



## Nicole Fulfree

Counsel

New Jersey

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Nicole represents debtors, creditors' committees, trustees, individual creditors, and institutional shareholders and investors in a variety of complex bankruptcy matters. Her extensive experience, earned in part by working on three major coal industry bankruptcies, translates into a clear understanding of the right strategies for clients seeking to restructure. From litigating adversary proceedings and other contested matters to representing class action plaintiffs within both the Chapter 11 and Chapter 7 contexts, Nicole brings strategic judgment to bear in developing optimal solutions.

Nicole maintains a focus on clients' objectives while addressing their concerns and incorporating their specific goals into the problem-solving process. Clients appreciate her responsiveness, approachability, and listening skills, and they value her role as an efficient communicator who responds to their needs immediately. Level-headed, practical, and hardworking, Nicole is notably calm under pressure and dedicated to striking the right balance between advocating aggressively for her clients and realizing the right result on their behalf.

An enthusiastic pro bono participant, Nicole has assisted with three Chapter 7 cases as well as an out-of-court restructuring for a nonprofit organization. Prior to joining the firm, Nicole clerked for the Hon. Donald H. Steckroth of the U.S. Bankruptcy Court for the District of New Jersey. Previously, she served as an intern for the Hon. Anne M. Patterson of the Supreme Court of New Jersey.

## EXPERIENCE

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- > **Modell's, Inc.**, Counsel to the Committee
- > **Fred's, Inc.**, District of Delaware, Counsel to the Committee
- > **Trident Holding Company, LLC**, Southern District of New York, Counsel to Qui Tam Relator
- > **Cambridge Analytica**, Southern District of New York, Counsel to Consumer Privacy Plaintiffs
- > **Mission Coal Company LLC**, Northern District of Alabama, Counsel to the Committee
- > **Mountain Creek Resort, Inc.**, District of New Jersey: Counsel to the Debtors
- > **Draw Another Circle LLC d/b/a Hastings Entertainment Inc.**, District of Delaware: Counsel to the Official Committee of Unsecured Creditors
- > **Patriot Coal Corporation**, Eastern District of Virginia: Counsel to the United Mine Workers of America
- > **Alpha Natural Resources**, Eastern District of Virginia: Counsel to the United Mine Workers of America
- > **Walter Energy Inc.**, Northern District of Alabama: Counsel to the United Mine Workers of America

## NEWS & INSIGHTS

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### Publications

- > August 28, 2019  
**"Distressed Lending after Ultra Petroleum: When Does Risky Business Become Too Risky?,"** *Business Law Today*  
Nicole Fulfree
- > 2Q 2019  
**"Ultra Petroleum Refuels Grounds for Challenging Make-Whole Amounts, Postpetition Interest, and Other Fees,"** *CRF News*  
Nicole Fulfree
- > May 23, 2019  
**"Becoming Unsinkable: 10 Habits That Build Resiliency in Our Personal and Professional Lives,"** *Corporate Counsel*

Lynda A. Bennett, Megan Monson, Nicole Fulfree, Rachel Moseson

- > February 2019  
**"Key Commercial Real Estate Lease Issues in Chapter 11 Cases,"** *New Jersey Lawyer*  
Nicole Fulfree
- > 4Q 2017  
**"Jevic – A Paradigm Shift for General Unsecured Creditors? Only Time Will Tell,"** *CRF News*  
Eric Chafetz, Nicole Fulfree
- > May 8, 2017  
**"Fisker Decision Further Demonstrates that Section 510(b) Subordination of Investor Claims Is Not Absolute,"** *Bankruptcy, Financial Reorganization & Creditors' Rights Client Alert*  
Michael S. Etkin, Nicole Fulfree
- > April 4, 2017  
**"New Jersey Construction Sub-Contractors: Look Before You Lien!,"** *Bankruptcy, Financial Reorganization & Creditors' Rights Client Alert*  
Nicole Fulfree
- > March 1, 2016  
**"Linear Electric Decision Creates New Risks for New Jersey Subcontractors,"** *Bankruptcy, Financial Reorganization & Creditors' Rights Client Alert*  
Nicole Fulfree
- > January 2015  
**"Involuntary Bankruptcy: The Retail Vendor's Payment Tool to Maximize Trade Vendor Recoveries,"** *Journal of Bankruptcy Law*  
Nicole Fulfree
- > 2015  
**"Third-Party Releases? – Not So Fast! Changing Trends and Heightened Scrutiny,"** *AIRA Journal, Vol. 29 No. 3*  
Michael S. Etkin, Nicole Fulfree

## In the Media

- > March 26, 2020  
Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 bankruptcy case of **Modell's Sporting Goods** is highlighted in the **Global Legal Chronicle**. The Lowenstein team includes **Jeffrey Cohen, Nicole Fulfree,** and **Michael Papandrea**. **View Lowenstein's news announcement about this retention.**
- > February 25, 2020  
**Jeffrey Cohen** argued contested issues in a disclosure statement hearing of retailer Fred's in the U.S. Bankruptcy Court for the District of Delaware. As reported in **Law360**, Cohen represented concerns on behalf of the Official Committee of Unsecured Creditors regarding comprehensive releases included in the Chapter 11 plan, which would bar stakeholders from pursuing claims against former directors and officers of the now defunct Fred's. The Lowenstein team includes **Jeffrey L. Cohen, Nicole Fulfree, Michael A. Kaplan, Colleen M. Maker,** and **Lindsay H. Sklar**.
- > November 6, 2019  
**Jeffrey Cohen, Nicole Fulfree, Michael A. Kaplan, Gabriel L. Olivera,** and **Keara Waldron** are cited in a **Global Legal Chronicle** article highlighting Lowenstein's having been selected as counsel to the Committee of Unsecured Creditors in Chapter 11 proceedings for **Fred's, Inc.**, a discount general merchandise store operator. **View Lowenstein's news announcement about this representation.**

## SPEAKING ENGAGEMENTS

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- > Presenter, **Impact of the Pandemic: PPE for the Credit Operation**, National Association of Credit Management, Webinar, April 29, 2020
- > Presenter, **The Credit Professional's Protective Equipment: Preparedness for the Post-Pandemic Rush to Bankruptcy Court**, RiemerPlus Town Hall Webinar, April 15, 2020
- > Speaker, **But I Get Up Again: Professional and Personal Resiliency in the Legal Profession**, West/Thomson Reuters Webinar, October 22, 2019
- > Speaker, **Lien and Mean – Whose Asset is it Anyway?**, NJSBA's 21st Annual William H. Gindin Bankruptcy Bench Bar, Atlantic City, NJ, April 5, 2019
- > Presenter, **Bankruptcy and Restructuring Toolbox – What Every Lawyer Should Know**, NJICLE's 2018 Business Law Symposium, Iselin, NJ, April 20, 2018

## EDUCATION

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- > Rutgers Law School (J.D. 2013), cum laude; managing editor, *Rutgers Law Review*
- > The College of New Jersey (B.A. 2010), Political Science

## ADMISSIONS

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- > New York
- > New Jersey