



## Kenneth A. Rosen

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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* (2008-2020) 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

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- > **The Best Lawyers in America (2021-2022)**  
Recognized for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation

## NEWS & INSIGHTS

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### Publications

- > January 13, 2022  
**"Exculpation Ruling Shows Danger Of Overbroad Clauses,"** *Law360*  
Kenneth A. Rosen
- > December 9, 2021  
**"When Your Trademark Licensor is in Financial Distress,"** *IPWatchdog*  
Kenneth A. Rosen, Philip J. Gross
- > December 5, 2021  
**"Distressed Hotels: Financial Restructurings and Bankruptcy,"** *HotelExecutive*  
Kenneth A. Rosen, Jennifer B. Kimble
- > December 1, 2021  
**"How to Make a Good Impression in Bankruptcy Court,"** *CFO*  
Kenneth A. Rosen
- > Q4 2021  
**"Mere Possession of Debtor's Property is Not a Stay Violation,"** *Perspective by CRF*  
Kenneth A. Rosen
- > November 9, 2021  
**"When Chapter 11 Hits, D&O Claims Can Take the Unsecured Director Down,"** *Corporate Compliance Insights*  
Kenneth A. Rosen, Jeremy D. Merkin
- > October 12, 2021

- "Bankruptcy Venue Reform Bill Needs Amending,"** *Law360*  
Kenneth A. Rosen, Philip J. Gross
- > September 23, 2021  
**"Get Ready for Loan Enforcement,"** *CFO*  
Kenneth A. Rosen, Jeffrey D. Prol
- > August 17, 2021  
**"Bankruptcy Lending Is Very Profitable,"** *ValueWalk*  
Kenneth A. Rosen, Wojciech F. Jung
- > August 17, 2021  
**"Tenant Bankruptcies in Shopping Centers: Risks and Opportunities,"** *Chain Store Age*  
Kenneth A. Rosen, Michael Savetsky
- > July 19, 2021  
**"Finding Good Real Estate Deals Among the Ruins,"** *Wealth Management Real Estate (WMRE)*  
Kenneth A. Rosen, Mary E. Seymour, John P. Schneider
- > July 15, 2021  
**"Make the CARES Act Eviction Moratorium Fair to Landlords,"** *Bloomberg Law*  
Kenneth A. Rosen
- > July 15, 2021  
**"The Nine West Decision: A New Twist on an Old Cause of Action,"** *Perspective by CRF*  
Kenneth A. Rosen, Michael Savetsky
- > July 13, 2021  
**"Avoiding Independent Director Challenges In Ch. 11 Litigation,"** *Law360*  
Kenneth A. Rosen, Philip J. Gross
- > July 12, 2021  
**"Why Do Vendors Get Burned Twice in Bankruptcy?,"** *Chain Store Age*  
Kenneth A. Rosen
- > July 2021  
**"Problems in the Code: The Time Has Come to Suspend the SARE Provisions,"** *ABI Journal*  
Kenneth A. Rosen, John P. Schneider
- > June 30, 2021  
**"In Defense Of Expedited Bankruptcies,"** *Law360*  
Kenneth A. Rosen
- > June 3, 2021  
**"Creditor Compositions – Cheaper Than Bankruptcy?,"** *CFO*  
Kenneth A. Rosen
- > May 18, 2021  
**"How To Modify Contracts With Struggling Vendors,"** *Financial Advisor*  
Kenneth A. Rosen, Brent Weisenberg
- > May 3, 2021  
**"Bankruptcy Courts Need Tools to Help Real Estate Debtors,"** *Bloomberg Law*  
Kenneth A. Rosen, Phillip Khezri
- > February 11, 2021  
**"Keeping Your Job as CFO When A CRO Arrives,"** *Global Banking & Finance Review*  
Kenneth A. Rosen
- > January 13, 2021  
**"Weighing COVID-19 (and Other Macro Factors) in Bankruptcy Valuations,"** *CFO*  
Kenneth A. Rosen
- > September 16, 2020  
**"Now is the time for investors to go shopping,"** *PE Hub*  
Kenneth A. Rosen
- > August 10, 2020  
**"How to Respond When Your Banker Requests a Visit,"** *CFO*  
Kenneth A. Rosen

