



AMERICAN
BANKRUPTCY
INSTITUTE



Montage

BEVERLY HILLS

❧ MARCH 18, 2020 ❧

abi.org/events



WEDNESDAY, MARCH 18

8:00-9:00 a.m.

Breakfast and Registration

9:00-9:15 a.m.

Welcome by Conference Leadership

9:15-10:30 a.m.

Plenary Session

The Great Divide: Overview of Circuit Splits on Current Issues

This panel of legal experts will break down topical circuit-level and bankruptcy court rulings that are dividing circuits across the country, including debt recharacterization, equitable mootness, U.S. Trustee quarterly fees, *In re Till*, jurisdiction over claims/issues arising around the Social Security Act, and sufficiency of collateral descriptions in UCC-1 financing statements. Do you know where your circuit stands on these issues?

Hon. William J. Lafferty, III, Moderator

U.S. Bankruptcy Court (N.D. Cal.); Oakland

Amir Gamliel

Perkins Coie LLP; Los Angeles

David B. Golubchik

Levene, Neale, Bender, Yoo & Brill LLP; Los Angeles

Kenneth P. Kansa

Sidley Austin LLP; Chicago

Jordana L. Renert

Arent Fox LLP; New York

10:30-10:45 a.m.

Break

10:45 a.m.- 12:00 noon

Concurrent Sessions (2)

How State LLC and Partnership Acts May Limit the Estate's Rights to Manage, Control and Sell

This panel will discuss the conflict between state LLC and partnership acts and the Bankruptcy Code, and how those state acts might impact the rights of the estate, including the right to manage and control LLCs and partnerships, and the right to sell interests in LLCs and partnerships. The panel will discuss the implications of court decisions treating LLC operating agreements and partnership agreements as executory contracts, and court decisions treating rights of first refusal, buyout rights and other ipso facto provisions (such as removal of the debtor as the manager upon bankruptcy) as enforceable in bankruptcy.

Hon. Deborah J. Saltzman, Moderator

U.S. Bankruptcy Court (C.D. Cal.); Los Angeles

Ted A. Dillman

Latham & Watkins; Los Angeles

David M. Guess

Greenberg Traurig, LLP; Irvine, Calif.

Roye Zur

Landau Gottfried & Berger LLP; Los Angeles

Intellectual Property and the Entertainment Industry: Tempnology and Beyond

In *Tempnology*, the U.S. Supreme Court addressed the effect of a licensor rejecting a trademark license and held that the rejection of an executory contract does not constitute a rescission of the agreement. This panel will discuss the bases and rationales for the Court's holding in *Tempnology*, the potential impact of the decision on the treatment of intellectual property, and other novel rejection, assumption, sale and assignment issues relating to entertainment assets in bankruptcy.

Paul R. Glassman, Moderator

Stradling Yocca Carlson & Rauth, P.C.; Santa Monica

Brian L. Davidoff

Greenberg Glusker Fields Claman & Machtinger LLP; Los Angeles

Michael T. Delaney

Robins Kaplan LLP; Los Angeles

Joshua Pichinson

AgencyIP; Santa Clara

12:00-12:30 p.m.

Luncheon





12:30-1:15 p.m.

Keynote Presentation

Recession in 2020

Will 2020 mark the end of the longest expansion in U.S. post-WWII history? What sectors will be hit the hardest? Will this be a mild recession? The data point to some answers from the Federal Reserve. They also give us solid clues as to the ultimate dislocation associated with U.S. foreign trade policy, particularly with respect to China.

Dr. Jerry Nickelsburg

UCLA Anderson School of Management; Los Angeles

1:30-2:45 p.m.

Concurrent Sessions (2)

Sales of Health Care Entities in Bankruptcy

The health care industry is financially challenged nationally, and California has had its fair share of health care industry bankruptcy cases in the past five years. Most of these cases result in a sale of all or substantially all assets under § 363. However, sales of health care industry assets raise many unique issues and complicate familiar issues. For example, half of the U.S.'s hospitals are nonprofit, and the intersection of the Bankruptcy Code's rules for sales of nonprofit assets, California laws related to the sales of nonprofit health care entities, and the Bankruptcy Code and Bankruptcy Rules dealing with § 363 sales generally create a morass not found in the sales of other assets. What happens if the highest bid is not the "best" bid in terms of continuing a facility's charitable mission? How does one evaluate the best bid when comparing bids that may have very different uses for the facility? This panel will explore these and other unique issues that arise in the bankruptcy sale of a health care entity.

Rebecca J. Winthrop, Moderator

Norton Rose Fulbright US LLP; Los Angeles

Hon. Scott C. Clarkson

U.S. Bankruptcy Court (C.D. Cal.); Santa Ana

Elan Levey

United States Attorney's Office; Los Angeles

Samuel R. Maizel

Dentons; Los Angeles

Andrew H. Sherman

Sills Cummis & Gross P.C.; Newark, NJ.

Lessons Learned from PG&E

The PG&E bankruptcy cases have involved a number of novel issues and conflicting perspectives. This panel will explore and discuss the battles fought and lessons learned in one of the most significant California bankruptcy cases in recent times.

