



Kenneth A. Rosen

Partner
Chair, Bankruptcy, Financial Reorganization & Creditors' Rights

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With more than 35 years of proven experience, Ken is the first call for companies seeking a strategic plan for recovery from financial distress.

Ken advises on the full spectrum of restructuring solutions, including Chapter 11 reorganizations, out-of-court workouts, financial restructurings, and litigation. He works closely with debtors, creditors' committees, lenders, landlords, and others in such diverse industries as paper and printing, food, furniture, pharmaceuticals, health care, and real estate.

For each matter, Ken starts by developing a strategic direction based on a clear understanding of his client's needs. His goals are to preserve the business or business relationship, to minimize disruption, and to move quickly toward a workable solution. His success is reflected both in his long list of accolades—including top rankings from *Chambers USA* (2008-2018) and *The Deal's* "Bankruptcy Insider"—and the fact that the majority of his practice is referral-based. Clients laud Ken's practical approach and sensitivity to the needs of their business, as well as his strong track record of successful outcomes. Clients and peers alike recognize Ken as "definitely a standout."

In his spare time, Ken serves on several philanthropy and nonprofit boards primarily devoted to health care and education. He currently serves as Interim Chair of the Board of the New York City Opera.

HONORS & AWARDS

- > **New Jersey Super Lawyers (2005-2007, 2016-2018)**
Recognized for work in Bankruptcy: Business and Securities & Corporate Finance

NEWS & INSIGHTS

Publications

- > 3Q 2019
"You Want Me to Give a Proxy to Who?," *CRF News*
Kenneth A. Rosen
- > 1Q 2018
"Understanding DIP Financing Order – Look a Little Closer," *CRF News*
Kenneth A. Rosen
- > 2017
"Lender Liability Considerations," *Reorganizing Failing Businesses, Third Edition: A Comprehensive Review and Analysis of Financial Restructuring and Business Reorganization*
Bruce D. Buechler, Kenneth A. Rosen
- > April 28, 2017
"Bringing Health Care to Retail Centers," *Construction Executive*
Kenneth A. Rosen
- > April 2017
"The Intersection of Commercial Real Estate and Bankruptcy Law: Know the Lease/Contract Counterparty, the Lease Terms, and How to Protect One's Rights or Face the Consequences," *New Jersey Lawyer*
Kenneth A. Rosen, Philip J. Gross
- > March 16, 2017
"Drawing the Crowds Back to the Mall," *Infographic*
Kenneth A. Rosen

- > March 2017
"Are Section 503(b)(9) Claims Being Taken Seriously?," *Journal of Corporate Renewal*
Kenneth A. Rosen, Michael Papandrea
- > February 7, 2017
"Diversification Key for Mall Developers As Retail Landscape Evolves," *Retail Dive*
Kenneth A. Rosen, Eric Chafetz
- > November 11, 2016
"Real Estate Consultants, Chapter 11, and the Changing Retail Environment," *Retail TouchPoints*
Kenneth A. Rosen
- > October 21, 2016
"Practitioner Views: Lowenstein Sandler's Ken Rosen on Changing Retail Reorganizations," *Debtwire*
Kenneth A. Rosen
- > October 5, 2016
"Brand Management and Retail Survival," *Multichannel Merchant*
Kenneth A. Rosen
- > October 2016
"Asking the Tough Financial Questions," *E3 Newsletter, Institute For Supply Management*
Kenneth A. Rosen
- > September/October 2016
"Dealing with Bankruptcies in the Energy Sector," *Independent Gasoline Marketing*
Kenneth A. Rosen
- > June 2016
"Information Wish List to Evaluate a First-Day Asset Sale Motion," *ABI Committee Newsletter*
Kenneth A. Rosen
- > May 23, 2016
"When It's Time to Hire a Chief Restructuring Officer," *CFO*
Kenneth A. Rosen
- > May 16, 2016
"Ailing Community Hospitals," *Executive Insight*
Kenneth A. Rosen
- > March/April 2016
"Spotting the Sinking Ships," *The Financial Manager*
Bruce S. Nathan, Kenneth A. Rosen, Scott Cargill
- > March 29, 2016
"A Key for Getting Debtor-in-Possession Financing," *CFO*
Kenneth A. Rosen
- > March 15, 2016
"In Praise of ADR and More Litigation Control," *Bloomberg BNA*
Kenneth A. Rosen
- > March 8, 2016
"Section 363 Has Become an Alternative That Poses Problems," *Law360*
Kenneth A. Rosen
- > March 7, 2016
"Retail Bankruptcies and the Circle of Life," *Retailing Today*
Kenneth A. Rosen
- > March 4, 2016
"Bankruptcy: Leveraging the CRO," *The Deal*
Kenneth A. Rosen
- > February 1, 2016
"Put the 'Community' Back into Community Hospital Bankruptcies," *The Wall Street Journal, Daily Bankruptcy Review*
Kenneth A. Rosen
- > January/February 2016
"The Deceptive Balance Sheet: Determining Value in Liquidation Analysis," *ABF Journal*

