



## Michael J. Merchant

### Director

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Michael Merchant, a director in the firm's Bankruptcy & Corporate Restructuring Department, represents the full range of participants in bankruptcy cases and corporate restructurings, including debtors, secured and unsecured creditors, official and unofficial committees, and acquirers of distressed assets. He has experience in representing clients from a variety of different business segments, including bank holding companies, sub-prime lenders, telecommunications companies, and businesses in the retail and manufacturing sector.

*Chambers USA* reported that Mike is “a bright guy who has a really good understanding of the courts,” adding that “he is very well respected by all of the bankruptcy judges—they trust him.” Mike is a member of the American Bankruptcy Institute, the Turnaround Management Association and the American Bar Association. In law school, he served as editor-in-chief of the *Villanova Sports & Entertainment Law Journal*.

### Experience

Mike has served as debtor's counsel in the following cases:

- National Envelope (NE Opco, Inc.) - largest privately held manufacturer of envelopes in North America; counsel to the debtors
- A123 Systems, Inc. - manufacturer of lithium-ion batteries and battery systems; co-counsel with Latham & Watkins LLP to the debtors
- Blitz USA, Inc. - manufacturer of portable fuel containers and fuel transportation products; counsel to the debtors
- Cooper Standard Automotive, Inc. - manufacturer of components, systems, modules and replacement parts for the automotive industry; co-counsel with Fried, Frank, Harris, Shriver & Jacobson LLP to the debtors
- Linens 'n Things, Inc. - specialty retailer of home textiles, housewares and home accessories; counsel to the debtors
- QiMonda Richmond, LLC - US segment of international memory chip company;

- co-counsel with Simpson Thacher to the debtors
- New Century Financial Corporation - one of the largest specialty finance businesses in the US; co-counsel with O'Melveny & Myers LLP to the debtors
- Resmae Mortgage Corporation - part of nationwide mortgage banking company that originated, sold and serviced sub-prime mortgages; counsel to the debtor
- Gottschalks Inc. - diversified retailer of full-line department stores and specialty stores; co-counsel with O'Melveny & Myers LLP to the debtor
- Three A's Holdings, LLC (Tower Records) - operated large and widely recognized specialty music and video business; co-counsel with O'Melveny & Myers LLP to the debtors
- Teleglobe Communications Corporation (owned and operated extensive global telecommunications network; counsel to the debtors
- NationsRent, Inc. - leading provider of rental equipment with rental centers located in 26 states; co-counsel with Jones Day to the debtors
- Weiner's Stores, Inc. - publicly owned retailer of branded apparel, accessories, shoes, domestics, housewares and decorative home products; co-counsel with Weil, Gotshal & Manges, LLP to the debtors

Mike has also represented creditors' committees or strategic creditors in the following cases:

- Syms Corp/Filene's Basement, LLC - national retailer of discounted merchandise; co-counsel with Hahn & Hessen to Official Committee of Unsecured Creditors
- Edwin Watts Golf Shops - one of the world's premier specialty golf retailers; co-counsel with Cooley LLP to Official Committee of Unsecured Creditors
- Canfibre of Riverside, Inc. - owner and operator of waste wood recycling facility; counsel to Official Committee of Unsecured Creditors
- Furniture Brands International, Inc. (world leaders in design, manufacturing and retailing of home furnishings; co-counsel with Proskauer Rose, LLP to DIP Lender and stalking horse purchaser).
- Savient Pharmaceuticals, Inc. - specialty biopharmaceutical company; co-counsel with Frost Brown Todd, LLC to stalking horse purchaser
- Goldking Holdings, LLC - acquirer and developer of oil and gas properties; counsel to DIP lender and stalking horse purchaser
- Franklin Bank Corporation - savings and loan holding company; counsel to trustee under senior secured notes

## **Publications**

- "Court Adopts 'Time' Approach in Applying Section 502(b)(6) Cap," *Delaware Business Court Insider*, June 10, 2015
- "Fiduciary Considerations for Pre-Bankruptcy Transactions," *Delaware Business Court Insider*, September 24, 2014
- "Addressing Section 503(b)(9) Claims Issues at the Outset," *Delaware Business Court Insider*, May 28, 2014
- "Effect of Post-Petition Payments on 'New Value' Defense," *Delaware Business Court Insider*, February 5, 2014

#### **Awards**

- *Chambers USA*, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012
- *The Best Lawyers in America*, 2020, 2019, 2018, 2017
- *Super Lawyers*, 2019, 2018, 2017, 2014, 2013, 2012

#### **Leadership**

- *American Bankruptcy Institute*, Business Reorganization and Asset Sales Committees
- *St. Thomas More Society*, Executive Committee

#### **Education**

- J.D., *cum laude*, Villanova University School of Law, 1999
- B.S., with high distinction, Pennsylvania State University, 1996

#### **Admitted to Practice**

- Delaware, 1999
- United States District Court, District of Delaware, 2000

#### **Practices**

- Bankruptcy & Corporate Restructuring