



Andrew Behlmann

Partner

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Andrew leverages his background in corporate finance and management to approach restructuring problems, both in and out of court, from a practical, results-oriented perspective. With a focus on building consensus among multiple parties that have competing priorities, Andrew is equally at home both in and out of the courtroom, and he has a track record of turning financial distress into positive business outcomes. Clients value his counsel in complex Chapter 11 cases, where he represents debtors, creditors' committees, purchasers, and investors.

Andrew writes and speaks frequently about bankruptcy matters and financial issues. Before becoming a lawyer, he worked in senior financial management at a midsize, privately held company.

EXPERIENCE

- > **Dots LLC:** Bankruptcy counsel to a national clothing retailer with 400+ locations. Negotiated, documented, and obtained Bankruptcy Court approval of \$30+-million inventory liquidation sale and sale of real estate leases for 200+ locations.
- > Hoboken Municipal Hospital Authority: Special counsel to a quasi-governmental entity in the \$90 million sale of Hoboken University Medical Center in conjunction with the Chapter 11 bankruptcy case of the hospital's contracted management company.
- > **BGI Inc., f/k/a Borders Group Inc.:** Represented liquidating trust of former Borders Books retail chain in complex appellate litigation in the United States District Court for the Southern District of New York and Second Circuit Court of Appeals.
- > Residential Capital LLC: Bankruptcy counsel to various union benefits funds, insurance carriers, and investment managers in the Chapter 11 liquidation of the nation's fifth largest mortgage originator.
- > **Creditors' committees:** Hayes Lemmerz, ION Media, PCAA Parent LLC (AviStar Airport Parking), Pliant Corporation, Holsted Marketing, JB Booksellers, Sun-Times Media Group.
- > **Individual creditors:** General Motors Corporation, Ambassador Media Group.

Recent Published Decisions Include:

- > *In re BGI Inc.* - 504 B.R. 754 (S.D.N.Y. 2012): Successfully defended motion for a stay of interim distributions under a Chapter 11 plan.
- > *In re RoomStore Inc.* - 473 B.R. 107 (Bankr. E.D. Va. 2012): Successfully defended attempted hostile takeover of Chapter 11 debtor's LLC subsidiary by minority equity holder.

HONORS & AWARDS

- > **New Jersey Rising Stars (2016-2018)**
Recognized for work in Bankruptcy: Business and Appellate

NEWS & INSIGHTS

Publications

- > June 1, 2021
"Preference Defense in the Wake of the Pandemic: A Primer," *Lowenstein Sandler LLP*
Bruce S. Nathan, Andrew Behlmann, Michael Papandrea, Arielle B. Adler
- > April 1, 2020
"When Financial Stress Turns to Distress—Restructuring Tools to Avoid Disaster Parts 1 and 2: Chapter 11 Checklist and What Else Is in the Toolbox," *Bankruptcy & Restructuring Department*

Kenneth A. Rosen, , Jeffrey Cohen, Jeffrey D. Prol, Andrew Behlmann, Eric Chafetz, , Michael S. Etkin, Robert M. Hirsh, Wojciech F. Jung, Bruce S. Nathan, Mary E. Seymour

> March 20, 2020

"Critical Checklists for Business Owners and Management to Mitigate Risk of Financial Distress During the COVID-19 Crisis," *Bankruptcy & Restructuring Department*

Kenneth A. Rosen, , Jeffrey Cohen, Jeffrey D. Prol, Andrew Behlmann, Eric Chafetz, , Michael S. Etkin, Robert M. Hirsh, Wojciech F. Jung, Bruce S. Nathan, Mary E. Seymour

> October 2019

"Cannabis and Banking...What You Need to Know as a Credit Executive," *CRF White Paper Brief*

Jeffrey D. Prol, Bruce S. Nathan, Andrew Behlmann, Jeremy D. Merkin

> 4Q 2018

"The Pitfalls of Using Browsewrap Agreements for E-Transactions," *CRF News*

Bruce S. Nathan, Andrew Behlmann, Michael Papandrea

> October 9, 2017

"So, You Think You Can Avoid a Fraudulent Transfer?," *New Jersey Law Journal*

, Andrew Behlmann

> January 2017

"U.S. Supreme Court Questions Constitutionality of New York Credit Card Surcharge Ban as a Regulation of Commercial Speech," *CRF News*

