

# LANDIS RATH & COBB LLP

Rebecca L. Butcher, Partner  
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## Practice Areas: Corporate, Commercial and Bankruptcy Litigation

For fifteen years, Rebecca has advised clients and litigated on corporate governance issues, enforcement of LLC and partnership agreements, contract and indenture enforcement, arbitration awards and enforcement, receiver appointments and management, dissolutions and sales, fiduciary duty challenges, shareholder rights, advancement demands, books and records contests, bankruptcy claim enforcement and defense, preference actions and plan- and sale-related bankruptcy litigation. Rebecca's practice includes first chair and co-counsel representations. She practices in Delaware's state and federal courts with primary focus in the Court of Chancery, Complex Commercial Litigation Division of the Delaware Superior Court and in proceedings before the United States Bankruptcy Court for the District of Delaware.

Rebecca has been selected for inclusion in the Chancery section of Chambers USA since 2012. Chambers states that she is singled out by sources as having the ability "to pursue out-of-the-box remedies." Rebecca is a member of the Delaware State Bar Association and a former chair of the Litigation Section. She is also a member of the American Bar Association and Phi Delta Phi. Rebecca graduated from Vanderbilt University School of Law where she was a member of the Editorial Board of the Journal of Transnational Law. Upon graduation, Rebecca held an associate position with Duane Morris & Heckscher LLP (now Duane Morris LLP) and then an associate position with Klett Rooney Lieber & Schorling PC (now Buchanan Ingersoll & Rooney PC) before joining Landis Rath & Cobb at its inception. Rebecca became a partner of LRC in December 2009.

Rebecca's recent representations include:

- Representing 2 separate entities regarding an issue of first impression: whether a private commercial arbitration qualifies as a proceeding before a foreign or international tribunal for purposes of 28 U.S.C. § 1782. In two separate actions, the United States District Court for the District of Delaware granted each company's ex parte application seeking discovery for use in a foreign private commercial arbitration pursuant to 28 U.S.C. § 1782.

*In re: Application of Stora Enso GmbH for an Order, Pursuant to 28 U.S.C. § 1782, to Obtain Discovery for Use in a Foreign Proceeding, Case No.: 19-mc-00209-CFC (Del. District Court);*

*In re: Application of EWE GASSPEICHER GmbH for an Order, Pursuant to 28 U.S.C. § 1782, to Obtain Discovery for Use in a Foreign Proceeding, Case No.: 19-mc-109-RGA (Del. District Court).*



- Defending multiple Delaware Chancery Court suits on behalf of banking institution in various mortgage backed securities matters. *Bear Stearns Mortgage Funding Trust 2007-AR2 v. EMC Mortg. LLC*, 2013 Del. Ch. LEXIS 9 (Del. Ch. Jan. 15, 2013); *Bear Stearns Mortgage Funding Trust 2006-SL1 v. EMC Mortg., LLC, et al.*, C.A. No. 7701-VCL (Del. Ch. Aug. 19, 2014) (Transcript).
- Representing a foreign investment bank in securing a stay in favor of arbitration in a suit by a co-investor regarding the requirements of an LLC Agreement. *Krane Distribution LLC v. Harvest USA, Inc.*, C.A. No. 9673-VCG (Del. Ch. Aug. 26, 2014) (Transcript).
- Advising investors in a Delaware limited liability company in a proxy contest to replace the existing board, followed by representative at trial in Delaware Court of Chancery in an action to determine the lawful board of managers. *Ziegler v. Vacco*, C.A. No. 8940-VCL (Del. Ch. Dec. 19, 2013) (Transcript).
- Securing a dismissal on behalf of an Issuer of education loan backed securities from a suit based on breaches of the Indenture under which the securities were issued pursuant to a no action clause. *RBC Capital Markets, LLC v. Education Loan Trust IV, et al.*, 2011 Del. Ch. LEXIS 185 (Del. Ch. Dec. 6, 2011).
- Securing a judgment of no liability for an airplane part manufacturer in a multi-million dollar preference action after trial on the merits. *Burtch as Trustee for AE Liquidation, Inc. v. Texstars, Inc.*, 2013 Bankr. LEXIS 4144 (Bankr. Del. Oct. 2, 2013).

### **Education**

Vanderbilt University School of Law, 1999

Vanderbilt Journal of Transnational Law, Editorial Board

University of Virginia, B.A. with distinction, History and Spanish, 1996

### **Admissions to Practice**

Delaware

Pennsylvania

United States Court of Appeals for the Third Circuit

### **Memberships & Associations**

Delaware State Bar Association

Former Chair of the Litigation Section

American Bar Association

International Women's Insolvency and Restructuring Confederation

Phi Delta Phi

### **Recent Representative Opinions**

*Richard B. Gamberg 2007 Family Trust v. United Rest. Group, L.P.*,  
2018 Del. Ch. LEXIS 29, 2018 WL 566417.

*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).

*In re Tribune Co.*, 476 B.R. 843, 847 (Bankr. D. Del. 2012)  
D.I. 12033 - July 13, 2012.

*DFG Wine Co., LLC v. Eight Estates Wine Holdings, LLC*,  
2011 Del. Ch. LEXIS 128 (Del. Ch. May 10, 2011).

*Ashall Homes Ltd. v. ROK Entertainment Group, Inc.*,  
992 A.2d 1239 (Del. Ch. 2010).

*Credit Suisse Securities (USA) LLC v. Investment Hunter, LLC*,  
2010 Del. Ch. LEXIS 121 (May 27, 2010).