



Michael J. Lichtenstein

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Michael Lichtenstein is a shareholder in the Litigation and Corporate Department and chair of the Bankruptcy and Creditors' Rights Group, who practices in the areas of workouts, bankruptcy litigation and commercial litigation. His practice includes retention as an expert witness, Chapter 11 mediator, representation of financial institutions, creditors' committees, creditors, landlords, debtors and equity holders in Chapter 11 proceedings in more than ten states. Michael has represented telecommunications companies, defense contractors, high tech companies and various furniture retail chains in large Chapter 11 proceedings with debts ranging from \$25 to \$400 million and has represented companies in a variety of industries in the purchase and sale of assets in bankruptcy proceedings.

Michael has represented banks, financial institutions and various creditors in commercial litigation involving contracts, securities, telecommunications, construction, commercial leases and trademarks. He has litigated in state and federal courts across the country and has argued several times before the United States Court of Appeals for the Fourth Circuit and Third Circuit.

Prior to joining Shulman Rogers, Michael was a litigation and bankruptcy partner at Swidler Berlin, L.P. in Washington, D.C. He has an AV Preeminent rating from Martindale-Hubbell, a recognition of excellence from both his fellow attorneys and the judiciary.

PRACTICE AREAS

Bankruptcy and Creditors' Rights
Commercial Litigation
Distressed Assets
Business and Financial Services

EDUCATION

American University,
Washington College of
Law, J.D., 1988, *Honors*:
Member, Law Review

University of
Pennsylvania, Ph.D. in
Criminology, 1982

University of
Pennsylvania, M.A. in
Criminology, 1980

Brandeis University, B.A.,
1979, *Honors*: Member of
the Brandeis University
Athletic Hall of Fame, Four-year starter on
varsity soccer team,
Division III National
Champions

Israel Defense Force,
Former Tank Officer

Michael J. Lichtenstein (Continued)

REPRESENTATIVE MATTERS

- Settled state court breach of contract and breach of fiduciary duty limited liability litigation that resulted in multi-million dollar payment to clients.
- Obtained order converting Chapter 11 to Chapter 7 proceeding in case involving solar energy and cryptocurrency.
- Won an appeal in the United States Court of Appeals for the Third Circuit affirming the lower court's decision that lending institution client had a first lien priority on the borrower's assets on account of a \$3.2 million loan and allowing the bank to collect \$1.2 million being held in the court registry.
- Successfully settled a \$6 million suit filed for plaintiff in Montgomery County Circuit Court in Maryland through the use of mediation that resulted in monthly payments to client.
- Appointed by a Maryland Bankruptcy judge as a mediator in a large Chapter 11 proceeding with a trustee who sued several defendants over significant multi-million dollar disputes about lien priorities and entitlement to sales proceeds.
- Successfully defeated motion to dismiss lawsuit in federal court in Greenbelt, Maryland in suit against insurance company for coverage related to fraudulently issued \$1 million letter of credit.

NEWS

Three Shulman Rogers Attorneys Named to Washingtonian Magazine's 2017 Top Lawyers Listing

Best Lawyers in America® recognizes 9 Shulman Rogers attorneys for 2018

Michael Lichtenstein and Sara Michaloski published by LexisNexis

As published in Pratt's Journal of Bankruptcy Law: A Split Supreme Court Leaves Spousal Guarantees Up in the Air, Written by Michael Lichtenstein and Megan Raker

BAR & COURT ADMISSIONS

District of Columbia

Maryland

U.S. Court of Appeals,
4th Circuit

HONORS & AWARDS

Chambers and Partners,
2017,
Bankruptcy/Restructuring
- Maryland

The Best Lawyers in
America, 2014-2018,
Bankruptcy and Creditor
Debtor Rights/Insolvency
and Reorganization Law

Maryland Super Lawyers,
Business Litigation 2015 -
2018

District of Columbia
Super Lawyers, Business
Litigation, 2014 - 2018

Maryland Super Lawyers,
Bankruptcy, 2010 - 2014

District of Columbia
Super Lawyers,
Bankruptcy, 2011 - 2013

Washingtonian Magazine,
Top Bankruptcy Lawyers,
2009, 2011, 2013, 2015,
2017

Best Lawyers in
Washington, DC,
Washington Post, 2014

SmartCEO Legal Elite,
2013

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Shulman Rogers Attorneys Honored by Inclusion on 2017 Best Lawyers Listing

