



Stephen B. Gerald

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BIOGRAPHY

Mr. Gerald “thinks logically and strategically. He also gets to know your business in order to provide the correct advice for any given situation.” *Excerpt from Martindale*

Mr. Gerald focuses his practice on corporate bankruptcy, business restructurings, and related matters in the distressed debt space. He represents debtors, official committees, individual creditors and other parties-in-interest in chapter 11 and chapter 7 bankruptcy cases. He also serves as outside creditors’ rights counsel for several large public companies, assisting with risk management, claim maximization, ongoing business relationships, asset protection, and litigation, including preference and fraudulent conveyance actions. His experience is nationwide and covers a wide variety of industries including manufacturing, retail, energy, technology and government contracting.

MEMBERSHIPS & ACTIVITIES

- Turnaround Management Association (TMA)
 - Global Membership Council (2019-)
 - Mid-Atlantic Regional Symposium Planning Committee (2016-)

PRACTICES & INDUSTRIES

Business Reorganizations and Bankruptcy

Chapter 11 Reorganizations

Loan Workouts and Pre-Bankruptcy Planning

Creditors' Committee Representation

Trustee and Receiver Representations

Creditors' Rights

EDUCATION

University of Baltimore School of Law, 2000, J.D., cum laude

University of Baltimore, 1996, B.A.

ADMISSIONS

Delaware

Maryland

U.S. Court of Appeals: Fourth

- Chesapeake Chapter Board Member (2015-)
- Chesapeake Chapter Vice President, Membership (2015-)
- Chesapeake Chapter Public Relations Co-Chair (2016-18)
- Maryland State Bar Association (MSBA) Advanced Bankruptcy Institute, Faculty (2015-2017)
- American Bankruptcy Institute, Bankruptcy Litigation Committee and Business Reorganization Committee
- The Delaware Bankruptcy American Inn of Court, Member
- American Bar Association, Member
- Maryland Bankruptcy Bar Association, Member
- Delaware State Bar Association, Member
- Maryland State Bar Association, Member
- University of Baltimore Law Review, Staff Member (1998-2000)
- University of Baltimore Trial Team
- Teaching Assistant: University of Baltimore Legal Analysis, Research, and Writing Program
- Judicial Law Clerk: The Honorable Christian M. Kahl, Circuit Court for Baltimore County (2000-2001)

Circuit

U.S. District Court: District of Delaware

U.S. District Court: District of Maryland

ESTATE/COMMITTEE REPRESENTATIONS

- Co-Counsel to Official Committee of Unsecured Creditors, *VG Liquidation, Inc. fka Videology, Inc.* (D. Del. 2018) (BLS)
- Counsel to the Debtors, *Draw Another Circle, LLC* (D. Del. 2016) (KJC)
- Co-Counsel to Official Committee of Unsecured Creditors/Plan Administrator, *GAL Liquidating Corp. fka GST AutoLeather, Inc.* (D. Del. 2017) (LSS)
- Co-Counsel to Official Committee of Unsecured Creditors/Liquidating Trustee, *RS Legacy Corp fka RadioShack Corp.* (D. Del. 2015) (BLS)
- Co-Counsel to Chapter 7 Trustee, *National Dry Cleaners Inc.* (D. Del. 2008) (CSS)
- Counsel to Liquidating Trustee, *CanFibre of Riverside, Inc.* (D. Del. 2000) (KJC)

CREDITORS' RIGHTS REPRESENTATIONS

- Counsel to secured party protecting its rights in certain collateral. *Southcross Energy Partners, L.P.* (D. Del. 2019) (MFW)

