ABI Event Roundup

ABI Packs Fall with Consumer, Business and Global Issues, at Home and Abroad

On Oct. 2, ABI and the University of Missouri-Kansas City School of Law again teamed up for the 29th Annual Midwestern Bankruptcy Institute. More than 200 insolvency professionals attended this day-long program at the Kansas City Marriott, featuring eight bankruptcy judges from the region and top national and regional speakers. The program included a plenary case law update, four breakout sessions for consumer and business tracks, a luncheon address on legislative developments from ABI Resident Scholar **Adam Levitin** and a judges' roundtable. Many thanks go to the conference co-chairs, **Ronald S. Weiss** of Berman, DeLeve, Kuchan & Chapman in Kansas City, and **Mark G. Stingley** of Bryan Cave LLP in Kansas City and the judicial chair, Hon. **Dennis R. Dow** of the U.S. Bankruptcy Court (W.D. Mo.). We also thank the 10-member advisory board who helped the chairs plan the program, as well as the 15 financial sponsors whose support made the program possible. Audio from the program is available in ABI's Distance Learning library.

The ABI/UMKC Midwestern Bankruptcy Institute featured a roundtable of judges from the Eighth and Tenth Circuit Bankruptcy Courts, including (front row, l-r) Arthur A. Federman (W.D. Mo.; Kansas City), Kathy A. Surratt-States (E.D. Mo.; St. Louis), moderator Mark A. Shaiken (Stinson Morrison Hecker LLP; Kansas City, Mo.), (back row, l-r) Robert E. Nugent (D. Kan.; Wichita), Dennis R. Dow (W.D. Mo.; Kansas City) and Janice M. Karlin (D. Kan.; Topeka).

Also on Oct. 2, a record crowd of more than 250 business insolvency professionals and bankruptcy judges from 21 different states attended ABI's annual Views from the Bench, presented in partnership with Georgetown University Law Center, in Washington, D.C. Another 25 attended via a live webcast of the event via West Legal Ed Center. This popular ABI conference offered a unique opportunity for bankruptcy practitioners to hear directly from the nation's leading bankruptcy judges. Topics addressed by the 17 bankruptcy judges and prominent practitioner moderators and facilitators included DIP financing, fallout from the auto bankruptcies, retail cases, asset sales under §363, issues in plan confirmation and ethics. Panel moderators were **Marcia Goldstein** of Weil Gotshal & Manges in New York, **Craig Goldblatt** of WilmerHale in Washington, D.C., **Martin J. Bienenstock** of Dewey & LeBoeuf in New York, **Robert Rosenberg** of Latham & Watkins in New York, **Richard B. Levin** of Cravath Swaine & Moore in New York and **Jay M. Goffman** of Skadden

Hon. Allan L. Gropper (U.S. Bankruptcy Court; New York), Hon. Thomas J. Catliota (U.S. Bankruptcy Court; Greenbelt, Md.) and Moderator Richard B. Levin (Cravath, Swaine & Moore LLP; New York) (l-r) discuss the effect of the Piccadilly *case during the "Current Issues in Plan Confirmation" panel at Views from the Bench, held at Georgetown University Law Center on Oct. 2.*

Arps in New York. Noted scholar **Ken Klee** (UCLA Law School; Los Angeles) addressed attendees during a luncheon program regarding his new book analyzing more than 100 years' worth of Supreme Court bankruptcy jurisprudence. ABI gives special recognition to program chair **David R. Kuney** of Sidley Austin LLP in Washington, D.C., as well as the 30-member advisory board. Event sponsors were Caplin & Drysdale (luncheon), PricewaterhouseCoopers (reception), Sidley Austin and SSG Capital Advisors LLC.

On Oct. 9, ABI's educational programming continued overseas in Paris, France, at the beautiful Westin Paris for the fifth International Insolvency Symposium. More than 70 attended the event from 11 different nations. The program featured prominent international insolvency practitioners and leading U.S bankruptcy judges speaking on the industry's hottest topics, such as current trends in U.S. insolvencies and restructurings, out-of-court restructurings in Europe and international "blockbuster" cases. The faculty included bankruptcy judges **Burton Lifland** (S.D.N.Y.) and **Barry Russell** (C.D. Calif.), and practitioner **Corinne Ball** of Jones Day in New York. Thanks go to the program chair **Ian Williams** of Bryan Cave LLP in London, as well as the 10 financial sponsors, including main sponsors BTG Mesirow Financial Consulting, Freshfields Bruckhaus Deringer and Huron Consulting Group, and standard sponsors HWW Wienberg Wilhelm, Orrick Herrington & Sutcliffe LLP, Pluta Rechtsanwalts and Wilmington Trust.