Bruce S. Nathan, Andrew Behlmann

> June 2015

"Noticing Known 'Unknowns' – Bar Date Notice Requirements for Gift Card Holders in Retail Bankruptcies," *Journal of Corporate Renewal*

, Andrew Behlmann

> March 2015

"Creditors' Rights in Chapter 11: Use Them or Lose Them," *The Bankruptcy Strategist*

, Andrew Behlmann

> March 6, 2014

"Circuits Still Split Over Enviro Fines in Bankruptcy," *Law360*

Richard F. Ricci, Andrew Behlmann

In the Media

> September 2, 2020

Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 bankruptcy case of **Arandell Holdings** is noted in the **Global Legal Chronicle**. The third-largest printer of catalogs in the United States, Arandell provides production and delivery of higher-end catalogs and other promotional products, along with related data analytics services. The Lowenstein team is led by **Bruce D. Buechler, Andrew Behlmann, and Robert M. Hirsh**. [View Lowenstein's news announcement about this retention.](#)

> December 7, 2019

Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the bankruptcy case of **Bumble Bee Foods** is highlighted in the **Global Legal Chronicle**. The Lowenstein team includes **Andrew David Behlmann, Eric Chafetz, Michael A. Kaplan, and Myles R. MacDonald**. [View Lowenstein's news announcement about this retention.](#)

> November 6, 2019

Kenneth A. Rosen and **Andrew Behlmann's** representation of investment bank **B. Riley Financial** and its affiliate, **Great American Group**, is highlighted in the **Global Legal Chronicle**. [View Lowenstein's news announcement about this representation.](#)

> October 31, 2019

As reported in **Law360**, a Southern District of New York bankruptcy judge approved the \$271 million sale of the assets of upscale fashion retailer Barneys New York. A joint venture between Authentic Brands Group (ABG) and investment bank B. Riley Financial Inc., a Lowenstein Sandler client, was the successful buyer. B. Riley affiliate Great American Group will oversee the liquidation of the retailer's store and other assets, while ABG will license the brand name, keeping the Barneys' brand alive. The Lowenstein team representing B. Riley included **Kenneth A. Rosen** and **Andrew David Behlmann**. According to Behlmann, "The face of modern retail, especially in the fashion space, continues to shift in unprecedented ways. Barneys has been a leading force in premium fashion for almost 100 years, and we are glad that the brand will live on." (*subscription required to access article*)

> October 15; November 30; December 18, 2018

StreetInsider.com, The Deal, citybizlist, The PE Hub Network (October 15, 2018; December 18, 2018), MarketWatch, Law360, Global Legal Chronicle, and Business Wire note Lowenstein Sandler as counsel to Cambium Learning Group, Inc. in its \$900 million definitive merger agreement with Veritas Capital. (Lowenstein deal team: **Steven E. Siesser, Elisia M. Klinka, Brooke A. Gillar, Michael J. Mueller, Lauren M. Troeller, Bianka V. Barraza, Lowell A. Citron, Jeffrey Blumenfeld, Jack Sidorov, Jeffrey M. Shapiro, Steven M. Skolnick, Kate Basmagian, Scott Siegel, Lesley P. Adamo, Sophia Mokotoff, Darren Goodman, Megan Monson, Katie R. Glynn, David W. Field, Michael A. Kaplan, Eric Jesse, Nicholas G. Mehler, Steven M. Hecht, Sean Collier, Edward J. Hunter, Zarema A. Jaramillo, Andrew David Behlmann, and Gina M. Seong.**) (*subscription required to access certain content*) [View Lowenstein's news announcement about this transaction.](#)

> May 16, 2018

The **Global Legal Chronicle** highlights Lowenstein Sandler's selection as legal counsel to represent Gibson Brand's Official Committee of Unsecured Creditors in its Chapter 11 bankruptcy proceedings. The article notes that the Lowenstein team is led by **Jeffrey Cohen** and **Kenneth A. Rosen** and includes **Wojciech F. Jung, Andrew David**

Behlmann, Scott Cargill, and Keara Waldron. Lowenstein's Delaware co-counsel on the engagement is Adam Landis of Landis Rath & Cobb LLP.

> January 29, 2018

The *Global Legal Chronicle* lists **Mary E. Seymour** and **Andrew David Behlmann** as the leaders of the Lowenstein team serving as legal counsel in the Chapter 11 bankruptcy proceedings of the Official Committee of Unsecured Creditors of Windsor Marketing Group (WMG).