Mary Ann Kaptain, Moderator

FTI Consulting, Inc.; Los Angeles

Gregory A. Bray

Milbank LLP; Los Angeles

Cecily A. Dumas

BakerHostetter; Los Angeles

Alan W. Kornberg

Paul, Weiss, Riffkind, Wharton & Garrison LLP; New York

Jeffrey M. Reisner

McDermott Will & Emery; Los Angeles

2:45-3:00 p.m.

Break

3:00-4:15 p.m.

Plenary Session

Crossfire

This panel will be conducted in the format of current-events TV program "Crossfire" and will address three "hot" or "interesting" bankruptcy issues that are not being addressed in the other sessions.

Paul D. Buie, Moderator

Onyx Asset Advisors; Los Angeles

Hon. Martin R. Barash

U.S. Bankruptcy Court (C.D. Cal.); Woodland Hills

Hon. Neil Bason

U.S. Bankruptcy Court (C.D. Cal.); Los Angeles

Hon. Sheri Bluebond

U.S. Bankruptcy Court (C.D. Cal.); Los Angeles

J. Scott Bovitz

Bovitz & Spitzer; Los Angeles

Hon. Julia W. Brand

U.S. Bankruptcy Court (C.D. Cal.); Los Angeles

Leslie Cohen

Leslie Cohen Law PC; Santa Monica

Caroline R. Djang

Best Best & Krieger LLP; Irvine

Robbin L. Itkin

DLA Piper; Los Angeles

William N. Lobel

Pachulski Stang Ziehl & Jones; Los Angeles

Corey R. Weber

Brutzkus Gubner; Woodland Hills

Hon. Scott H. Yun

U.S. Bankruptcy Court (C.D. Cal.); Riverside

Hon. Vincent P. Zurzolo

U.S. Bankruptcy Court (C.D. Cal.); Los Angeles

4:15-6:00 p.m.

Reception





2020 BBW INFORMATION

HOTEL ACCOMMODATIONS

The conference will be held at the Montage Beverly Hills, 225 N. Canon Drive, Beverly Hills, CA 90210. A block of rooms has not been reserved. To make a reservation, please contact the hotel directly at **(310) 860-7800**; book early to receive the best rate available.

CANCELLATION POLICY

All fees, except a **\$75 handling fee**, will be refunded if notice of cancellation is received in writing by **February 26, 2020**. No refunds will be made if notice is received after February 26, although substitutions will be allowed. After February 26, upon written request, a coupon for 20% off the registration fee (not including optional events) will be issued, which can be used (by the canceling registrant only) for any ABI educational program up to one year after this conference, or for this same conference next year.

ADA

Please let us know how we can help you fully participate in the meeting at 703-739-0800 or by emailing Erin Finnegan at efinnegan@abiworld.org.

DIETARY RESTRICTIONS

If you have a dietary restriction, please bring it to our attention so that it can be accommodated by calling 703-739-0800 or emailing Erin Finnegan at efinnegan@abiworld.org. Requests must be made at least two weeks prior to the event.

TRANSPORTATION

Parking Information

Event valet parking is available at the Montage Beverly Hills for \$18 USD daily.

Airport

Montage Beverly Hills is approximately 12 miles away from the Los Angeles International Airport (LAX).

CONFERENCE ATTIRE

Attire is business casual; please bring a sweater or jacket in case the temperature in the meeting room gets cold.

DISCLAIMER

Speakers are subject to change.

2020 BBW CONTINUING EDUCATION*

This program is eligible for **6.25 hours** of general CLE credit in states calculating CLE on a 60-minute hour, and **7.5 hours** of general CLE credit in 50-minute-hour states. **Credit hours are estimated and are subject to each state's approval and credit-rounding rules and might not be approved prior to the program.** **California MCLE:** ABI certifies that this activity has been approved for MCLE credit in the amount of **6.25 hours**. **NY MCLE:** This course or program has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of **7.5 credit hours**, of which **7.5 credit hours** can be applied toward the professional practice requirement.

7.5 hours of CPE credit are also available.

** ABI offers intermediate-level courses, which assume that attendees will have at least some detailed knowledge of insolvency matters (pursuant to the "Statement on Standards for CPE Programs" established by AICPA and NASBA). ABI is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State Boards of Accountancy have the final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website, www.nasbaregistry.org.*

ABI acknowledges that in some instances there will be persons who need to attend an educational seminar for CLE credit who are not able to pay full registration fees. ABI will handle such instances on a case-by-case basis and will work with the individual on alternative solutions. For persons who cannot meet the full registration rate, ABI will offer a reduced rate based on what the individual can reasonably afford to cover the cost of meals and materials. For persons unable to pay a reduced rate, we may allow the individual to work at our registration area for a few hours during attendee check-in, or assist in conference set-up. ABI also has reduced rates for government employees, professors, law clerks and students. For information on tuition assistance, send an e-mail to efinnegan@abiworld.org.