ABI President Robert J. Keach (Bernstein Shur; Portland, Maine) and ABI Vice President-International and Program Chair Ian G. Williams (Bryan Cave LLP; London) (l-r) take a brief break during the International Insolvency Symposium in Paris.

ABI Event Roundup

Catherine L. Steege (Jenner & Block LLP: Chicago) and Hon A. Benjamin Goldgar (U.S. Bankruptcy Court; Chicago) (l-r) presented a litigation skills session on handling evidentiary hearings at the Chicago Consumer Bankruptcy Conference.

Chicago Consumer Bankruptcy Conference Program Chair Brian L. Shaw (Shaw Gussis Fishman Glantz Wolfson & Towbin LLC; Chicago) (l) greets the luncheon keynote speaker, ABI Resident Scholar Adam J. Levitin (Georgetown University Law Center; Washington, D.C.).

Continuing with its goal of providing important education to consumer bankruptcy professionals on a local level, ABI returned to Chicago on Oct. 12 for the third Chicago Consumer Bankruptcy Conference. This day-long educational conference focused on current issues affecting debtors and creditors in consumer cases, such as the means test, the mortgage crisis, consumer chapter 11 cases and ethical issues regarding attorney's fees. A capacity audience of more than 100 professionals attended this outstanding program at The Standard Club. ABI thanks conference venue sponsor MorrisAnderson & Associates and Lakelaw for their financial support, as well as conference co-chairs **Brian L. Shaw** of Shaw Gussis Fishman Glantz Wolfson & Towbin LLC in Chicago and Hon. **Eugene R. Wedoff** of the U.S. Bankruptcy Court (N.D. Ill.). Other judges on the faculty were Hon. **A. Benjamin Goldgar** (E.D. Ill.), Hon. **Jack Schmetterer** (E.D. Ill.) and Hon. **Bruce Black** (E.D. Ill.). ABI Resident Scholar **Adam Levitin** (Georgetown University Law Center; Washington, D.C.) reprised his role from the Midwest Conference and provided a luncheon keynote on current legislative issues of interest to consumers.

For the third year, ABI partnered with the National Conference of Bankruptcy Judges (NCBJ) to offer educational programs at NCBJ's 2009 annual conference in Las Vegas on Oct. 20. ABI conducted its programs in ABI's traditional workshop format, offering multiple simultaneous roundtable discussions on commercial and consumer developments, such as a consumer case law update, postconfirmation litigation, employment issues in chapter 11 and chapter 11 liquidations. Each speaker panel of prominent practitioners and bankruptcy judges presented to a sold-out audience. Later, during the ABI luncheon, guests heard a keynote address by former federal Judge and Solicitor General Kenneth Starr, who is now Dean of the law school at Pepperdine University. Also presented during lunch was the Fourth Annual Judge William L. Norton Jr. Judicial Excellence Award, presented to Judge **Joseph (Jerry) Patchan** by ABI and Thomson Reuters West. ABI also presented several book awards to 2009 authors. ■

Pepperdine Law Scholar Dean Ken Starr spoke on the history of the U.S. Constitution during the luncheon keynote at NCBJ in October.

On behalf of Thomson Reuters, Jean Radler (far left) presented a $10,000 check to ABI President Robert J. Keach (Bernstein Shur; Portland, Maine) and NCBJ President Gregg Zive (U.S. Bankruptcy Court; Reno, Nev.) on behalf of Hon. Joseph (Jerry) Patchan (far right), the 2009 Norton Judicial Excellence Award winner.

ABI Vice President-Publications Geoffrey L. Berman (Development Specialists Inc.; Los Angeles) (center) presented plaques to recent authors (from left) Jack Esher (Mediation Works Incorporated; Boston), Jo Ann J. Brighton (K&L Gates LLP; Charlotte, N.C.); Mark N. Berman (Nixon Peabody LLP; Boston) and Susan N.K. Gummow (Clausen Miller PC; Chicago).