As published in Pratt's Journal of Bankruptcy Law: Lifestyles of the Rich and Not So Famous in Bankruptcy Proceedings, Written by Michael Lichtenstein

Shulman Rogers Attorneys Honored by Inclusion on 2016 Maryland and Washington DC Super Lawyers Listings

Shulman Rogers Attorneys Honored by Inclusion on 2015 Washingtonian Top Lawyers Listing

As published in The Banking Law Journal: Violating A Debtor's Discharge Injunction: Lenders Beware, Written by Michael Lichtenstein

As published in Law360: Minor League Team Owner Ducks Bid To Reopen Lien Case, Represented by Michael Lichtenstein

Shulman Rogers Attorneys Honored by Inclusion on 2016 Best Lawyers Listing

As published in Law360: Eaglebank Lien Ruled Senior In Minor League Team Spat, Represented by Michael Lichtenstein

Shulman Rogers Attorneys Honored by Inclusion on 2015 Best Lawyers Listing

Maryland's Healthy Back Store Files for Bankruptcy

Shulman Rogers Attorneys Honored by Inclusion on 2015 Maryland Super Lawyers Listing

Montgomery Businesses Engage in a Day of Service

Michael Lichtenstein named to SmartCEO's Legal Elite

Michael Lichtenstein Discusses Bankruptcy

Local Lawyer Makes Community Service A Family Priority

Uncertain times for Rosecroft — again

Washington DC Top Rated Lawyers, 2012

Martindale-Hubbell AV Preeminent Rating

Governor's Volunteer Service Certificate, 2014

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Shulman, Rogers, Gandal, Pordy & Ecker will be recognized for work on 'Turnaround and Restructuring of Classic Brands' transaction during the 10th Annual M&A Advisor Awards

Rosecroft Bankruptcy Settlement Approved

Penn National closes on Rosecroft sale

Service of Pleadings on Counsel under Bankruptcy Rules 7004, 9014 and 9010

Judge approves Penn National's purchase of Rosecroft

Penn National to buy Rosecroft Raceway for \$10.2 million, with goal to add slots at track

Orioles owner Angelos is interested in buying Rosecroft Raceway

Bia Pro Bono Project Update

Shulman Rogers Helps Client Reorganize for Success

PUBLICATIONS

Banking

Lender Liability: Avoid It Like The Plague!- February 2017

A Split Supreme Court Leaves Spousal Guarantees Up in the Air- *Pratt's Journal of Bankruptcy Law*, October 2016

Violating a Debtor's Discharge Injunction: Lender's Beware-*The Banking Law Journal*, October 2015

Workouts and Forbearance Agreements - *TSL Express, a product of the Secured Lender*, July 9, 2014

Commercial Loan Officers' Authority to Bind a Bank- The Banking Law Journal, September 2013

Non-Dischargeability of Debts Under Section 523(A)(2)(B) of the Bankruptcy Code, *The Banking Law Journal*, June 2009

Assertions of Insolvency in Avoidance Actions to Rebut Financial Statements, *American Bankruptcy Institute Journal*, October 2005

Landlord-Tenant Bankruptcy

A Commercial Landlord's Damage Remedies in a Tenant's Bankruptcy Proceedings- *Real Estate Finance Journal*, Winter 2013/2014

What Are A Tenant's Rights When A Landlord Files For Bankruptcy? *Real Estate Law Journal Summer, 2012 with Richard Goldberg*

Michael J. Lichtenstein (Continued)

The Payment of "Stub Rent" Under the Bankruptcy Code, Real Estate Law Journal, Fall, 2007

How New Bankruptcy Code Changes Affect Tenants, Commercial Tenant Lease Insider, August 2005

How New Bankruptcy Code Changes Will Affect You, Commercial Lease Law Insider, July 2005