Kenneth A. Rosen

> January 14, 2016

"Claims Trading Warps the Bankruptcy System," *Wall Street Journal*

Kenneth A. Rosen

In the Media

> December 12, 2019; January 16, 2020

Kenneth A. Rosen is quoted in the *Wall Street Journal* (December 12, 2019; January 16, 2020) regarding Sears Holdings' payments to vendors and administrative creditors in the company's bankruptcy proceedings. As counsel to several Sears vendors in the Chapter 11 case, Rosen offers insight on the expected payouts.

> December 9, 2019

Kenneth A. Rosen is quoted in the *Denton Daily* regarding Sears Holdings' recent claims of assurance to its suppliers, amidst the company's ongoing bankruptcy proceedings. As counsel to four Sears vendors in the Chapter 11 case, Rosen responds to these claims.

> November 23-25, 2019

Kenneth A. Rosen is quoted in two *Stock Daily Dish* articles on the **possible liquidation** of Sears and the **resignation** of Sears Holdings chairman Eddie Lampert. Rosen, counsel to some of the creditors in the company's Chapter 11 bankruptcy case, addresses the terms of the offer and the significance of Lampert's move at this juncture.

> November 21, 2019

Kenneth A. Rosen is quoted in *Food Dive* regarding the Chapter 11 bankruptcy of Dean Foods, the largest dairy producer in the United States. Rosen reflects on the marketplace and stresses the increased importance of efficiency for industry competitors.

> 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.](#)

> September 12; November 5, 2019

Law360, **NJBIZ**, and the **Global Legal Chronicle** highlight **Arielle Adler**, **Bruce Buechler**, **Joseph DiPasquale**, **Jennifer B. Kimble**, **Kenneth A. Rosen**, and **Mary E. Seymour** as debtor counsel to Hollister Construction Services' Chapter 11 bankruptcy proceedings. [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 Barney's 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 Barney's 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. Barney's 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 24, 2019

Kenneth A. Rosen, **Christopher Porrino**, and **Philip J. Gross** are mentioned in the *Jewish Standard's* piece on the 13th Annual Jewish Law Symposium, which explored ethical lessons from "Fiddler on the Roof." The symposium is designed for attorneys across New Jersey who are interested in exploring the ethical and moral dilemmas they might face today, as lawyers, through the lens of both civil and Talmudic law. Rosen served as the event's chair.

> February 19-20; March 8; April 15; May 20; June 22, 2019

Lowenstein Sandler's role as legal counsel to Aceto Corporation in its Chapter 11 bankruptcy filing and in the proposed \$338 million sale of its chemical business assets to New Mountain Capital is highlighted in **Bankrupt Company News**, **MarketWatch**, **GlobeNewswire**, **Markets Insider**, **StreetInsider.com**, **EIN Presswire**, **MarketScreener.com**, and the **Global Legal Chronicle** (May 20, 2019; June 22, 2019). The firm's role as legal counsel in Aceto's sale of subsidiary Rising Pharmaceuticals, Inc. is noted in **The Associated Press**, **MarketScreener.com**, and the **Global Legal Chronicle**. (Lowenstein team: **Kenneth A. Rosen**, **Steven E. Siesser**, **Paul Kizel**, **Michael S. Etkin**, **Jeffrey Cohen**, **Wojciech F. Jung**, **Philip J. Gross**, **Michael Savetsky**, and **Michael Papandrea**.) ([subscription required to view certain content](#)) [View Lowenstein's news announcements about this representation: March 18, 2019; May 13, 2019.](#)