- > July 10, 2020  
**"Healthcare Chapter 11s are different,"** *McKnight's Long-Term Care News*  
Kenneth A. Rosen
- > July 1, 2020  
**"Creditors' Committee Investigations: Checklist,"** *Practical Law*  
Kenneth A. Rosen,
- > June 22, 2020  
**"A well-planned Chapter 11 can save a fleet,"** *Transport Dive*  
Kenneth A. Rosen, Mary E. Seymour, Philip J. Gross
- > June 17, 2020  
**"Amend Bankruptcy Code To Add Oversight For CBA Changes,"** *Law360*  
Kenneth A. Rosen
- > June 16, 2020  
**"What the CARES Act is Missing,"** *Bloomberg Tax*  
Kenneth A. Rosen
- > June 11, 2020  
**"When Lenders Demand More Skin in the Game,"** *Lowenstein Sandler LLP*  
Kenneth A. Rosen
- > June 9, 2020  
**"The Need for an Examiner in Hospital Bankruptcies,"** *Healthcare Business Today*  
Kenneth A. Rosen
- > June 1, 2020  
**"More Transparency of Post-Petition Debt,"** *American Bankruptcy Institute*  
Kenneth A. Rosen
- > May 11, 2020  
**"Seeking Lender Relief During Uncertainty and Distress,"** *Bloomberg Law*  
Kenneth A. Rosen, Jeffrey D. Prol, Lowell A. Citron, Philip J. Gross
- > May 11, 2020  
**"COVID-19 and Quick 363 Bankruptcy Sales,"** *Lowenstein Sandler LLP*  
Kenneth A. Rosen
- > May 11, 2020  
**"Creditor Compositions: Overview,"** *Practical Law*  
Kenneth A. Rosen, Philip J. Gross
- > April 30, 2020  
**"30 Questions to Ask Now Before Extending Credit,"** *eNews (National Association of Credit Management)*  
Kenneth A. Rosen
- > April 29, 2020  
**"A Mortgage Loan Documentation Pitfall,"** *GlobeSt.com*  
Kenneth A. Rosen, , Stuart S. Yusem
- > April 28, 2020  
**"Economic Woes Mean It's Time to Understand Chief Restructuring Officers,"** *CFO*  
Kenneth A. Rosen
- > April 24, 2020  
**"Your lenders are watching you,"** *Chain Store Age (CSA)*  
Kenneth A. Rosen
- > April 21, 2020  
**"CRE Lenders Might Not Like How Bankruptcy Courts Treat Them During the Coronavirus,"** *GlobeSt.com*  
Kenneth A. Rosen
- > April 13, 2020  
**"Tips for Negotiating with Landlords Amid COVID-19,"** *Chain Store Age (CSA)*  
Kenneth A. Rosen
- > April 4, 2020  
**"Filing for bankruptcy? Understand your lenders' leverage,"** *CFO Dive*

Kenneth A. Rosen

- > April 3, 2020  
**"How to Use and Not Use Chapter 11 in Bad Economic Times,"** *CFO*  
Kenneth A. Rosen
- > April 2, 2020  
**"Is the Board to Blame?,"** *Global Banking & Finance Review*  
Kenneth A. Rosen, Philip J. Gross, Colleen M. Maker
- > April 1, 2020  
**"How US Trustees Can Deter Chapter 11 Proxy Abuses,"** *Law360*  
Kenneth A. Rosen
- > 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 30, 2020  
**"In the Pandemic, Legal and Financial Professionals Must Step Up to Help Nonprofits,"** *The Chronicle of Philanthropy*  
Kenneth A. Rosen
- > 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
- > March 2, 2020  
**"How the bankruptcy system needs to change,"** *Chain Store Age (CSA)*  
Kenneth A. Rosen
- > Q1 2020  
**"This is Really Funny...On Our Way to The Bankruptcy Court,"** *Perspective by CRF (The Credit Research Foundation)*  
Kenneth A. Rosen
- > 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, Chapter on Lender Liability Considerations*  
, 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 22, 2021

**Kenneth A. Rosen**, Chair Emeritus of the firm's **Bankruptcy & Restructuring Department**, tells **Axios** that, although it looks like there will be an increase in deal volume in the retail sector in 2022, "in the near-term we may see a pause in some auction processes – as bidders evaluate concerns tied to supply chains or the emerging Omicron variant."

> September 2, 2021

**Kenneth A. Rosen**, Chair Emeritus of Lowenstein's **Bankruptcy & Restructuring Department**, speaks to the **New York Post** about Jessica Simpson's efforts to reclaim her brand before Sequential Brands, the company that owns it, files for bankruptcy. Simpson and her family want to become the stalking-horse bidders for the brand, but, as Rosen explains, "It's possible that Jessica Simpson is outbid." He adds that a bankruptcy judge could grant Simpson's request, "but that only means that she is the first bidder unless someone wants to top her bid."

> March 10, 2021

Lowenstein's representation of the Unsecured Creditors' Committee of Parent Company of Balducci's New York and Kings Food Markets in the confirmation of the Plan filed by the Debtors and approved by the court on February 22 is noted in the **Global Legal Chronicle** and **PBV Monitor**. The Lowenstein team was led by **Joseph J. DiPasquale**, **Mary E. Seymour**, **Kenneth A. Rosen**, and **Jennifer B. Kimble** and includes **Lowell A. Citron**, **Rachel Maimin**, **Jeremy D. Merkin**, and **Craig Dashiell**. [View Lowenstein's news announcement about this representation.](#)

> December 13, 2020

**Kenneth A. Rosen**, Chair of Lowenstein's **Bankruptcy & Restructuring Department**, is quoted in the **New York Post** addressing the outcome surrounding the Neiman Marcus bankruptcy settlement.

