

# Claude D. Montgomery

## Partner



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New York

D +1 212 632 8390

claude.montgomery@dentons.com

## Overview

Claude D. Montgomery is a partner in Dentons' New York office and a member of the Restructuring, Insolvency and Bankruptcy practice group. He has been a member of the Global Executive and Compensation Committees and is past managing partner of the New York Office. He was also the global head of the Reorganization, Restructuring, and Insolvency practice group at Salans LLP and a member of its Global Banking and Finance group.

Claude is "acclaimed as 'a highly skilled lawyer and a great case manager'" by *The Legal 500 US*. He is an experienced litigator at both the trial and appellate level, and specializes in business reorganizations and municipal restructurings. His business reorganization clients include lenders; debtors; official Chapter 11 and Chapter 9 creditor and retiree committees, and chapter 11 equity committees; indenture trustees; Chapter 7 and 11 trustees; asset buyers; and committees of corporate directors and officers. His hotel industry clients have included owners, operators, leasees and franchisees of hotel properties.

## Experience

- Represented the Official Retiree Committee in Detroit, Michigan's Chapter 9 municipal debt adjustment proceedings. This representation was honored by *The M&A Advisor* with the 2014 "Restructuring of the Year" Award.
- Represented the Fiscal Agency and Financial Advisory Authority (AAFAF) for the Commonwealth of Puerto Rico in its restructuring advice prior to Commencement of Title III proceedings under PROMESA by the U.S. President's appointed Financial Oversight and Management Board of Puerto Rico.
- Represented the Official Retiree Committee for Allis-Chalmers Corporation in its ground breaking multi-national Chapter 11 reorganization case.
- Represented Gibson Brands Inc. as Special Overseas Insolvency Coordinating Counsel in Chapter 11 reorganization case.
- Representing Japanese mobile device manufacturer in restructuring Swedish law contract with distressed multinational logistics company with relevant operations in the Czech Republic, Netherlands, Singapore and the United States.

- Representing Hong Kong based retailer distributor in Nine West chapter 11 reorganization case.
- Representing Hong Kong energy company in Transmeridian Exploration reorganization case as bondholder, disputed creditor and competing Chapter 11 buyer for Kazakhstan assets
- Representing Russian space technology company in Sea Launch US reorganization case as investor and technology supplier
- Representing China joint venture fund liquidator in fraud investigation of US manager
- Representing two Scandinavian Banks regarding Lehman Brothers in the US Reorganization and UK and Swiss Administration cases as creditors and OSLA and ISDA counterparties.
- Representing a Scandinavian Bank regarding enforcement of Master Whole Loan Repurchase Agreement from Chapter 11 seller
- Representing a Scandinavian Bank regarding restructuring secured hotel/condominium projects
- Representing the Turkish SDIF in insolvency planning relating to pursuit of assets of shareholders involved in a bank fraud
- Representing Telsim Telekomunikasyon by appointment from Turkish SDIF in Motorola v. Telsim regarding enforcement of Swiss Arbitration Award
- Representing Caribbean hotel and casino developer in debt work and partnership restructuring
- Representing Scandinavian bank in liquidity facility workout and structured finance termination
- Recent reorganization and bankruptcy cases: Verity Health Systems of California, Inc. (Debtors' prepetition debt restructuring and DIP financing counsel); Gibson Brands, Inc. (Debtors' Special Coordinating Overseas Insolvency Counsel); Nine West (Hong Kong retailer and Asia Distributor); SunEdison (UK joint venture purchaser of Spanish solar energy generation business) Sea Launch Company (investor and technology supply creditor); Transmeridian Exploration (Bondholder and potential asset purchaser); Lehman Brothers (ISDA and repurchase agreement creditors); Christian Bernard (parent company); Collins & Aikman (Supplier); Atlantic Gulf Communities Corp. (Lender Group); Owens Corning (Lender); Adelphia Communication (Lender); MSCP Holding (Equity Committee); Key3Media (Committee Member); Regal Cinema (Indenture Trustee); Pillowtex (Indenture Trustee); Cellnet (Indenture Trustee)
- Select litigation experience: Boeing v. Energia Logistics (C.D. Cal.); In re City of Detroit (B.E.D. Mich.); Uzan v. Vodafone (N.Y. Sup. Ct.); Uzan v. Telsim (N.Y. Sup. Ct.); Oxus Gold v. Barbanel (D. N.J.); Hechinger v. GECC (D. Del.); Eden Toys v. Miller (B.S.D.N.Y.); Renaissance Cruise Lines v. Flosse (B.M.D. Fla.); Cohen v. Forman (B.S.D.N.Y.); 800 Canal Street v. Sonesta (Arbitration); Dunes Hotel Assoc. v. Hyatt (Arbitration)
- Recent mediation experience: Ames Dept. Stores (B.S.D.N.Y.) (preference cases)

## Recognition

- Recognized by Rich Adcock, CEO of Verity Healthcare Systems of California, Inc., June 2020

