Cooley

Cathy Hershcopf

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New York

Food and Beverage
Retail and Consumer Products
Business Restructuring

Cathy represents buyers and sellers of real estate, inventory, intellectual property and other assets in distressed situations and special opportunities. She has advised debtors in technology and retail, as well as 200+ committees of unsecured creditors in chapter 11 cases nationwide. Cathy has represented official committees of unsecured creditors in some of the most significant retail chapter 11 bankruptcy proceedings throughout the US.

Cathy's creditor committee representations include:

- Representing the official committee of unsecured creditors of **Mallinckrodt** during Mallinckrodt's ongoing bankruptcy proceedings, in which the pharmaceutical company's chapter 11 plan of reorganization was confirmed after a contentious multiweek trial, marking a defining moment in the case
- Representing the official committee of unsecured creditors of **Fusion Connect**
- Advising the official committee of unsecured creditors of **Claire's** during its bankruptcy proceedings, in which the accessory retailer's chapter 11 plan of reorganization was approved with total leverage decreasing by more than $1.5 billion
- Representing the official committee of unsecured creditors of **Mervyn's**, a chain of approximately 175 department stores, and prosecuting a $1 billion fraudulent conveyance litigation against various private equity firms and financial institutions leading to a significant settlement in excess of $150 million
- Coordinating the sale of more than $500 million of **Montgomery Ward's** real estate through a designation rights agreement with Kimco Realty, leading a campaign to negatively solicit a liquidation plan proposed by GE Capital, and assisting in settling the committee's lawsuit against GE Capital for more than $80 million, which achieved a distribution to unsecured creditors in excess of 600% of the projected liquidation value of the company's assets

Cathy's debtor and company representations include representing:

- **Packable Holdings**, an ecommerce company, to simultaneously prepare a bankruptcy and negotiate a new term loan facility, leading it through an ultimate bankruptcy to support a complex liquidation facilitated by our representation
- **Charlotte Russe**, a teen retailer, in selling substantially all of its assets
- **Eleven James** in its wind down of an online luxury watch subscription program
- **Hastings** in its acquisition of an entertainment retailer, with $500 million in annual revenue and a

subsequent 363 sale
- **Interliant** in a sale of its web hosting businesses as going concerns
- **Metropark USA** in a 363 sale and lease auction of a teen-targeted retailer that generated more than $1.5 million in proceeds
- **Crabtree & Evelyn**, a national retailer, in the closure of 35 unprofitable retail locations, assisting the debtor with reorganization around a smaller retail platform
- **Metromedia Fiber Network**, a telecommunications and fiber network debtor, in the sale of several stand-alone businesses and excess real estate to fund the successful reorganization of the company, assisting in restructuring approximately $5 billion in debt

Cathy's representations of purchases of IP and consumer brands include:

- **Graceland**: Represented Joel Weinshanker in the acquisition of 85% of Elvis Presley's Graceland, the right to operate live events, other theme parks, and the acquisition of a minority interest in the intellectual property of Elvis Presley and Muhammad Ali
- **Entropic Communications**: Represented this public company in connection with its purchase of Trident Microsystems' set-top box system and diverse international patent portfolio in a 363 sale
- **Tapout**, **Sinister** and **Silver Star**: Represented **Authentic Brands Group**, a brand development and licensing company, in its acquisition of intellectual property
- **Firedog**: Represented the public company in purchasing the business, brand and intellectual property from Circuit City in a 363 sale
- **Living Social**: Represented the web-based company featuring daily deals in purchasing intellectual property from a bankruptcy sale
- **Linens 'n Things**: Bought the intellectual property of this retailer of home textiles and housewares in a 363 sale and sold it four years later for more than six times the purchase price
- **RadioShack**, **Metropark**, **Ritz Camera**, **Mervyn's**, **Goody's**, **Robb & Stucky**, **Sharper Image**, **Montgomery Ward** and **Bombay Company**: Assisted in the sale of the brand names of these retailers in 363 sales, independent from their other assets
- **National Entertainment Collectibles Association**: Represented this manufacturer of collectibles in purchasing the Movie Gallery trademark and related brands in a 363 sale

Cathy's employee committee representations include:

- **United Airlines' employee stock ownership plan (ESOP) committee**: United Airlines' chapter 11 case – including successfully convincing the Bankruptcy Court to stay a class action lawsuit brought against the ESOP committee in district court and ultimately obtaining releases on behalf of the ESOP committee and its past and current members
- **Enron employee-related issues committee**: $28.8 million severance package for 4,500 employees terminated by Enron, one day after the bankruptcy was filed

Cathy's real estate restructuring representations include:

- **Madison Avenue Hotel**: Assisted the liquidating trustee in selling this 72-room hotel at Madison Avenue and 27th Street, post-confirmation
- **Saint Vincent's Hospital**: Served as the tort committee's representative on a joint committee to redevelop the Greenwich Village campus in the first bankruptcy, negotiated real estate as security for its distribution, and sold its security (Staff House in Greenwich Village) in the second chapter 11 case in a sealed-bid 363 sale
- **Tower Records**: Represented the purchaser of approximately $250 million of assets and implemented a creative real estate sale process, which produced a 500% return on investment in 90 days

Cathy regularly addresses creditor groups, real estate professionals, distressed debt conferences and other groups regarding creditors' rights, bankruptcy and real estate matters. She is an active member of the International Council of Shopping Centers and participates in

annual sessions with attorneys from around the US regarding shopping center leasing and landlord and tenant issues related to retail bankruptcies.

Education

New York Law School JD, summa cum laude

University of Massachusetts BA, summa cum laude

Admissions & Credentials

New York

Court Admissions

US District Court for the Eastern District of New York

US District Court for the Southern District of New York

Rankings & Accolades

Super Lawyers: Bankruptcy – New York Metro (2006-2023)

Chambers USA: Bankruptcy/Restructuring (2018)

The Best Lawyers of America: Bankruptcy and Creditor Debtor Rights; Insolvency and Reorganization Law (2015-2022)

Distressed M&A Awards

The New York Times: Top New York Lawyers

Memberships & Affiliations

American Bankruptcy Institute, member

International Council of Shopping Centers (ICSC)

New York State Bar Association

Turnaround Management Association