

Asbestos Bankruptcy Current Trends and Future Outlook Conference



October 6, 2010 | The Westin Times Square, New York

CONFERENCE CHAIRS:

Kathy Byrne, Esq., Cooney & Conway, Chicago
 Jacob Cohn, Esq., Cozen O’Conner, Philadelphia
 Roger Frankel, Esq., Orrick, Herrington & Sutcliffe, LLP, Washington, DC

<p>7:30 Registration and Continental Breakfast</p> <p>8:30 Opening Remarks</p> <p>8:45 The Bankruptcy Landscape</p> <ul style="list-style-type: none"> • Update on existing Chapter 11 cases • How BAPCA may impact the willingness of companies to file • Update on the trusts not yet approved • Update on Garlock, Leslie, Controls, Bondex, Quigley, etc. <p>Natalie Ramsey, Esq., Montgomery, McCracken, Walker & Rhoads, LLP, Philadelphia Michael Brown, Esq., Drinker Biddle & Reath, Philadelphia</p> <p>9:30 The Intersection Between 524g Trust and the Tort System</p> <ul style="list-style-type: none"> • Status of the various trusts • Are the solvent defendants receiving adequate set-offs? • Tort defendants: how can they recover money from the trusts? • Confidentiality issues in the TDP • Impact of volitional delays on accounting for trust payments • Recent examples of how courts are dealing with the tort issue <p>Moderator: Paul Kalish, Esq., Crowell & Moring, Washington, DC Robert Phillips, Esq., SimmonsCooper LLP, East Alton, IL Elihu Inselbuch, Esq., Caplin & Drysdale, New York James Stengel, Esq., Orrick, Herrington & Sutcliffe LLP, New York</p> <p>10:30 Morning Break</p> <p>10:45 Wall Street Viewpoint: Investing in Companies with Asbestos Liabilities</p> <ul style="list-style-type: none"> • Acquiring or selling a company with asbestos liabilities • Trading and securities issues with asbestos liabilities • Investing in securities of Asbestos Debtors • Estimating/Modeling Asbestos Liabilities • Non-bankruptcy alternatives to managing asbestos liabilities – insurance, corporate reorganization, corporate indemnity resolution? <p>Kenneth Pasquale, Esq., Stroock & Stroock & Lavan LLP, New York Karl Snow, PhD, Principal, Bates White LLC, Washington, DC Philip Bentley, Esq., Kramer Levin Naftalis & Frankel LLP, New York Joseph Radecki Jr., Managing Director, Lincoln International, New York</p> <p>11:30 Pre-packaged Bankruptcies – Are They Still Viable?</p> <ul style="list-style-type: none"> • How pre-packs have fared since Combustion Engineering • THAN – A pre-pack that worked – what can be learned from it • Congoleum – a pre-pack that didn’t – how did it finally end? • “Lazarus” debtors – Reviving defunct companies with insurance coverage • Update on Quigley and Judge Bernstein’s decision <p>Moderator: Hon. Rosemary Gambardella, U.S. Bankruptcy Court for the District of New Jersey, Newark, NJ Hon. Randall J. Newsome, U.S. Bankruptcy Court for the Northern District of California Joseph Frank, Esq., Frank Gecker LLP, Chicago Mark Plevin, Esq., Crowell & Moring, Washington, DC and San Francisco</p>	<p>12:30 Networking Luncheon</p> <p>1:30 Judicial Panel Discussion</p> <ul style="list-style-type: none"> • What can be done to make asbestos bankruptcies cheaper and quicker? <p>Hon. Rosemary Gambardella, U.S. Bankruptcy Court for the District of New Jersey, Newark, NJ Hon. Randall J. Newsome, U.S. Bankruptcy Court for the Northern District of California</p> <p>2:15 Addressing Asbestos Claims without a 524(g) Trust</p> <ul style="list-style-type: none"> • Asbestos claims in the GM/Chrysler Bankruptcies • How “free and clear” are 363 Asset Sales from future claimants pursuing successor liability claims? • Can an FCR provide due process to future claimants without a 524(g) trust? • Impact of the latest 2nd Circuit decision in Johns-Manville <p>Ronald Barliant, Esq., Goldberg Kohn, Chicago Sander Esserman, Esq., Stutzman, Bromberg, Esserman & Plifka, Dallas</p> <p>3:15 Afternoon Break</p> <p>3:30 A Post Mortem of the WR Grace Estimation Trial</p> <ul style="list-style-type: none"> • What were the issues and how were they litigated? • The battle of the experts • Roles of the ACC and the FCR • What were the levers that led to a settlement? <p>Nathan Finch, Esq., Motley Rice LLC, Washington, DC Barbara Harding, Esq., Kirkland & Ellis LLP, Washington, DC</p> <p>4:00 Changing Politics of Asbestos Bankruptcies</p> <ul style="list-style-type: none"> • Has the end of mass screening changed the balance of power between malignant and non-malignant claimants? • Has the development of detailed “insurance Neutrality” resulted in a new détente? • Intervention of non-debtor co-defendants • Will meso claims begin again? • Weighted voting • Are there going to be any more large bankruptcies • How far does the 524(g) protection extend - independent claims against insurers? <p>Tancred Schiavoni, III, Esq., O’Melveny & Myers LLP, New York John Baden, IV, Esq., Motley Rice LLC, Mt. Pleasant, SC Robert Horkovich, Esq., Anderson Kill & Olick, P.C., New York</p> <p>5:00 Networking Reception</p>
---	---