> October 16, 2017

Andrew David Behlmann is quoted in **Law360** regarding the Chapter 11 bankruptcy proceedings of Performance Sports Group in Wilmington, Delaware. Representing the Plumbers and Pipefitters National Pension Fund, the court-appointed lead plaintiff in a federal securities class action pending in the Southern District of New York, Behlmann argued at a joint U.S. and Canadian hearing against a motion filed by a competing constituency seeking disallowance of a class claim on behalf of the class in the securities litigation.

SPEAKING ENGAGEMENTS

> Presenter, **Fraud Update**, ABC Amega, Webinar, October 14, 2021

> Speaker, **Cross-Border Insolvency Proceedings: A Different Chapter of the Bankruptcy Code with a Different Plot**, International Energy Credit Association, Las Vegas, NV, October 11, 2021

> Presenter, **Red Flags and Defensive Tactics to Avoid Getting Burned by Credit and Payment Fraud**, Business Credit Intelligence, Webinar, October 7, 2021

> Presenter, **Risks and Best Practices for Doing Business With Affiliated and Newly Acquired Entities**, NACM, Webinar, September 8, 2021

> Presenter, **Bankruptcy 101 - It's Not Just For Beginners**, Credit Research Foundation, Webinar, August 17, 2021

> Presenter, **Risks and Best Practices for Doing Business with Affiliated and Newly Acquired Entities**, ABC-Amega, Webinar, July 27, 2021

> Presenter, **Red Flags and Defensive Tactics to Avoid Getting Burned by Credit and Payment Fraud**, ABC-Amega, Webinar, July 20, 2021

> Presenter, **Risks and Best Practices for Doing Business With Affiliated and Newly Acquired Entities**, NMCP, Webinar, July 15, 2021

> Presenter, **Update on Preference Claims and Defenses**, NACM Tampa, Webinar, July 8, 2021

> Presenter, **Bankruptcy For Breakfast**, MPS, Webinar, June 15, 2021

> Presenter, **The COVID-19 Pandemic of 2020: A Retail Bankruptcy Retrospective**, NACM, Webinar, April 28, 2021

> Presenter, **A Speedier Chapter 11: The Belk Prepack and Other Scenarios**, Gift Associates Interchange Network (GAIN)/Print & Graphics Industry (PGI) 2021 Conference, Webinar, April 27, 2021

> Presenter, **Warning Signs and Best Practices to Detect and Avoid Credit and Payment Fraud**, National Chemical Credit Association, Webinar, March 17, 2021

> Presenter, **Cutting Edge Bankruptcy Issues**, ABC-Amega, Webinar, February 23, 2021

> Speaker, **Pandemic Panic: Bankruptcy in the Midst of COVID-19**, Federation of Credit & Financial Professionals, Webinar, December 10, 2020

> Presenter, **Pandemic Panic: Bankruptcy in the Midst of COVID-19**, ABC-Amega, Inc., Webinar, October 16, 2020

> Presenter, **Riding the COVID-19 Bankruptcy Tsunami: Trade Creditor Strategies Preparing For and Responding to A Customers' Insolvency**, NACM Commercial Services, Webinar, October 8, 2020

> Speaker, **Credit Meeting for the Department Store Suppliers Credit Group**, RiemerPlus, Webinar, September 17, 2020

> Presenter, **Terms of (Un)endearment: Evaluating and Responding to Customers' Efforts to Obtain Extended Credit Terms**, NACM Connect Digital Conference, Webinar, August 14, 2020

> Presenter, **Terms of (Un)endearment: Evaluating and Responding to Customers' Efforts to Obtain Extended Credit Terms**, NACM Commercial Services, Webinar, August 13, 2020

> Presenter, **Update on Recent Retail Bankruptcy Filings**, RiemerPlus Webinar for the Department Stores Suppliers Credit Group, Webinar, June 18, 2020

> Presenter, **Potential Onslaught of Bankruptcy Filings**, National Media Credit Professionals (NMCP), Webinar, June 9, 2020

> Presenter, **By Hook or By Crook: Detecting and Avoiding Payment Fraud, COVID-19 Edition**, National Media Credit Professionals (NMCP), June 7, 2020

> Presenter, **Terms of (Un)endearment: Evaluating and Responding to Customer Terms Pushback**, Business Credit Intelligence, Webinar, May 14, 2020