2020 BBW CONFERENCE PRICING

EARLY

(BY 1/3/20)

ABI Member	\$445
Join and Save*	\$770
Gov't./Aca. Member	\$225
Gov't./Aca. New Member*	\$350

REGULAR

(1/4/20-2/28/20)

ABI Member	\$495
Join and Save*	\$820
Gov't./Aca. Member	\$275
Gov't./Aca. New Member*	\$400

LATE

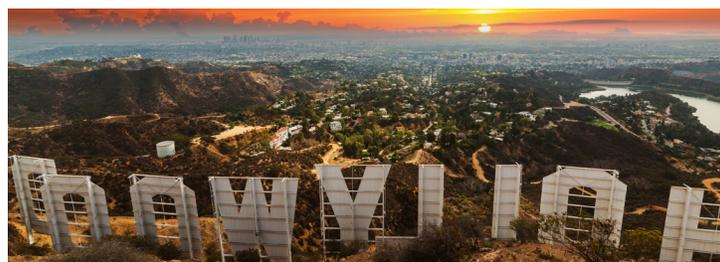
(AFTER 2/28/20)

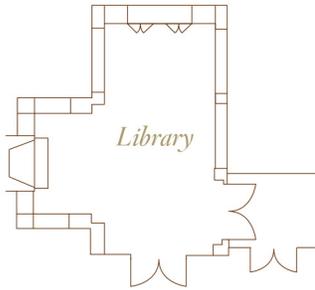
ABI Member	\$545
Join and Save*	\$870
Gov't./Aca. Member	\$325
Gov't./Aca. New Member*	\$450

** Includes a one-year ABI membership for first-time members — a \$350 value! Expired members should select the member rate and add in the membership renewal fee. You must be an ABI member to attend the conference.*

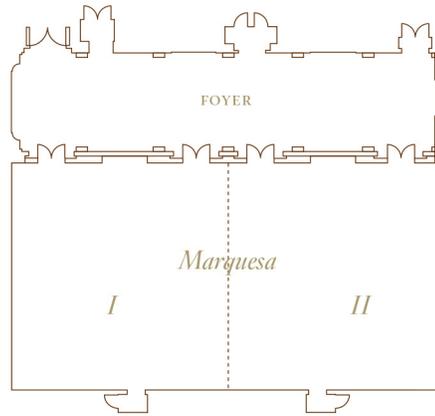
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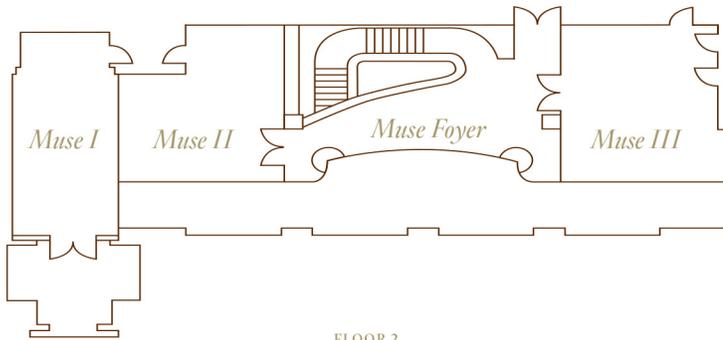
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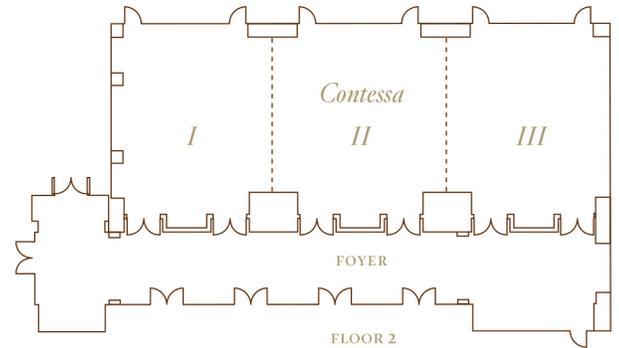
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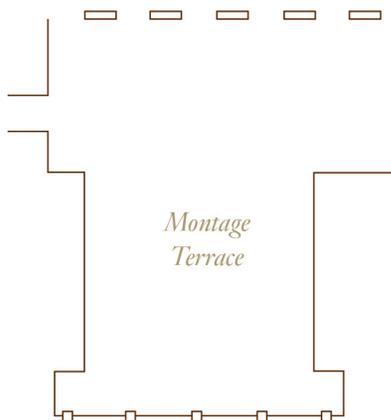
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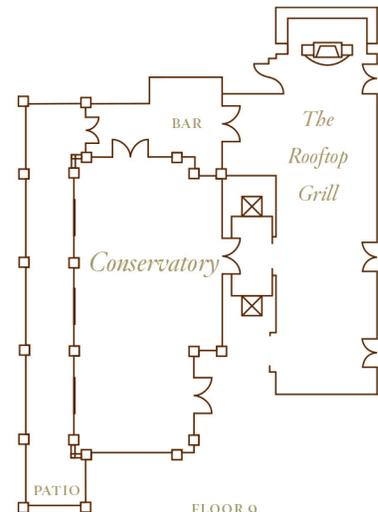
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FLOOR 2



FLOOR 3



FLOOR 9