> May 24, 2019

Lowenstein Sandler is noted in *The Wall Street Journal* as one of a handful of elite law firms that have come to dominate corporate bankruptcy matters in the United States. The *Journal* article provides an analysis of the inner workings and concentration of cases within the bankruptcy industry. The piece identifies the top ten law firms by the number of the bankruptcy cases handled over the past decade and finds that at least one of the top ten firms, including Lowenstein, has appeared for either the debtor or the official creditors' committee in almost two-thirds of all large cases. ([subscription required to access article](#))

> April 26, 2019

Kenneth A. Rosen, co-counsel for the Official Committee of Unsecured Creditors of Orchids Paper Products Company, is quoted in **Law360** regarding the company's proposed Chapter 11 financing terms. According to Rosen, the proposed deal would not provide for a fair auction process for all prospective bidders, and would render the debtor "administratively insolvent." Two objections have been filed in a Delaware bankruptcy court. Orchids Paper filed for Chapter 11 in early April with approximately \$271 million in debt.

> October 11-November 21, 2018

Infosurhoy (November 21, 2018), **Chron** (October 29, 2018), **The Seattle Times** (October 25, 2018), **The Vindicator** (October 25, 2018), **The Associated Press** (October 25, 2018), the **New York Post** (October 11, October 14, October 16, and October 24, 2018), and **Bloomberg Quint** (October 17, 2018) quote **Kenneth A. Rosen** in several articles

exploring the aftermath of Sears Holdings Corp.'s bankruptcy and the continued attempts by former Sears CEO Eddie Lampert to avoid liquidation. Rosen comments on the state of Sears' current financing and on the highly public manner in which Sears' assets were sold to Lampert's hedge fund, ESL Investments.

> July 11-12, 2018

USA Today, **The Daily Journal**, **My Central Jersey**, **CBS19**, and **MonroeNow** quote **Kenneth A. Rosen** on his role in a charitable team effort to purchase a large Geoffrey the Giraffe statue from the corporate headquarters of bankrupt retailer Toys "R" Us and install it at Bristol-Myers Squibb Children's Hospital in New Brunswick, New Jersey. Rosen donated funds to cover the cost of installing the statue at the hospital. **The Atlanta Journal-Constitution**, **New Brunswick Patch**, and **FIOS1 News** also cover the story.

> June 16-27, 2018

Fortune, **Bloomberg**, **Bloomberg Quint**, Bloomberg's **Distressed Daily** newsletter, **FMT News**, **ATT.net**, **Fatherly**, **The Morning Call**, **Holmdel Patch**, **New Brunswick Patch**, and **MSN** quote **Kenneth A. Rosen** on his role in a charitable team effort to purchase a large Geoffrey the Giraffe statue from the corporate headquarters of bankrupt retailer Toys "R" Us and install it at Bristol-Myers Squibb Children's Hospital in New Brunswick, New Jersey. Rosen, who donated funds to cover the cost of installing the statue at the hospital, stated that he believed it would provide sick children with a significant mental health boost. **Bloomberg Law - Big Law Business**, **edplay**, **Chain Store Age**, and **The Columbian** mention Rosen in briefer descriptions of this project.

> 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.

> May 2018

Kenneth A. Rosen comments in **Turnarounds & Workouts** regarding the judge's rejection of a potential bidder's demand for a negotiating fee in the Chapter 11 bankruptcy liquidation of Bon-Ton Stores. Citing time limits under the U.S. Bankruptcy Code, Rosen claimed there were issues which prevented the retailer from being able to reorganize.

> April 11, 2018

Law360 quotes **Kenneth A. Rosen**, counsel for the Official Committee of Unsecured Creditors of Cenveo, Inc., regarding objections to the envelope maker's hiring one of its former vice presidents to renegotiate the company's commercial leases as part of its Chapter 11 bankruptcy proceedings.

> March 6, 2018

Reuters quotes **Kenneth A. Rosen** in an article noting that a senior-level bankruptcy lawyer has been appointed to serve as independent examiner in Cenveo Inc.'s Chapter 11 bankruptcy proceedings, though the company's Official Committee of Unsecured Creditors will have primary responsibility for investigating the company.