## Honors and Awards

- Listed in the 500 Leading U.S. and Global Bankruptcy & Restructuring Lawyers by *Lawdragon* (2020)
- Recommended by *The Legal 500 US* (2015-2016)
- Co-led team recognized by *The M&A Advisor's* 2014 Restructuring of the Year Award (City of Detroit Chapter 9)
- Recognized with the Martindale-Hubbell AV Preeminent Rating, Martindale-Hubbell's highest ranking in both

legal ability and ethical standards (1995-2015)

- Led team recognized by *The M&A Advisor* 2011 Distressed Turnaround Cross Border Transaction of Year (Sea Launch Chapter 11)
- Recognized for Bankruptcy in *Super Lawyers* magazine (2006-2018)
- AV Preeminent rating by Martindale-Hubbe (2013-2021)

## Insights

- "Dentons advises Gamma Energy on Stokes Marsh solar PV acquisition," *Dentons client alert*, May 19, 2017
- Co-author, "Puerto Rico: Is the Sovereign in or out of the Dollar Zone?," *Eurofenix*, Autumn 2015
- "New Developments: Plan Process - Voting and Conformation," *Current Bankruptcy Developments*, Practising Law Institute, 2001
- "Solicitation Under Section 1125 of the Bankruptcy Code: Century Glove and the First Amendment," *Seton Hall Law Review*, 1993
- "The Impact of the Collective Bargaining Agreement On The Corporate Reorganization Process in Chapter 11 of the Bankruptcy Code," *Labor Law Development*, 1985
- "Rejection of Collective Bargaining Agreements During Chapter 11 Proceedings Under the U.S. Bankruptcy Code," Practising Law Institute, ERISA and Bankruptcy, 1983

## Activities and Affiliations

### Presentations

- Panel Member, "Municipal Restructuring Outlook Post-Pandemic," Expert Webcast, June 17, 2021
- Panel Member, ABA Business Bankruptcy Committee, "Municipal Insolvencies in the Aftermath of Puerto Rico," National Conference of Bankruptcy Judges, San Antonio, TX, 2018
- Panel Member, "I Spy and the Limits of Private Investigation for Lawyers" INSOL Europe, Athens, Greece, 2018
- Panel Moderator, "Creative Solutions for Financially Challenged Municipalities," Municipal Restructuring and Reform Series, Dentons US LLP, Chicago, IL, November 5, 2015
- Panel Moderator, "Hot Topics, Legal Issues and Uncertainties Surrounding the Rights of Parties in a Municipal Insolvency, Including Chapter 9," Municipal Restructuring and Reform Series, Dentons US LLP, New York, NY, October 29, 2015
- ACB Fifth Circuit Panel on Chapter 9 municipal bankruptcy and restructuring, Seminar co-hosted by United States Court of Appeals for the Fifth Circuit and the American College of Bankruptcy, New Orleans, May 2014
- Panelist, "Obamanomics and the Future of Bankruptcy Judges," National Conference of Bankruptcy Judges, Las Vegas, October 2009
- International Society of Hospitality Consultants, Budapest, 2001
- Association of the Bar of the City of New York, New York, 1993
- Pacific Coast Labor Law Symposium, Seattle, 1989
- Practising Law Institute, New York, 1983; San Francisco, 1986; New York, 1994; New York, 2001

- American Bar Association, Labor Section, Chicago, 1985
- AFL-CIO Lawyers Conference, 1981, 1982, 1986

## Memberships

- International Insolvency Institute, Member
- American Bankruptcy Institute, Member
- INSOL Europe, Member
- International Society of Hospitality Consultants, Member (1995-2016)
- American Bar Foundation, Member
- American Bar Association, Member
- Committee on Bankruptcy and Corporate Reorganization, Association of the Bar for the City of New York, Member (1991–1993)

## Prior and Present Employment

Claude joined Salans (now Dentons) from Phillips Lytle Hitchcock Blaine & Huber where he was a member of the Governing Committee. He is a past Vice Chair of the Ethics Subcommittee for the ABA Business Bankruptcy Committee, Business Law Section and a past Vice-Chair and Chair of the European Working Group for the International Bankruptcy Subcommittee 2002-2004. Claude was also Vice-Chair of the Avoiding Power Subcommittee, ABA Business Bankruptcy Committee, Business Law Section from 1997-1999.

## Areas of focus

### Practices

- Banking and Finance
- Litigation and Dispute Resolution
- Restructuring, Insolvency and Bankruptcy
- Cross-Border Restructuring Matters
- Distressed M&A, Investing and Debt Trading
- Financial Institution Insolvency
- Insolvency Litigation and Enforcement

### Industry sectors

- Aviation and Aerospace
- Commercial Banks
- Hotels
- Investment Banks and Broker Dealers
- Hotels and Leisure

# Education

- Stanford University, 1978, JD
- Brown University, 1975, BA, double major in History and Economics

# Admissions and qualifications

- Michigan
- New York
- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the First Circuit
- US Court of Appeals for the Ninth Circuit
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Sixth Circuit
- US Court of Appeals for the Third Circuit
- US District Court for the District of Connecticut
- US District Court for the Eastern District of Michigan
- US District Court for the Eastern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of Michigan
- US Supreme Court