

# Marc B. Roitman

## *Special Counsel*

New York Office

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### Practices

FOCUS: Insolvency and Restructuring

Commercial Finance

Distressed Debt and Claims Trading

Litigation

### Education

JD, Columbia Law School, *Harlan Fiske Stone Scholar*, *Columbia Business Law Review*

BA, Duke University

### Bar Admissions

New York

### Court Admissions

US District Court, Southern District of New York

US District Court, Eastern District of New York

US District Court, Eastern District of Michigan

### Community Involvements

Turnaround Management Association

Marc Roitman has broad experience in business restructuring and bankruptcy matters, advising clients in Chapter 11 cases, out-of-court restructurings, special situations and insolvency-related litigation. Whether structuring and negotiating key deal components or litigating deal-determinative contested issues, Marc is dedicated to achieving his client's objectives.

### Unlocking value in distressed situations

Marc has worked with creditors, distressed investors and boards of directors to successfully close complex transactions. When the optimal deal outcome requires litigation, Marc has experience pursuing and defending actions in state court and bankruptcy court.

Prior to joining Katten, Marc was an associate in the Business Restructuring practice at an Am Law Top 15 international law firm.

Marc is also active in pro bono activities and, prior to joining Katten, was part of a team that obtained the exoneration of a man who was wrongfully convicted of a 1979 murder and spent 35 years in prison for a crime he did not commit.

### Representative Experience

- Represented an ad hoc group of unsecured noteholders of GenOn Energy and GenOn Americas Generation, wholesale power generation subsidiaries of NRG Energy, in attaining restructuring support agreement (supported by over 90% of noteholders), which provided for debt-to-equity conversion, exit financing, and a significant cash settlement payment from the parent company. The restructuring involved complex legal issues relating to, among other things, intercompany agreements, fraudulent transfer claims, and sale-leaseback transactions.\*

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- Represented a Fortune Global 500 apparel company, as the former equity owner and largest unsecured creditor in the Chapter 11 cases of a global designer, distributor, and retailer of footwear, in successfully litigating to obtain a settlement providing for a meaningful distribution of cash from sale proceeds.\*
- Advised a distressed investor in connection with a major investment in the debt of PG&E Corporation, which involved an analysis of complex legal issues relating to make-whole claims, postpetition interest, and anticipated treatment of power purchase agreements in bankruptcy.\*
- Represented a consortium of investors in connection with the acquisition and prosecution of claims against Westinghouse Electric Company LLC, which was resolved through a consensual plan of reorganization that provided the investor group with 100% of the residual value of the bankruptcy estate.\*
- Represented a special committee of the board of directors of an oil and gas exploration and production company in connection with investigation into pre-bankruptcy related-party transactions and analysis of potential claims, including potential fraudulent transfer and breach of fiduciary duty claims.\*
- Counsel to independent director of a power generation company in negotiating value allocation, resolution of intercompany claims and option for creditors to receive new common stock in the reorganized company.\*
- Represented Fortune 200 energy company in its strategic bid to purchase one of the largest transmission and distribution electric utilities in the United States through a Chapter 11 sale process, including structuring merger agreement to address unique restructuring and tax issues.\*
- Counsel to Gawker Media, an online media company, in its Chapter 11 case, including the successful sale of the business through a section 363 auction.\*
- Counsel to Fortune 100 international retail company in multiple strategic bankruptcy situations, including lease acquisitions in section 363 sales and mitigation of exposure to distressed contract counterparties.\*

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- Represented the official committee of unsecured creditors of Tribune Company, a newspaper publisher and television broadcasting company, in all facets of restructuring, including negotiation of plan of reorganization, settlement of LBO-related causes of action and litigation of contested confirmation trial.\*
- Represented the court-appointed examiner in the Chapter 11 cases of one of the largest servicers of residential mortgage loans in the United States, investigating the debtors' negotiation of, and entry into, certain proposed post-petition transactions.\*
- Represented bond insurer in the Chapter 9 case of the City of Detroit in successfully advocating for enhanced treatment of municipal fixed-income debt securities, including special revenue bonds and unlimited tax general obligation bonds.\*

\*Experience prior to Katten

## Recognitions

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- Super Lawyers Rising Stars
  - New York, 2015–2020

## Publications

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- Fighting For A Prefiling RSA Can Hurt Your Credibility (February 2, 2015)
- An Oversecured Lender's Right to Default Interest and Late Payment Penalties (October 2012)
- Going, Going, Gone: Cubs And Rangers Bankruptcies (February 4, 2011)