bar Association 2009, 2015 update pending)
- Editor and Co-Author, "Georgia State Law of Guaranties" in The Law of Guaranties (ABA 2013)
- Author, "Unlocking Horns: Lender Use of Mediation for Dispute Resolution," *ABL Advisor* (March 2015)
- Author, "Negotiating Points in Second Lien Financing Transactions," *4DePaul & Commercial Law Journal* 189 (2006)
- Author, "Negotiating and Documenting a 'Defensive' Debtor-in-Possession Financing," *The Review of Banking & Financial Services* (October 2003)
- Author, "Debt Subordinations," in *Asset Based Financing*, Matthew Bender (1985)
- Author, "Taking Warrants in Loan Transactions: Legal Risks and Remedies," *3Commercial Lending Review* 67 (1988)
- Co-author: "New Requirements for Financing Statements and Continuation Statements Filed in Georgia," *22 Georgia Bar Journal* (August 1985)
- Co-author: "Bankruptcy Preference Concerns in Industrial Development Bond Financing," *84 West Virginia State Law Review* 573 (1982)
- Author, ENFORCEMENT OF SECURITY INTERESTS IN PERSONAL PROPERTY, Harrison Company (1979)
- Author, REORGANIZATION UNDER CHAPTER 11 OF THE BANKRUPTCY CODE, Harrison Company (1980)
- Author, "Bankruptcy Reform Act of 1978 -- An Overview," *15 Georgia State Bar Journal* (1979)
- Numerous presentations at seminars on lending, UCC, bankruptcy, settlement negotiation and mediation topics sponsored by bar and banking associations and other CLE

providers, including the Atlanta Bar Association, the State Bar of Georgia, Mississippi Bar, Texas Bar, Tennessee Bar, Oklahoma Bar, Florida Bar, West Virginia Bar, the Practicing Law Institute, the American Bankruptcy Institute, the Commercial Finance Association, the Turnaround Management Association and Commercial Law League of America