

LANDIS RATH & COBB LLP

James S. Green, Jr., Partner
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Practice Areas: Bankruptcy and Commercial Litigation

Jim concentrates his practice in the area of commercial bankruptcy litigation. Jim's practice also extends to all areas of business litigation, including first-chair trial experience in the United States District Court for the District of Delaware, the United States Bankruptcy Court for the District of Delaware and Delaware State courts. He regularly appears before federal and state courts in Delaware representing a range of clients, as lead counsel and Delaware counsel, including: financial institutions, bankruptcy debtors, bankruptcy trustees, bankruptcy committees, individual creditors of insolvent companies, as well as officers, directors, and shareholders involving matters of Delaware corporate jurisprudence, receiverships in the Court of Chancery, and local and national Delaware business entities. Jim has extensive experience resolving discovery issues, including promoting efficiencies of complex E-discovery and managing multi-party and third-party discovery.

Jim is a member of the Delaware State Bar Association and actively participates in the American Bankruptcy Institute, Litigation Section; the American Bar Association, Business Litigation Section; as well as the Richard S. Rodney American Inn of Court. He participated in Delaware's Federal Civil Panel and took a pro bono case through a trial by jury. For the past few years, Jim has co-authored a chapter on corporate law developments in the American Bar Association's *Annual Review of Developments in Business and Corporate Litigation* treatise.

Education

Widener University School of Law, J.D., *cum laude*, 2003

Articles Editor of The Delaware Journal of Corporate Law, Volume 28;

Judicial Externship for The Honorable Thomas L. Ambro of the United States Court of Appeals for the Third Circuit

Gettysburg College, B.A., *cum laude*, Philosophy, 1999

Admissions to Practice

Delaware

United States Court of Appeals for the Third Circuit



Jim's recent representations include:

- Litigation counsel to Official Committee of Equity Security Holders relating to sale and plan-related disputes. *In re Tuscany Int'l Holdings*.
- Co-counsel to Official Committee of Unsecured Creditors in prosecuting one of the United States' largest failed leverage buyouts. Lead discovery efforts to trace over \$8 billion in prepetition transfers. *In re Tribune Company*.
- Bankruptcy trial counsel for bank lender group, leading to favorable settlement during Third Circuit appeal. *In re W.R. Grace & Co.*, Case No. 01-01139 (KJC), Doc. Index 31604 (Jan. 17, 2014) (Order).
- Co-counsel to defendants in Delaware District Court stockholder class action suit, achieving favorable settlement. *Tuttle vs. Agile Sky Alliance Fund, et al.*, Case No. 13-cv-00802-RGA, Doc. No. 22 (Nov, 25, 2013) (Order).
- Successfully moving to stay advancement action brought by former manager of a Delaware limited liability company in favor of arbitration pursuant to arbitration clauses in separate agreements with the manager. *Anshan (Andy) Li v. Standard Fiber, LLC*, 2013 Del. Ch. LEXIS 83 (Del. Ch. Mar. 28, 2013).
- Securing a novel contempt order in the Delaware Court of Chancery permitting client, a significant investor in defendant Delaware corporation, to "put" his shares in the company, followed by the appointment and representation of a receiver to seize company assets in the British Virgin Islands, Hong Kong, China, and New York to obtain payment for the client's shares. *Deutsch v. ZST Digital Networks, Inc.*, C.A. No. 8014-VCL (Del. Ch. Mar. 20, 2013) (Order).
- Co-counsel to defendants Japanese parent of Delaware debtor and its directors and officers, achieving settlement of bankruptcy claims and multi-million dollar adversary proceeding after successful mediation. *In re Autobacs Strauss Inc.*, Case. No. 09-10358 (CSS), Doc. Index 1817 (April 23, 2013) (Order).

Selected Bankruptcy Representations

Chapter 11 Debtors:

AES Thames L.L.C.
ALC Holding, Inc. (American Laser Centers)
LTAP US, LLP
M.P.C. Computers, LLC (Special Counsel)
Rouge Industries, Inc. (Special Counsel)
Skybus Airlines, Inc.
SweetskinZ Holdings, Inc.
MPC Computers
Pecus ARG Enterprises, Inc. (Black Angus Steakhouse)

Official and Unofficial Committees:

AstroPower, Inc.
Global Power Equipment Group, Inc.
Landauer Healthcare
Stone & Webster, Inc.
Tribune Company
Tuscany International

Major Creditors and Other Parties In Interest:

American Home Mortgage Holdings, Inc. (Warehouse Lender)
Just For Feet (Secured Lender)
Autobacs Strauss (Major Creditor)
Bethny, LLC (Secured Creditor)
Bi-Lo LLC (Major Creditor)
Bruno's Supermarkets, LLC (Major Creditor)
DVI, Inc. (Major Creditor)
Hawker Beechcraft (Secured Creditor)
Just For Feet (Major Creditor)
Qimonda (Major Creditor)
Refco (Major Creditor)
VeraSun Energy (Major Creditor)
WCI Communities (Major Creditor)
Winstar Communications (Major Creditor)
W.R. Grace (Major Creditors)
Bruno's Supermarkets (Major Creditor and Asset Purchaser)
Fleming Companies (Major Creditor)

Recent Representative Opinions:

ReCor Medical, Inc. v. Warnking,

2013 Del. Ch. Lexis 142 (Del. Ch. May 31, 2013), *aff'd*,
85 A.3d 89 (Del. 2014) (Table).

RBC Capital Markets, LLC v. Educ. Loan Trust IV,

2011 Del. Ch. LEXIS 185 (Del. Ch. Dec. 6, 2011).
2013 Del. Super. Lexis 262 (Del. Super. May, 31, 2013), *rev'd*,
87 A.3d 632 (Del. 2014).

Li v. Standard Fiber, LLC,

2013 Del. Ch. Lexis 83 (Del. Ch. Mar. 28, 2013).

In re Tribune Co.,

476 B.R. 843 (Bankr. D. Del. 2012).

American International Group, Inc. v. Greenberg,

965 A.2d 763 (Del. Ch. 2009).

US Bank, N.A. v. US Timberlands Klamath Falls, LLC,

864 A.2d 930 (Del. Ch. 2004).