Members in the News

Warner Stevens LLP announced that partner **Jeffrey R. Erler** has been named a rising star in the special "Super Lawyers" section of *Texas Monthly* magazine. This is his fourth recognition as a rising star. Mr. Erler practices in insolvency and creditor's rights, including bankruptcy-related litigation. He is licensed to practice in Texas and has been an ABI member since 2009.

Lorie R. Beers
ABI Director

Seabury Group LLC in New York announced that ABI Director **Lorie R. Beers** has been appointed as managing director of Investment Banking and Restructuring, with responsibility for nonaviation and aerospace restructuring. Ms. Beers has more than 20 years of corporate restructuring and insolvency experience representing companies on distressed M&A transactions, refinancing, recapitalizations and debt renegotiations. She has driven both in-court and out-of-court restructuring successes and helped develop ABI's Complex Financial Restructuring Program. An ABI member since 2002, Ms. Beers is co-chair of ABI's Investment Banking Committee.

DLA Piper announced that **H. Jeffrey Schwartz** has joined as chair of its restructuring group in New York. He represents debtors and other major parties in complex reorganization cases, including out-of-court restructurings in the United States and abroad. Mr. Schwartz has 30 years of reorganization and restructuring experience and he has been repeatedly recognized as a leader in bankruptcy and restructuring by *Chambers USA* and *The Best Lawyers in America*. He has been an ABI member since 1988.

Arent Fox LLP announced that **Aram Ordubegian** has joined its Bankruptcy and Financial Restructuring Group as a partner in the Los Angeles office. He has reorganization and bankruptcy litigation and appellate experience in insolvency matters and has advised businesses on debt restructuring, securitization, trust formation, acquisitions, divestitures and winddowns. An ABI member since 2006, Mr. Ordubegian has been recognized by *Law & Politics* and *Los Angeles* magazine as a Southern California Super Lawyer "Rising Star" in bankruptcy and financial restructuring.

Sheryl L. Toby
ABI Director

Dykema Gossett PLLC in Bloomfield Hills, Mich., announced that **Sheryl L. Toby** and **Ronald L. Rose** have been included in the 2010 edition of the *Woodward/White Best Lawyers in America* for Bankruptcy and Creditor/Debtor Rights Law. Ms. Toby is the co-leader of the Bankruptcy and Corporate Restructuring Practice Group and is a frequent national speaker and consultant. She has been an ABI member since 1986 and is an ABI Director. Mr. Rose was named in the *Best Lawyers in America* in Bankruptcy and Creditor/Debtor Rights Law for the 26 years that the guide has been published. He is the co-leader of the Bankruptcy Practice Group and a member of the Real Estate Workout Team. He is also a Fellow of the American College of Bankruptcy and has been an ABI member since 1986.

Ronald L. Rose

Todd E. Duffy

Anderson Kill & Olick PC announced that **Todd E. Duffy** has joined as head of the Bankruptcy and Restructuring Practice in New York, along with **Dennis J. Nolan**. Mr. Duffy is admitted in the U.S. Court of Appeals for the Second Circuit as well as state and federal courts in New York and New Jersey. Mr. Duffy has been an ABI member since 2002

Dennis J. Nolan

and serves as an associate editor for the *ABI Journal*. In his 15 years as an attorney and paralegal, Mr. Nolan has worked on a wide range of legal matters, including bankruptcy, aviation litigation, antitrust and medical malpractice. He is admitted in New York has been an ABI member since 2007.

John Anthony, **Stephenie Biernacki Anthony** and **Cheryl Thompson** have formed Anthony & Partners LLC in Tampa, Fla. They will practice in bankruptcy, creditors' rights and complex litigation. Mr. Anthony has been an ABI member since 1993. Ms. Anthony, a member since 1999, began her professional career as a law clerk for Chief Judge Emeritus **Alexander L. Paskay Jr.** (U.S. Bankruptcy Court; Tampa, Fla.). Ms. Thompson has been a member since 2005.

Mike Horan

Trenam Kemker announced that shareholder **Mike Horan** has been named practice group leader for its Business Reorganization and Bankruptcy Practice Group in St. Petersburg, Fla., and practices in commercial litigation, creditors' rights and bankruptcy. He has represented major creditors or creditors' committees in chapter 11 cases and is board certified in business bankruptcy law by the American Board of Certification. He is listed in leading industry publications *Best Lawyers in America* for bankruptcy and creditor-debtor rights law and *Florida Super Lawyers*. Mr. Horan has been an ABI member since 1988 and serves on the board of the ABI/Stetson Bankruptcy Seminar.

