

Catherine Beideman Heitzenrater, Partner

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Catherine Beideman Heitzenrater practices in the areas of bankruptcy, corporate reorganization, creditors' rights, commercial finance and secured transactions. She represents insurance companies, secured creditors, chapter 11 debtors-in-possession, chapter 11 trustees, chapter 7 trustees, liquidating trustees and creditors' committees in all aspects of a bankruptcy case. Kate has served as counsel to insurance companies providing prepetition and/or postpetition insurance coverage to debtors in complex chapter 11 cases and has represented both creditors and liquidating trustees in numerous avoidance actions. She has also assisted creditors in enforcement of remedies through commercial litigation in federal and state court.

Kate also has extensive commercial litigation experience. She has represented clients in the construction and finance industries in products liability, securities fraud, appellate matters and complex contract disputes. She also maintains an active pro bono practice, primarily representing women and their children in complex immigration matters.

Kate is the firm's Hiring Partner and serves as Chair of the firm's Recruitment and Retention Committee, which is responsible for the hiring and retention of law students through the firm's summer associate program. She also serves on the board of directors and the finance committee for SeniorLAW Center, which is a non-profit committed to the pursuit of justice for older people in Pennsylvania.

Prior to rejoining Duane Morris in 2009, Kate served as law clerk for the Honorable Joel H. Slomsky of the U.S. District Court for the Eastern District of Pennsylvania.

Admitted to practice in Pennsylvania and New Jersey, Kate is a member of the Turnaround Management Association and the National Association of Women Lawyers. She is a 2007 graduate of Boston College Law School, where she was managing editor for the *Boston College Environmental Affairs Law Review*, and a *magna cum laude* graduate of Colgate University.

Representative Matters

- Counsel to insurers in In re Revlon, Inc.; In re Carestream Health, Inc.; In re Endo International plc; In re LTL Management LLC; In re Carlson Travel, Inc.; In re Remington Outdoor Co., Inc.; In re Basic Energy Services, Inc.; In re GBG USA, Inc.; In re Alpha Media Holdings LLC; In re Christopher & Banks Corp.; In re Carla's Pasta, Inc.; In re Tamarac 10200, LLC; In re The Hertz Corp.; In re Boy Scouts of America; In re Covia Holdings Co.; In re Shiloh Industries, Inc.; In re Mallinckrodt plc; In re Grupo Aeroméxico, S.A.B. de C.V.; In re LATAM Airlines Group S.A.; In re Avianca Holdings S.A.; In re Neiman Marcus Group LTD LLC; In re Ascena Retail Group, Inc.; In re Chesapeake Energy Co.; In re Frontier Communications Co.; In re Foresight Energy LP; In re Lucky Brand Dungarees, LLC; In re Borden Dairy Company; In re Murray Energy Holdings Co.; In re Windstream Holdings, Inc.; In re PG&E Corp.; In re Payless Holdings LLC; In re Gymboree Group, Inc.; In re PES Holdings, LLC; In re Perkins &

Marie Callender's, LLC; In re Center City Healthcare, LLC (Hahnemann); In re Specialty Retail Shops Holding Corp. (Shopko); In re Novum Pharma, LLC; In re Sears Holdings Corporation; In re Mattress Firm, Inc.; In re The Weinstein Company Holdings LLC; In re Garces Restaurant Group, Inc.; In re GenOn Energy, Inc.; In re PES Holdings, LLC (Philadelphia Energy); In re Westinghouse Electric Company, LLC; In re The Gymboree Corporation; In re Payless Holdings LLC; In re BCBG Max Azria Global Holdings, LLC; In re Key Energy Services, Inc.; In re SunEdison, Inc.; In re AMR Corporation (American Airlines); In re Hostess Brands, Inc. In re Dynegy Holdings, LLC; and In re Delphi Corp.

