

NATHAN A. SCHULTZ

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LEGAL CAREER

ELASTICITY Law/Law Office of Nathan A. Schultz, P.C. [2011-present] – *Solo Practice*

Greenberg Traurig, LLP [2008-2011] – *Of Counsel*

Stutman, Treister & Glatt P.C. [2002-2008] – *Associate, Shareholder*

Key Representations:

TER Trust/Trump Entertainment Resorts, Inc. – *Distribution Trustee [ongoing]/ Co-Counsel to Official Committee of Unsecured Creditors*

Trustee: Serve as fiduciary for unsecured creditors holding ~\$300 million in claims. Reconcile disputed claims. Balance competing creditor interests, including prosecution of preference actions.

DBSI Inc. – *General Counsel to Liquidating Trustee [ongoing]; Counsel to Trust Oversight Committee [ongoing]; Counsel to Official Committee of Unsecured Creditors.*

Lead regular Committee meetings for Idaho real estate investment enterprise comprised of hundreds of affiliates. Formulate and implement case resolution strategy taking into account diverse and divergent constituencies. Developed comprehensive chapter 11 plan including retroactive substantive consolidation of non-debtors. Negotiated agreement to sell property management business. Served as first chair counsel (solo) in one-day trial on motion to appoint examiner.

Committee: Lead regular meetings of Committee. Formulate and implement case resolution strategy taking into account diverse and divergent constituencies. Negotiated terms of post-petition financing and use of cash collateral. Negotiated and developed terms of confirmed chapter 11 plan. Participated in numerous contested hearings, including contested plan confirmation hearings.

Krystal Koach, Inc. – *Counsel to Official Committee of Unsecured Creditors/Liquidating Trust*

Negotiated secured lender settlement to fund liquidating trust. Successfully brought post-confirmation litigation against insider resulting in settlement to fund creditor distribution.

American West Development, Inc. – *Reorganization Counsel to Debtor*

Negotiated terms of post-petition financing and use of cash collateral. Developed terms of confirmed chapter 11 plan. Participated in numerous contested hearings, including contested plan confirmation hearings.

WATTHealth Foundation, Inc. – *Reorganization Counsel to Debtor*

Undertook primary responsibility for day-to-day management of operating chapter 11 bankruptcy case. Participated in regular meetings of board of directors. Assisted in negotiation and drafting of asset purchase agreement for \$30 million sale of HMO lines of business. Designed and supervised process to reconcile and resolve thousands of unpaid medical claims. Negotiated and drafted asset purchase agreement for \$6 million sale of headquarters property.

Trump Hotel and Casino Resorts, Inc. – *Lead Counsel to Official Committee of Equity Security Holders*

Participated in regular Committee meetings. Served as second chair counsel in connection with comprehensive litigation strategy. Deposed board member. Negotiated and obtained approval for stalking horse bid resulting in \$25 million sale of Atlantic City parcel.

Clark Retail Enterprises, Inc. - Reorganization Counsel to Debtor

Managed logistical details required to obtain court approval for sale of 600+ gas stations. Designed and implemented alternative dispute resolution procedures for personal injury claims. Negotiated and documented fee sharing agreement and drafted summary judgment pleadings for purchase and sale agreement dispute. Obtained Bankruptcy Court injunction barring State of Illinois from attempts to enforce environmental regulations in state court. Negotiated and implemented corporate wind-down through structured case dismissal.

Other Engagements: Provided analysis and advice to bankers' union in connection with liquidating chapter 11 case, including numerous section 363 sales of branded assets. Prosecuted various relief from stay motions for California Bank & Trust, CW Capital and other secured creditors. Negotiated \$1 million mediation settlement for Cardinal Health in Karykeion chapter 11 case. Represented Ashley Furniture in various bankruptcy-related matters [ongoing]. Obtained Court approval for client purchase of luxury apparel retailer via fast-track section 363 sale. Prevailed in appeals before Bankruptcy Appellate Panel and Ninth Circuit Court of Appeals of judgment denying objection to discharge.

Authorship: "Sizing Up The 'Cap': Commercial Lease Rejection Claims in Bankruptcy," 27 Cal. Bankr. J. 209 (2004).

EDUCATION

University of Southern California Gould School of Law [1999-2002]
Juris Doctor, Order of the Coif

University of Michigan [1994-1998]
Bachelor of Arts in English, with Honors and High Distinction