Counsel Corporation announced that its 91 percent-owned subsidiary, C2 Global Technologies Inc., in partnership with **Jonathan Reich** and **Adam Reich**, have established Counsel

Members in the News

RB Capital LLC in Los Angeles, which specializes in the acquisition and disposition of distressed and surplus assets throughout the U.S. and Canada, including industrial machinery and equipment, real estate, inventories, accounts receivables and distressed debt. Jonathan Reich and Adam Reich, co-CEOs of Counsel RB and ABI members since 1996, are former practicing bankruptcy attorneys and have been assisting legal, financial and corporate clients with their surplus asset-management needs for more than 20 years.

Michelle A. Mendez

Hunton & Williams LLP announced that attorney **Michelle A. Mendez** was presented with the Robert B. Wilson Distinguished Service Award for her work in establishing and planning the State Bankruptcy Biennial Bench/Bar Conference for the last six years. She was also elected treasurer of the Bankruptcy Law Section of the State Bar of Texas. Based in the firm's Dallas office, Ms. Mendez has been an ABI member since 1993.

Epiq Systems Inc. announced that **Tim Swiontek** has joined as director of Sales for the West Coast Region and will be based in its Long Beach, Calif., office and will lead sales efforts for the Trustee Services business. He will also be assigned clients and play a senior relationship manager role. Mr. Swiontek has been an ABI member since 2009.

Charles C. Reardon has been named partner of Carl Marks Advisory Group LLC in its financial restructuring and healthy and distressed M&A practices in Vienna, Va. He brings expertise in M&A, strategic planning, operational and financial restructuring and real estate development. Previously named among the nation's top debtor investment bankers by *Bankruptcy Insider*, Mr. Reardon has advised clients in industries that include manufacturing, defense, hospitality, retail, communications and technology. An ABI member since 2001, he is a frequent speaker and panel participant on topics involving the financing and sale of both healthy and distressed businesses.

Ben B. Floyd

Munsch Hardt announced that **Ben B. Floyd**, **E. Lee Morris**, **Russell L. Munsch** and **Joseph J. Wielebinski** have been named among the "Leaders in Their Field" by *Chambers USA*. Mr. Floyd is a member of the firm's management committee in Houston and has served on its compensation committee. He has represented creditors, creditors' committees, indenture trustees, trustees and foreign representatives as well as individual, partnership and corporate debtors. Mr. Floyd has been an ABI member since 1985. Mr. Morris, a shareholder in the Dallas office and an ABI member since 1995, has represented clients in reorganization and liquidation in a number of industries and commercial sectors and has served as lead counsel in a number of commercial disputes and appeals involving avoidance-action claims and claims for fraud. Mr. Munsch, an ABI member since 1994, is a founding partner of the firm and serves in its Dallas office as section head of the insolvency, restructuring and creditors' rights group, as well as its chairman and CEO. His experience includes representing major creditors, bank groups and financial institutions in large loan workouts, restructurings and bankruptcies. Mr. Wielebinski's experience relates to creditor rights, insolvency, bankruptcy and commercial law. He has been a member since 1995 and is based in the firm's Dallas office.

E. Lee Morris

Russell L. Munsch

Joseph J. Wielebinski

Joseph M. Ammar

Plunkett Cooney announced that senior banking attorney **Joseph M. Ammar** has joined its Kalamazoo, Mich., office in its banking, bankruptcy and creditors' rights practice group. He practices in creditors' rights, bankruptcy and commercial law, representing secured lenders and financial institutions, and advises secured creditors in out-of-court workouts. Mr. Ammar's experience includes representing secured creditors in bankruptcy cases, negotiating cash-collateral agreements, obtaining relief from the automatic stay and protecting the rights of creditors in bankruptcy plans and sales. He has been an ABI member since 1996.

Gary W. Marsh

McKenna Long & Aldridge LLP announced that two of its bankruptcy/restructuring attorneys were recognized in 2009's *Chambers USA*. **Gary W. Marsh**, based in the Atlanta office, has been an ABI member since 1995, and **John McJunkin**, based in the Washington, D.C., office, has been a member since 1999.