> Presenter, **Terms of (Un)endearment - Evaluating and Responding to Customers' Efforts to Obtain Extended Credit Terms**, Business Credit Intelligence, Webinar, May 14, 2020

> Presenter, **The Perfect Storm: Preparing for and Dealing with The Upcoming Corporate Debt Crisis**, National Association of Credit Management, Webinar, December 2, 2019

> Presenter, **Terms of (Un)endearment: Evaluating and Responding to Customers' Efforts to Obtain Extended Credit Terms**, Federation of Credit and Financial Professionals Webinar, November 13, 2019

> Presenter, **Terms of (Un)endearment: Evaluating and Responding to Customers' Efforts To Obtain Extended Credit Terms**, National Association of Credit Management Book Publishers Credit Group, New York, NY, October 2, 2019

- > Presenter, **Shielding Your Bottom Line From the Upcoming Corporate Debt and Financial Crisis**, Credit Research Foundation Webinar, September 25, 2019
- > Presenter, **Terms of (Un)endearment: Evaluating and Responding to Customer Terms Pushback**, ABC-Amega Webinar, September 10, 2019
- > **Shielding Your Bottom Line From the Corporate Debt Crisis**, National Chemical Credit Association (NCCA) Quarterly Credit Meeting, New York, NY, May 17, 2019
- > Presenter, **Sears/Kmart, Toys "R" Us, and More**, National Media Credit Professionals, Sponsored by: ABC-Amega Inc., New York, NY, January 15, 2019
- > Presenter, **Protecting Your Company In The Internet Age: The Role of Social Media in Credit and Collection**, ABC-Amega Webinar, November 28, 2018
- > Speaker, **Protecting Your Company In The Internet Age: The Role of Social Media in Credit and Collection**, Business Credit Intelligence Credit Summit 2018, New York, NY, November 13, 2018
- > Speaker, **Retail Distress in 2018 and Beyond: Shielding Your Bottom Line From the Apocalypse**, 2018 GHTA Annual Conference, Phoenix, AZ, October 25, 2018
- > Presenter, **Protecting Your Company In The Age of Electronic Transactions and Social Media: Where The Click Is Mightier Than The Pen**, National Business Credit Exchange, Secaucus, NJ, September 17, 2018
- > Presenter, **Protecting Your Company In The Age of Electronic Transactions and Social Media**, Credit Research Foundation Credit Accounts Receivable Forum and Expo, JW Marriott Orlando, Grange Lakes, Orlando, FL, August 13, 2018
- > Presenter, **The Impact of Private Equity and Hedge funds on Trade Creditors' Rights**, CreditRiskMonitor, July 25, 2018
- > Presenter, **Protecting Your Company In The Internet Age: The Role of Social Media in Credit and Collection**, National Chemical Credit Association, June 27, 2018
- > **A Cautionary Tale of the 4 Cs of Credit in the Age of Electronic Transactions and Social Media**, NACM Credit Congress and Expo, Phoenix, AZ, June 12, 2018
- > Presenter, **Protecting Your Company in the Digital Age**, 2018 NACM Commercial Services Annual Meeting, Portland, OR, April 19, 2018
- > **The Retail Apocalypse and Its Impact on the Trade**, 2018 GAIN-PGI Educational Conference, San Francisco, CA, April 5, 2018
- > Presenter, **Electronic Transactions, Where The Click Is (Sometimes) Mightier Than the Pen**, National Association of Credit Management, Indianapolis, IN, November 16, 2017
- > Presenter, **Electronic Transactions, Where The Click Is (Sometimes) Mightier Than the Pen**, National Association of Credit Management, Chicago, IL, October 19, 2017
- > Presenter, **Electronic Transactions, Where The Click Is (Sometimes) Mightier Than the Pen**, Association of Corporate Counsel/New Jersey All Day CLE Conference, September 15, 2017
- > Presenter, **Protecting Your Company's Credit & Collections in the Internet Age**, ABC/Amega Webinar, September 14, 2017
- > Presenter, **Electronic Transactions, Where the Click is (Sometimes) Mightier Than the Pen**, National Association of Credit Management Connect, St. Louis, MO, September 12, 2017

EDUCATION

- > Seton Hall University School of Law (J.D. 2009), magna cum laude; Order of the Coif
- > University of Missouri-Saint Louis (B.S. 2005), Business Administration-Finance and Accounting; Beta Gamma Sigma

ADMISSIONS

- > New Jersey