Calculating a Landlord's Claim in Bankruptcy, Real Estate Law Journal, Fall, Volume 32, Number 2, 2003

Chapter 11 Issues

The Enforcement of Arbitration Agreements in Bankruptcy Proceedings- Pratt's Journal of Bankruptcy Law, June 2017

Lifestyles of the Rich and Not So Famous in Bankruptcy Proceedings- Pratt's Journal of Bankruptcy Law, April/May 2016

Can Consent Be Implied In A Sale Of Property Free And Clear Of Liens Under Section 363(F) Of The Bankruptcy Code?- Pratt's Journal of Bankruptcy Law, January 2015

Asset Sales and Structured Dismissals in Chapter 11- Pratt's Journal of Bankruptcy Law, January 2014

Insolvency - Chapter 11 Reorganization or Liquidation for Businesses in the United States Lawrope International, March 2012

Disappointed Bidders Don't Have Standing to Appeal an Order Approving a Sale of Assets XXXI ABI Journal 2, March 2012

The Treatment of IRUs in Bankruptcy Proceedings, In the Matter of Rural Health Care Support Mechanism WC Docket No. 02-60, July 15, 2010

The Imposition of Constructive Trusts in Bankruptcy Proceedings (with Stephen A. Metz), ABI Business Reorganization Committee Newsletter, Volume 7, Number 2, 2008

Bankruptcy Courts' Treatment of Severance Agreements Providing for Continued Payments to Former Employees, Business Law Brief, Fall 2006

Supreme Court Ducks Sovereign Immunity Question: A Recap of Circuit Conflicts, American Bankruptcy Institute Journal, July/August 2004

Violations of the Automatic Stay: Void or Voidable, American Bankruptcy Institute Journal, May 2004

The Treatment of IRUs in Bankruptcy Proceedings, Journal of Bankruptcy Law and Practice, November/December, Volume 11, Number 1, 2001

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Who Is An Insider For Voting Purposes in a Single Asset Chapter 11?, Bankruptcy Law and Practice, March/April, Volume 10, Number 3, 2001

Litigation

Service of Pleadings on Counsel under Bankruptcy Rules 7004, 9014 and 9010, American Bankruptcy Institute Journal, February 2011

Settling the Law in the Circuits: Presenting Hearsay Evidence in a Preliminary Injunction Hearing, American Journal of Trial Advocacy, American Journal of Trial Advocacy, Fall 2005

Service of Process on a Defendant's Counsel in an Adversary Proceeding, American Bankruptcy Institute Journal, June 2005

SEMINARS & SPEAKING ENGAGEMENTS

Commercial Bankruptcy Presentation, Law School for the Public - Montgomery Community Media TV, January 13, 2016

"Chapter 11 Structured Dismissals - Viable Exit Strategy or Impermissible", October 28, 2014

"Commercial Lease Damages in Bankruptcy Proceedings", Maryland Bankruptcy Bar Association, February 26, 2014

"Exit Strategies in Chapter 11: Asset Sales and Structured Dismissals," The Twelfth Annual Spring Break Weekend, Maryland Bankruptcy Bar Association May, 2012

MICPEL, Advanced Real Property Institute, October 7, 2009 "Bankruptcy Brush Up: What to do when a landlord files?"

Recent Case Developments in Consumer and Business Bankruptcy Cases, The Tenth Annual Spring Break Weekend, Maryland Bankruptcy Bar Association

Chair, Loan Workout, Bankruptcy and Collateral Liquidation in the District of Columbia, Lorman Education Services

PROFESSIONAL & COMMUNITY AFFILIATIONS

American Bankruptcy Institute, Member

Walter Chandler Inns of Court, Master

American Bar Association, Member

Michael J. Lichtenstein (Continued)

Maryland Bankruptcy Bar Association, Member

Maryland Bar Association, Member

Resolution Advocate for the United States Bankruptcy Court for the District of Maryland

Appointed as Mediator in Chapter 11 Proceedings by the United States Bankruptcy Court for the District of Maryland

Montgomery County Coalition for the Homeless, Board of Directors, 2013 - present

Kids in Need Distributors, Volunteer