



Partner

Location:

New York, New York

Education:Lafayette College 1970
B.A., Economics

Cornell Law School, 1973

Areas of Practice:Debt Restructuring
Corporate Reorganization**Admitted to Practice:**

New York, 1974

Howard D. Ressler

Partner | (212) 430-5400 | hressler@diamondmccarthy.com

Howard D. Ressler practices in the areas of bankruptcy and restructuring. He has represented debtors, statutory committees, secured and unsecured creditors, investors and trustees in bankruptcy cases of all sizes and degrees of complexity throughout the United States. He has been involved in all aspects of reorganization, including negotiating and implementing debtor-in-possession financing and cash collateral agreements, preparing disclosure statements and the negotiation, confirmation and consummation of reorganization plans. He has also represented creditors in Chapter 11 cases and out-of-court restructurings and is experienced in assisting secured creditors. He has handled complex bankruptcy litigation and worked closely with litigators in representing debtors and creditors in bankruptcy-related proceedings including preferences, fraudulent transfers, setoff disputes, turnover, reclamation and insider claims.

Mr. Ressler has been involved in the following bankruptcy matters, among others:

Representative Engagements

- *Owens Corning*-represented official subcommittee of bond and trade creditors. Debtor is \$5 billion annual sales company. Chapter 11 case involved significant contested legal issues, including substantive consolidation and asbestos claims estimation.
- *Avianca Airlines*-acted as New York bankruptcy counsel for debtor, the oldest airlines in the Western Hemisphere. Chapter 11 case concluded with successful reorganization of the debtor.
- *The Microband Companies Incorporated*-acted as lead bankruptcy counsel to the debtor. Chapter 11 case, which involved one of the largest wireless cable companies in the United States, culminated in the successful sale of substantially all of the assets of the debtor.
- *Proximity Communications, Inc.*-acted as lead bankruptcy counsel to the debtor, an affiliate of MobileMedia Corporation, in connection with the sale of substantially all of the debtor's assets.
- *Doskocil Incorporated/Wilson Foods*-co-counsel for debtors in connection with Chapter 11 cases involving these major food processors. Chapter 11 case concluded with successful reorganization of the debtors.
- *Balfour Maclaine International*-acted as lead bankruptcy counsel to the debtor. Chapter 11 case, which involved a commodities trading company, resulted in successful reorganization of the debtor and significant distribution to creditors.
- *Formfit Rodgers, Inc.*-acted as lead bankruptcy counsel to the debtor, an apparel manufacturer. Chapter 11 case concluded with successful reorganization.



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- *Ulradio Radio Corp.*-acted as lead bankruptcy counsel to the debtor, an electronics retailer. Chapter 11 case produced landmark decision involving the assignability in bankruptcy of leases containing use restriction clauses.
- *Ultrafem, Inc.*-represented Official Committee of Unsecured Creditors in connection with manufacturer of women's hygiene products.
- *ATS Ohio, Inc.*-represented Official Committee of Unsecured Creditors in Chapter 11 liquidation of intermodal transportation and warehousing business.
- *UFJ Bank Limited*-Represented bank, as secured creditor, in Hitachi Seiki Chapter 11 case.
- *Global Crossing*-represented Republic of Ireland in Global Crossing Chapter 11 case.
- *Challenger Space Shuttle*-Following the Challenger Space Shuttle disaster, represented the company which designed and fabricated the Challenger Learning Centers throughout the United States.

Publications

- "Involuntary Bankruptcy of Securitizations," *Bankruptcy & Restructuring Advisor* (Autumn 2007) (with J. Andrew Rahl, Jr. and Larry Henin)
- "Are You Entitled to a Special Administrative Claim Under the Bankruptcy Code?," *The Journal of Trading Partner Practices* (October 2007) (with Han J. Ahn)
- "Exculpation Clauses: Can They Defeat Breach of Fiduciary Duty Claims by Creditors?," *Bankruptcy and Restructuring Advisor* (Spring 2006) (with John Scott)
- "Avianca Confirms Reorganization Plan in New York," *Bankruptcy & Restructuring Advisor, Special Debtor Edition* (Spring 2005)
- "Attention Kmart Shoppers: We May Be Running Out of Critical Vendor Orders," *Bankruptcy & Restructuring Advisor* (Summer 2004) (with Ely Kronenberg)

Speaking Engagements

- "Maximizing Recoveries in the Subprime Meltdown: Financial Restructuring Meets Structured Finance," Harvard Club (October 25, 2007)
- "Bankruptcy Retentions and Conflicts," Harvard Club, Ethics Seminar Part II (March 1, 2006)
- "What Every Chapter 11 Creditor Needs to Know About The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005," Business and Financial Institution Seminar Series, New York City (October 6, 2005)



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Speaking Engagements (continued)

- "Bankruptcy - Driving Toward Confirmation: A Roadmap to Negotiating Chapter 11 Plans," Harvard Club, Bankruptcy & Financial Institutions, Series 6 Seminar (May 11, 2005)
- Eleventh Annual Conference on Distressed Investing, The Plaza Hotel, Situation Report: Owens Corning (November 29, 2004)
- "Keeping the Horse in the Barn: Critical Stages in Bankruptcy Cases," Harvard Club, Bankruptcy & Financial Institutions, Series 6 Seminar (September 9, 2004) and (May 27, 2004)

Bar Admissions

- Mr. Ressler is a member of the bar of the State of New York, the United States District Courts for the Southern and Eastern Districts of New York and the District of Connecticut, the United States Courts of Appeal for the Second and Third Circuits and the Supreme Court of the United States.

Memberships

- Mr. Ressler has served as a member of the Committee on Bankruptcy and Corporate Reorganization of the Association of the Bar of the City of New York, where he co-authored several reports on recent developments in bankruptcy law. He is also a member of the American Bankruptcy Institute.
- Mr. Ressler has also been involved in a number of charitable activities, having served on the Boards of both the ITP Society and the Children's Blood Foundation.

Education

- Mr. Ressler received his undergraduate degree, cum laude, from Lafayette College in 1970 where he was elected to Phi Beta Kappa and his law degree from Cornell Law School in 1973.
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