Russell C. Silberglied

Richards, Layton & Finger in Wilmington, Del., announced that attorneys **Mark D. Collins**, **Daniel J. DeFranceschi**, **John H. Knight** and **Russell C. Silberglied** were recognized as leading lawyers in bankruptcy/restructuring for Business by *Chambers USA*. Mr. Collins has been an ABI member since 1993, Mr. DeFranceschi since 1997, Mr. Knight since 2004 and Mr. Silberglied since 2005. ■

Endowment Update

Join the *NEW* Leadership Club for just $1,000! ABI has introduced a new way for members to support our mission at an affordable level. In addition to being listed on our Web site, in the *ABI Journal* and many other printed communications, we are offering a choice of unique gifts to show our appreciation for donations to the Leadership Club. Visit http://endowment.abi.org/endowment/LeadershipClub to see the gifts available. We offer convenient pledge methods, including automatic monthly payments (from bank accounts or by credit card).

New donors at the Leadership Club level (and higher) will be invited to an exclusive Endowment Dessert Reception with guests Louie Anderson and Amity Shlaes on Dec. 4 during the Winter Leadership Conference in La Quinta, Calif.

Support the Endowment through the CFC

Government employees can donate to the Endowment Fund through the Combined Federal Campaign (CFC). ABI's designation (catalog) number is #11391 and ABI is listed in the national/international section. The campaign season runs now through Dec. 15.

New Endowment Donors Recognized

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Barron, Newburger & Sinsley PLLC—*Leadership Club*

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Prof. Jerome S. Lamet
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To make a contribution to the Anthony H.N. Schnelling Endowment Fund, please contact ABI at (703) 739-0800, or send a check to:
American Bankruptcy Institute, P.O. Box 34709,
Alexandria, VA 22334-0709,
Attn: Anthony H.N. Schnelling Endowment Fund. ■

Save the Date!

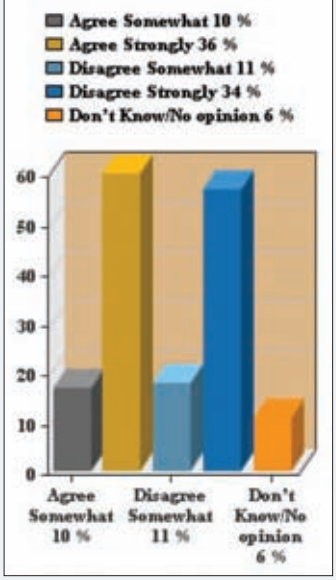
ATLANTA CONSUMER BANKRUPTCY TRAINING

Georgia State Bar Building
Atlanta
Feb. 3, 2010

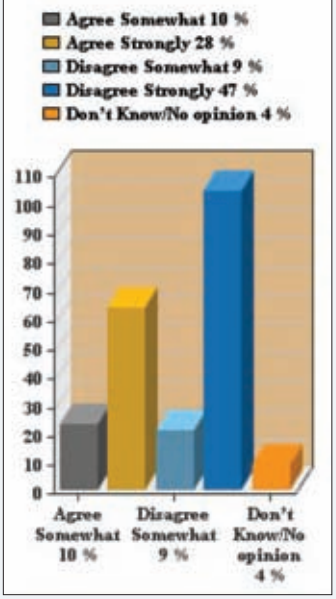
Check out www.abi.org for updates

Results of Recent ABI Quick Polls

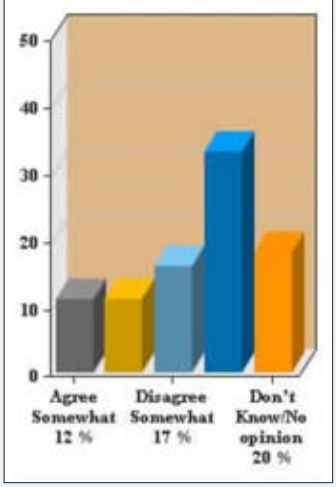
A bankruptcy court has the power, under its inherent authority, to disbar or suspend an attorney, provided the attorney is accorded due process. *In re Lehtinen*, 2009 WL 1119530 (9th Cir. April 28, 2009).