- Counsel to lessor protecting rights related to equipment valued at over \$30 million, *Welded Construction, L.P.* (D. Del. 2018) (KG)
- Co-Counsel to secured party protecting its rights in certain collateral valued over \$26 million. *Woodbridge Group of Companies, LLC* (D. Del. 2017) (BLS)
- Counsel to landlord, *BlueFly Acquisitions, LLC* (D. Del. 2019) (KG)
- Creditors' rights counsel to Fortune 500 publically traded CPG company assisting with risk management, claim maximization, ongoing business relations, asset protection, and litigation. Recent engagements include:
 - *Shopko Retail Shops Holding Corp.* (D. Neb. 2019) (TLS)
 - *Sears Holdings Corp.* (S.D.N.Y. 2019) (RDD)
 - *Central Grocers, Inc.* (N.D. Ill. 2017) (PSH)
 - *ADI Liquidation fka AWI Delaware, Inc.* (D. Del. 2014) (CSS)
 - *Cal Premium Treats, Inc.* (N.D. Cal. 2016) (SCC)
 - *Fresh & Easy, LLC* (D. Del. 2015) (BLS)
- Creditors' rights counsel to Fortune 1000 publically traded power/defense/aerospace/industrial company with risk management, claim maximization, ongoing business relations, and litigation. Recent engagements include:
 - *FirstEnergy Solutions Corp.* (N.D. Oh. 2018) (AMK)
 - *Westinghouse Electric Co. LLC* (S.D.N.Y. 2017) (MEW)
 - *Energy Future Holdings Corp.* (D. Del. 2014) (CSS)
 - *USEC Corp.* (D. Del. 2014) (CSS)
 - *Hoku Corp.* (D. Id. 2013) (JDP)

PRESENTATIONS & PUBLICATIONS

Presentations

Presenter, "Maximizing Recoveries and Minimizing Risk When Doing Business with a Distressed Customer," National Association of Chemical Distributors Northeast Region Meeting, Annapolis, Maryland, September, 2019

Moderator, "Lust for Life: Cannabis, Casinos and Technology," Turnaround Management Association (TMA) Mid-Atlantic Regional Symposium, Atlantic City, New Jersey, June 2019

Moderator, "All in the Family: Dealing with Distressed Closely-Held or Family Owned Businesses," Turnaround Management Association (TMA) Mid-Atlantic Regional Symposium, Atlantic City, New Jersey, June 2018

Panelist, “Maximizing Recoveries and Minimizing Risk Before and After a Customer Files for Bankruptcy,” National Association of Business Owners and Entrepreneurs (NABOE)/Turnaround Management (TMA) Joint Presentation, Potomac, Maryland, 2017

Panelist, “How To: Depositions and Rule 2004 Examinations,” Maryland Bankruptcy Bar Association Spring Break, Annapolis, Maryland, May 2016

Panelist, "Preserving Intellectual Property in Chapter 11," Maryland State Bar Association Advanced Bankruptcy Institute, Columbia, Maryland, March 2015

Panelist, “Advanced Bankruptcy Roundtable – Structured Dismissals and Gifting,” Maryland State Bar Association Advanced Bankruptcy Institute, Columbia, Maryland, March 2014

Panelist, “Advanced Bankruptcy Roundtable – Hot Topics on Plan Confirmation,” Maryland State Bar Association Advanced Bankruptcy Institute, Columbia, Maryland, March 2013

Presenter, “Recent Developments in the Earmarking Doctrine,” Maryland Bankruptcy Bar Association, Baltimore, Maryland, April 2013

Presenter, “Employee Retention, Incentive and Severance Plans Under BAPCPA,” Maryland Bankruptcy Bar Association, Baltimore, Maryland, 2006

Publications

“What to Do When a Customer Files for Bankruptcy,” *Strategic Finance Magazine*, October 2015

"Employee Compensation Programs: A Study of Judicial Interpretation Under BAPCPA (Part 1 of 2)," 19 Bankr. L. Rep. (BNA) 618 (2007)

"Employee Compensation Programs: A Study of Judicial Interpretation Under BAPCPA (Part 2 of 2)," 19 Bankr. L. Rep. (BNA) 646 (2007)

"Judgments of Prior Conviction as Substantive Proof in Subsequent Civil Proceedings: A Study of Admissibility and Maryland's Need for Such a Hearsay Exception," 29 U Balt. L. Rev. 57 (1999)