



MARC E. HIRSCHFIELD

PARTNER

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BIOGRAPHY

Marc E. Hirschfield, recognized by Best Lawyers for Bankruptcy Litigation for the fifth consecutive year and by New York SuperLawyers since 2011, focuses his practice on bankruptcy, business restructuring, creditors' rights, litigation, and debt finance. With 30 years of experience as an attorney, Marc regularly represents parties in bankruptcy proceedings and related litigation throughout the country. Marc is also a court-certified mediator and is appointed to mediation panels formed by the United States Bankruptcy Courts for the District of Delaware and for the Southern and Eastern Districts of New York. He is a member of the American Bankruptcy Institute and a member of the Turnaround Management Association. Marc serves on the Board of Directors of the Turnaround Management Association's New York Chapter.

Marc is also an accomplished debt finance attorney where he regularly represents lenders and borrowers in a variety of debt finance transactions including secured, unsecured, unitranche, first lien/second lien and senior/mezzanine structures, in the forms of term loans, revolving facilities and asset-backed loan facilities.

Marc serves as pro bono general counsel to and serves as Captain of the Chappaqua Volunteer Ambulance Corps (CVAC), as well as being CVAC's First Lieutenant and member of its Board of Directors. He is a New York State Certified Emergency Medical Technician and is included in the National Registry of Emergency Medical Technicians. Marc is a member of the Ski Patrol at Ski Butternut in Massachusetts. He teaches people to become ski patrollers and Emergency medical technicians (EMTs).

HONORS

Best Lawyers in America, 2018-2024

- Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law

Chambers USA, 2010 -2014

- Bankruptcy/Restructuring

New York Super Lawyers, 2011-Present

EDUCATION

J.D., *magna cum laude*, State University of New York at Buffalo School of Law, 1992

- *Buffalo Law Review*, Editor

- Moot Court Board, Member

B.A., Phi Beta Kappa, Outstanding Academic Achievement Honors, State University of New York at Binghamton, 1989

ADMISSIONS

New York
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
U.S. District Court for the Western District of New York
Second Circuit Court of Appeals
Connecticut

Client Experience

- More than 160 companies under common ownership with Purdue Pharma in the Chapter 11 cases on Purdue Pharma and its affiliates
- Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC Ponzi scheme
- SEC-appointed Receiver in one of Connecticut's largest securities fraud cases
- Chapter 11 Trustee overseeing the bankruptcy of a large international fraud with parallel proceedings pending in two other countries
- As an experienced mediator, parties seeking to resolve their disputes through mediation rather than costly litigation. Marc was appointed by the United States Bankruptcy Court for the Southern District of New York to be on the Mediation Panel for indemnification claims asserted by Lehman Brothers
- Secured creditor in a subchapter V small business case pending in the Southern District of New York Bankruptcy Court
- Defendants in a \$100 million lawsuit seeking the return of fraudulent transfers and other damages
- International bank as a secured creditor in a Chapter 11 case pending in Delaware and with respect to a related Chapter 15 case
- Debtors, private equity sponsors, official and ad hoc creditors' committees, secured and unsecured lenders, hedge funds, fiduciaries, distressed debt purchasers and others in out-of-court restructurings and Chapter 11 cases for clients in the technology, energy, retail, healthcare, food and beverage, media, real estate, telecommunications and other industries
- Debtor-in-possession and exit lenders in Chapter 11 cases involving healthcare, manufacturing and other industries
- Boards of Directors of companies facing financial distress, advising on their fiduciary duties
- Lenders and borrowers in numerous debt financing and securitization transactions
- Leading private equity sponsors in connection with LBO, CMBS and other structured finance transactions
- Parties in litigation in federal courts in numerous jurisdictions

COMMUNITY & PROFESSIONAL

- Turnaround Management Association - New York City Chapter
 - Board of Directors, 2024
 - Online Programming Committee, Chair, 2024
- American Bankruptcy Institute, Member
- Chappaqua Volunteer Ambulance Corps, Member, General Counsel, First Lieutenant and Board Member
- Ski Butternut Ski Patrol, Member
- NYC Medics Global Disaster Relief, Secretary and Board Member

- Northwell Health – Phelps Hospital, Clinical Lab Instructor for EMT Classes

REPRESENTATIVE MATTERS

DEBTOR/TRUSTEE/FIDUCIARY REPRESENTATIONS

- SIPA Trustee for the liquidation of Bernard L. Madoff Investment Securities
- Chapter 11 Trustee for the liquidation of Manhattan Investment Fund
- Receiver for Michael Kenwood Capital Management
- Counsel to Patient Care Ombudsmen in Daytop Village Foundation
- Debtors' counsel to Bradlees Stores, Inc.
- Debtors' counsel to Westwood Energy in pre-packaged Chapter 11 case
- Debtors' counsel in Euro-American Lodging Corporation
- Liquidating Trustee of Okura
- Liquidating Trustee of Fink Baking Corp.
- Liquidating Trustee of Manhattan Investment Fund

SECURED CREDITOR REPRESENTATIONS

- Secured lender in Exelco Chapter 11 cases
- Secured lender in New York Classic Motors Subchapter V Chapter 11 case
- Secured lender in KomTek Chapter 11 case
- Secured lender in Frederick's of Hollywood Chapter 11 case
- Secured lender in Everfresh Beverage Chapter 11 case

DIP LENDER REPRESENTATIONS

- DIP lenders to Sun Healthcare Group
- DIP lenders to Integrated Health Services
- DIP lender to High Voltage
- DIP lender to Mercy Hospital of Northern New York

PRACTICE FOCUS

- In and Out of Court Restructurings
- Debtor Representations
- Ad hoc and Official Creditors' Committees
- Fiduciary Representations
- Debt Financing
- Distressed Debt
- DIP Financing
- Bankruptcy Litigation
- Distressed M&A
- Corporate Governance
- Structured Finance and Securitizations

INDUSTRIES

- Technology
- Telecommunications
- Healthcare services & procedures
- Energy
- Investor relations
- Venture capital funds & private equity firms
- Family offices
- Angel investors
- Lenders & equipment lessors
- Hedge funds
- Financial services
- Hospitality
- Bars and restaurants

- Hotels
- Retail
- Transportation

NEWS

Marc Hirschfield Appointed to the Turnaround Management Association's Board of Directors
Firm News, *RCCB*, January 8, 2024

Best Lawyers in America Recognizes Six Practices in New York and Pennsylvania in its "Best Law Firms" Report for 2024
Firm News, *Best Lawyers®*, November 2, 2023

RCCB Partners Tobin, Hirschfield, and Skapof Recognized for Excellence in 2023 New York Metro Super Lawyers List
Firm News, *Super Lawyers 2023*, September 26, 2023

Twenty-three RCCB Attorneys Recognized in 2024 Edition of the Best Lawyers in America
Firm News, *Best Lawyers*, August 17, 2023

Partner Marc Hirschfield Participates as a Panelist at ABI's New York City Bankruptcy Conference Speaking Engagement, May 24, 2023

PUBLICATIONS

2022 Litigation Year In Review
Publication, *RCCB Litigation Alert*, March 2, 2023

The (Failed) Failing Business Exception: Stockholders' Right to Vote on Asset Transfers
Publication, *RCCB Client Alert*, July 20, 2022

Marc Hirschfield Participates in Bankruptcy Ethics Panel Discussion at the ABI New York City Bankruptcy Conference
Speaking Engagement, *ABI*, June 10, 2022