> February 27, 2018

Kenneth A. Rosen is quoted in **WSJ Pro Bankruptcy** regarding the bankruptcy proceedings of specialty paper manufacturer Appvion Inc. Representing the Official Committee of Unsecured Creditors, Rosen stated that the protection of creditors would be best met by negotiations of a potential plan of reorganization, as opposed to a Chapter 11 auction.

> February 26, 2018

The **Global Legal Chronicle** highlights Lowenstein's being selected as legal counsel to handle the Chapter 11 bankruptcy proceedings of the Official Committee of Unsecured Creditors of Cenveo Inc. The article lists **Kenneth A. Rosen**, **Mary E. Seymour**, **Bruce D. Buechler**, **Bruce S. Nathan**, and **Eric Chafetz** as the Lowenstein team.

> December 2017

Kenneth A. Rosen comments in "Lenders: The New Owners," in **Turnarounds & Workouts** on the increasingly common retail Chapter 11 bankruptcy becoming a debt-to-equity conversion. Rosen comments on reasons why the traditional structures of bankruptcies have evolved into some form of ownership by lenders.

> November 2017

Kenneth A. Rosen is quoted in **Turnarounds & Workouts** regarding the potential risks for companies which raise money by borrowing leveraged loans over bonds in a low interest rate climate. Rosen states that low interest rates can hide deficiencies, which are not apparent until interest rates rise, exposing a company's inherent problems.

> November 10, 2017

Kenneth A. Rosen comments on the ownership of intellectual property of retailer Calypso St. Barth in the **New York Post**. Rosen represents creditors in the Chapter 7 bankruptcy liquidation.

> November 2, 2017

Kenneth A. Rosen is quoted in **New York Post** regarding the involuntary chapter 7 petition filed against luxury apparel retailer Calypso St. Barth. Rosen represents the petitioning creditors, who claim to be owed more than \$800,000.

> July 27, 2017

Kenneth A. Rosen comments in **The New Jersey Herald** regarding the issues and potential effects of a confidentiality and non-disclosure agreement in the bankruptcy proceedings of Mountain Creek Resort. Rosen represents the year-round outdoor-sports resort, which filed for Chapter 11 bankruptcy protection in May.

> May 9, 2017

Kenneth A. Rosen comments in **Food Dive** on some of the aspects of the bankruptcy law in relation to food companies, and explanations for the limited number of chapter 11 filings in the industry.

> May 2017

Kenneth A. Rosen comments in **Turnarounds & Workouts** regarding the increasing rate of retailers in bankruptcy trying to leverage intellectual property in out-of-court refinancings. Rosen participated in a webinar concerning new concepts being implemented by retailers in bankruptcy proceedings.

> April 26, 2017

Kenneth A. Rosen is quoted in **Racked.com** regarding the Chapter 11 filing of online retailer Nasty Gal and the purchasers of its intellectual property, Boohoo. Rosen comments about the importance of superior customer service, and the potential damage to a brand in its absence.

> April 2017

Kenneth A. Rosen is quoted in **Turnarounds & Workouts**, based upon his comments in a webinar regarding new concepts being implemented by retailers in an effort to drive traffic back into the malls and shopping centers.

> December 21, 2016

Kenneth A. Rosen offers a commentary in **GlobeSt.com** regarding the required timing for retailers to make crucial real estate decisions in Chapter 11 under Bankruptcy *365(d)(4).

> July 29, 2016

Kenneth A. Rosen is quoted in **Bloomberg** regarding the consignment conflict amongst vendors, lenders, and the retailer in the bankruptcy of Sports Authority Inc.

> July 22, 2016

Kenneth Rosen is featured in the latest episode of the **Debtwire** legal analyst practitioner podcast series discussing recent developments in retail bankruptcies and restructurings.

> June 17, 2016

Kenneth A. Rosen comments in **The Deal Pipeline** regarding the sharp increase in Chapter 11 filings of private equity-backed companies in 2016. Kenneth noted that several of the recent energy cases were characterized by a quick sale of assets or an exchange of debt for equity, usually not considered traditional reorganizations.