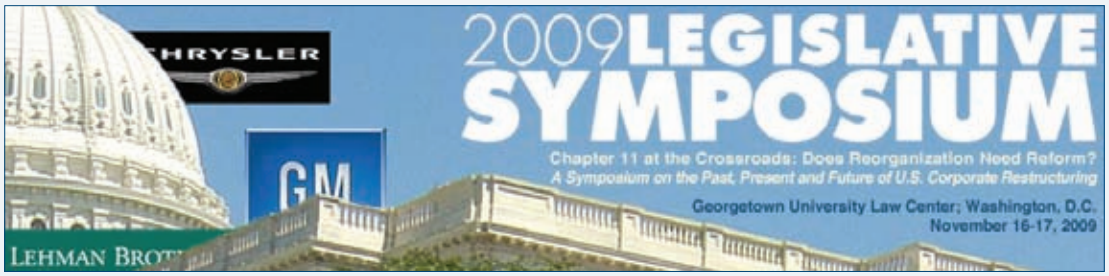


Even if a chapter 7 case is a "no asset" case, where a debtor fails to schedule a creditor, the debt is not discharged. *Colonial Surety Co. v. Weizman* (2d Cir. May 6, 2009).



Sen. Ted Kennedy is remembered for his 2005 KERP amendment to chapter 11. The law has been effective in limiting excessive executive compensation.





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ABI Members Appointed to Bankruptcy Judgeships in California

Catherine E. Bauer

Deborah J. Saltzman

The Ninth U.S. Circuit Court of Appeals has appointed two Los Angeles attorneys, Assistant U.S. Attorney **Catherine E. Bauer** and DLA Piper associate **Deborah J. Saltzman,** to serve as judges of the U.S. Bankruptcy Court for the Central District of California. Ms. Bauer, an ABI member since 2002, joined the U.S. Attorney's Office in 2001 and has represented the federal government in all civil, non-tax bankruptcy matters in consumer and commercial cases in the Central District. She has served on the Central District's bankruptcy mediation panel since 1995, and helped form the Public Counsel's Debtor Assistance Project, which provides legal assistance to low-income families and individuals. Ms. Saltzman has practiced bankruptcy law for the last 10 years in the Los Angeles area. An associate with DLA Piper since last year, she represents secured and unsecured creditors, creditors' committees, debtors and equityholders in bankruptcy and out-of-court restructurings. Her practice includes out-of-court restructurings, reorganization plans, debtor-in-possession financing and complex intercreditor issues. She has taught a continuing-education program on bankruptcy and restructuring, and has been an ABI member since 2007.

New Members *May and June*

May

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Lawrenceville, Ga.

Katie L. Cooperman
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Charles E. Covey, Attorney at Law
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Frumusa Enterprise
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Florida Agency for Workforce Innovation
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Gebhardt & Smith LLP
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KPMG Corporate Finance LLP
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The Griffin Law Firm
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Jeff D. Hoffman
Law Office of Jeff D. Hoffman
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Bank of America Merrill Lynch
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FGJ Consulting
Cypress, Texas

Rohan Kamath
New York

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Law Office of Kevin K. Kercher
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Alvarez & Marsal
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Janet A. Lawson
Janet A. Lawson, Attorney at Law
Ventura, Calif.

Kathleen Leach
Faegre & Benson LLP
Minneapolis

Dan T. Lee
Rally Capital Services LLC
Chicago

Rachael Lenoir
U.S. Bankruptcy Court
Jackson, Miss.

Joshua Dov Levin-Epstein
Dewey & LeBoeuf LLP
New York

Mark Lightner
U.S. Bankruptcy Court
New York

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Grochocinski, Grochocinski and Lloyd Ltd.
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Chelmsford, Mass.

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Halliday Moncure
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Office of the Chapter 13 Trustee
South Charleston, W.Va.

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Rockville, Md.

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Nogales & Associates LLC
Lawrenceville, Ga.

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NachmanHaysBrownstein Inc.
Narberth, Pa.

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Law Office of Zachary Perlick
Philadelphia

Julie Philippi
Julie Philippi, Attorney at Law
Hesperia, Calif.

Bob Phillips
B. Phillips & Associates PC
Cumming, Ga.

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Mission Hills, Calif.

Mark Dee Potter
Potter Handy LLP
San Marcos, Calif.

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Ragues & Min
New York

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Ramaekers Group
Boynton Beach, Fla.

Mohit Ramani
Bank of America
Charlotte, N.C.

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Law Office of Daniela Romero
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Auction Management Corporation
Atlanta

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Law Offices of Alethia M. Scipione PC
Chandler, Ariz.

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Kramer Levin Naftalis & Frankel LLP
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Rockville, Md.

Jean Soh
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