- Counsel to Trustee in In re Ira Pressman and PJI Distribution Corp., and In re Oldco M Corporation (f/k/a Metaldyne Corporation) (liquidating trustee)
- Counsel to Creditors' Committee in the Chapter 11 Proceedings in In re Orleans Homebuilders, Inc.
- Counsel to adversary proceeding defendants in In re Centerstone Linen Services, LLC; In re SunEdison, Inc.; In re ITT Educational Services, Inc.; In re Fiber-Span, Inc.; In re TPP Acquisition, Inc. (The Picture People); and In re APP Winddown, LLC (American Apparel).
- Counsel to adversary proceeding defendants in In re SunEdison, Inc.; In re ITT Educational Services, Inc.; In re Fiber-Span, Inc.; In re TPP Acquisition, Inc. (The Picture People); and In re APP Winddown, LLC (American Apparel).
- Represented a national bank lender as Administrative Agent, Collateral Agent, Lead Arranger, and Sole Bookrunner in an \$85 million syndicated lending facility to one of the mid-Atlantic's largest contracting and construction companies and its affiliates.
- Representing venture capital firm in securities fraud and breach of fiduciary duty dispute involving shareholders, lenders and chief executive officer arising out of a \$210 million acquisition of a startup environmental technology company.
- Obtained a decision from the Superior Court of Pennsylvania affirming a judgment of \$1.95 million, plus attorneys' fees, in favor of a leading manufacturer for the solid-wood processing industry in a third-party indemnity action against an injured party's employer arising from the settlement of a products liability case.

Professional Activities

- Turnaround Management Association
- National Association of Women Lawyers

Admissions

- Pennsylvania
- New Jersey
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the District of New Jersey

Education

- Boston College Law School, J.D., 2007
Managing Editor, *Boston College Environmental Affairs Law Review*
- Colgate University, B.A., *magna cum laude*, 2004

Experience

- Duane Morris LLP
 - Partner, 2019-present
 - Associate, 2009-2018; 2007-2008
- U.S. District Court for the Eastern District of Pennsylvania
 - Law Clerk to the Hon. Joel H. Slomsky, 2008-2009

Honors and Awards

- Rated as a "Rising Star" for Restructuring by *IFLR1000*, 2019-2023
- Listed in *Chambers USA: America's Leading Lawyers for Business*, 2019 and 2022-2023

Selected Publications

- Co-author, "U.S. Supreme Court Clarifies Appellate Courts' Jurisdiction to Review Bankruptcy Sale Appeals," *Duane Morris Alert*, April 24, 2032
- Co-author, "Chapter 15, 2005 to 2021: A Reflection on Chapter 15 Decisions and Practical Considerations for Canadians Approaching a Cross-Border Filing," *2021 19th Annual Review of Insolvency Law*, January 2022
- Co-author, "Inherited IRAs Not Exempt From Bankruptcy Estate Under New York Law," *The Legal Intelligencer*, November 15, 2018
- Co-Author, "Prepetition Setoff Not an 'Improvement in Position' Under Bankruptcy Code," *The Legal Intelligencer*, May 24, 2018
- Co-author, "The Liquidating Fiduciary Exception and Administrative Status," *The Legal Intelligencer*, August 17, 2017
- Co-author, "Post-Petition Interest In A Solvent Case: What Interest Rate Controls?" *The Legal Intelligencer*, August 18, 2016
- Co-author, "Extinguishment of Liens Through a Plan of Reorganization," *The Legal Intelligencer*, February 17, 2016
- Co-author, "'Authority' to Terminate Financing Statements Under UCC," *The Legal Intelligencer*, August 7, 2015
- Co-author, "Function Over Form," *The Legal Intelligencer*, July 20, 2012
- Co-author, "Justices' 'Narrow' Decision Doesn't Bar 'Lock-Up' Restriction," *The Legal Intelligencer*, January 6, 2012
- Co-author, "Creditors Entitled to 'Reasonable' Fees Incurred Pursuing Self Interest," *The Legal Intelligencer*, January 7, 2011
- Co-author, *Pennsylvania Construction Law: Getting Started, Getting Covered, Getting Paid*, PBI Press, 2011
- Co-author, "Creditor, Counsel Liable for Not Halting Garnishment in Bankruptcy Case," *The Legal Intelligencer*, August 6, 2010
- Co-author, "Date of Incurrence of Debt Critical to Setoff Determination," *The Legal Intelligencer*, March 5, 2010

Selected Speaking Engagements

- Speaker, "Top Commercial Cases of the Year," Pennsylvania Bar Institute's 2022 Bankruptcy Institute, Webinar, November 11, 2022

- Speaker, Duane Morris LLP Annual Fall Finance and Restructuring Seminar, October 6, 2022
- Moderator, "Small Business Restructuring: Are Rough Waters," 18th Annual TMA Mid-Atlantic Regional Symposium, Atlantic City, New Jersey, June 8, 2022
- Speaker, "Trusts Liquidation and Post Confirmation CLE," The Knowledge Group, Webinar, April 24, 2019