> April 22, 2016

In the **New Jersey Law Journal**, **Kenneth Rosen** discusses the volatile commodities market and its effect on bankruptcy work.

> April 18, 2016

In **The Daily Meal**, **Kenneth Rosen** comments on Fairway Market's potential bankruptcy filing due to growing competition from upscale grocery stores.

> April 14, 2016

Kenneth A. Rosen is quoted in **The Wall Street Journal**, as he compared the different results of the retail bankruptcies of Hancock Fabrics Inc. and G Street Fabrics.

> April 6, 2016

Kenneth A. Rosen is quoted in **Law360** regarding a judge's rejection of the UCC's request to extend the deadline of Horsehead Holdings LLC's Chapter 11 proceedings. Kenneth represents the Official Committee of Unsecured Creditors of the zinc recycler.

> March 22, 2016

Kenneth A. Rosen discusses the strategic uses of augmentation during a liquidation process in **The Deal**, highlighting the current going out of business plans for sporting goods chain Sports Authority.

> March 7, 2016

Kenneth A. Rosen is quoted in the **New York Post** regarding sagging sales reports by mega retailer Kmart and its new Strategic Merchandising Group's plan to buy merchandise of liquidating retailers.

> March 3, 2016

Kenneth A. Rosen comments in **USA Today**, **KGW.com**, and **The Examiner Gazette** regarding the implications of Sports Authority's filing for Chapter 11 bankruptcy protection.

> January 8, 2016

Kenneth A. Rosen is featured in **Bloomberg Brief: Bankruptcy & Restructuring** in an exclusive Q&A regarding the increase of distress for small community hospitals.

> January 8, 2016

Kenneth A. Rosen is quoted in **Law360** regarding the pending confirmation of a plan allowing New York City Opera to exit bankruptcy. Kenneth represents the opera company, which filed for Chapter 11 protection in October 2013.

> January 8, 2016

Kenneth A. Rosen and Nicholas Vislocky write in **GlobeSt.com** regarding the unique bankruptcy process and obligations for shopping center retail tenants filing for Chapter 11.

> January 6, 2016

Kenneth A. Rosen comments in **Bloomberg** regarding the uncertainty of the energy industry, and the effects on exploration and production companies and retailers.

SPEAKING ENGAGEMENTS

> Moderator, **Health Care Score Card**, American Bankruptcy Institute's 15th Annual Mid-Atlantic Bankruptcy Workshop, Hershey, PA, August 2, 2019

> Moderator, **Should Labor Bear the Cost of Bad Management? Debt Restructuring in Depressed Industries**, Cornell University School of Industrial and Labor Relations webinar, February 22, 2018

> Presenter, **Geo-politics and the Impact on the Ferroalloys Industry**, CRU Ryan's Notes Ferroalloys Conference, Scottsdale, AZ, October 23, 2017

> Panelist, **How Policy Influences Domestic Demand**, North American Steel Conference 2017, Chicago, IL, October 3, 2017

> Moderator, **Retailers: Chapter 11 and the Rapidly Changing Landscape**, New York Institute of Credit, New York, NY, September 19, 2017

> Presenter, **The Impact of Increased Private Equity and Hedge Fund Activity on Creditors' Rights in the Chemical Industry: The New Normal?**, National Chemical Credit

Association Annual Educational Conference, Scottsdale, AZ, February 22, 2017

- > Speaker, **Spotting and Reacting to Warning Signs of Financially Distressed Customers: Dodging the Bankruptcy Bullet**, National Steel Mill Credit Group, Scottsdale, AZ, November 17, 2016
- > Presenter, **Spotting and Reacting to Warning Signs of Financially Distressed Customers: Dodging the Bankruptcy Bullet**, NACM Midwest, Rolling Meadows, IL, April 21, 2016
- > Presenter, **Mining for Hidden Assets and Liabilities: Unlocking a Financially Distressed Customer's Balance Sheet**, Credit Research Foundation (CRF) Credit & Accounts Receivable Open Forum, Marina del Rey, CA, March 22, 2016

EDUCATION

- > Columbia University (M.B.A. 1980)
- > Benjamin N. Cardozo School of Law (J.D. 1979)
- > Cornell University (B.S. 1975)

ADMISSIONS

- > New York
- > New Jersey