> October 30, 2020

Lowenstein's retention as counsel to the Official Committee of Tort Claimant Creditors in the Chapter 11 bankruptcy case of the **Diocese of Camden** (New Jersey) is noted in the **Global Legal Chronicle**. Serving approximately 486,368 Catholics living in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, the diocese is comprised of 62 parishes. The Lowenstein team is led by **Jeffrey D. Prol**, **Brent Weisenberg**, **Lynda A. Bennett**, **Matthew Boxer**, and **Kenneth A. Rosen**. [View Lowenstein's news announcement about this retention.](#)

> September 22, 2020

Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 Bankruptcy of **Century 21 Department Stores** is noted in the **Global Legal Chronicle**. Century 21 operates 13 retail stores across New York, New Jersey, Pennsylvania, and Florida, along with an e-commerce platform. The Lowenstein team is led by **Jeffrey Cohen**, **Kenneth A. Rosen**, **Lynda A. Bennett**, **Eric Chafetz**, **Brent Weisenberg**, and **Lindsay H. Sklar**. [View Lowenstein's news announcement about this retention.](#)

> September 15, 2020

**Kenneth A. Rosen**, partner and Chair of Lowenstein's **Bankruptcy & Restructuring Department**, is quoted in **Bloomberg Law** addressing the fee applications at The Eastern District Virginia court.

> September 10, 2020

Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 bankruptcy case of KB US Holdings Inc., the parent company of Balducci's New York and Kings Food Markets, and several affiliates, is noted in the **Global Legal Chronicle**. The Lowenstein team is led by **Kenneth A. Rosen**, **Mary E. Seymour**, **Joseph J. DiPasquale**, and **Jennifer B. Kimble** and includes **Rachel Maimin** and **Jeremy D. Merkin**. [View Lowenstein's news announcement about this retention.](#)

> July 29, 2020

**Kenneth A. Rosen** is quoted in **Bloomberg Law** discussing the rising need for additional bankruptcy attorneys and related support in the wake of the COVID-19 pandemic. As Chair of the Bankruptcy Department, Rosen describes how Lowenstein has focused efforts on bolstering the team for over a year in anticipation of an economic downturn.

> July 13, 2020

**Kenneth A. Rosen** is quoted in the **New York Post** regarding large payments to Neiman Marcus executives in advance of the company's Chapter 11 bankruptcy filing. Rosen analyzes the timing of the payouts and explains the effect such pay incentives could have on the bankruptcy case.

> June 4, 2020

The largest U.S. mall operator has sued its largest tenant for back rent and other related charges. **Kenneth A. Rosen**, Chair of Lowenstein's **Bankruptcy** practice, is quoted in the **New York Post** as to what this case may mean for future litigation in the retail industry.

> May 8, 2020

**Kenneth A. Rosen**, partner and Chair of the **Bankruptcy & Restructuring Department** group, is quoted in **Adweek** regarding two predominant trends currently emerging in bankruptcy court to tackle the unprecedented challenge of post-pandemic bankruptcy filings. Rosen discusses how Chapter 11 proceedings are evolving to handle the current retail climate.

> May 5, 2020

**Kenneth A. Rosen**, partner and Chair of the **Bankruptcy & Restructuring Department** group, is quoted in **WSJ Pro Bankruptcy** regarding the bankruptcy proceedings of retailer J. Crew Group Inc. and the company's move to protect its Asian supply chain in preparation for reopening stores. Rosen compares the action to recent similar retail filings and comments on the resulting protection to vendors.

> May 4, 2020

In **NBCNews.com**, **Kenneth A. Rosen**, partner and Chair of the **Bankruptcy & Restructuring Department** group, discusses possible outcomes of Chapter 11 bankruptcies, including their impact on consumers and retail leases. Chapter 11 filings offer struggling companies a way to reshape the business and reorganize debt. Following the COVID-19 pandemic, however, the future of reorganizations is unclear.

> May 1, 2020

**Kenneth A. Rosen**, partner and Chair of the **Bankruptcy & Restructuring Department** group, is quoted in **WWD** regarding the current uncertainty in retail bankruptcies as a result of

the COVID-19 pandemic. Rosen states that "bankruptcy judges are trying to accommodate the concept of maximizing value." However, external factors are affecting the industry's ability to formulate projections and create plans of reorganization.

> February 4, 2020

**Law360** and **Bloomberg Law – Big Law Business** report on **Robert M. Hirsh** joining Lowenstein Sandler's **Bankruptcy & Restructuring Department** as partner. Hirsh chose Lowenstein because it is an "exceptional platform" that fits well with his focus on health care institutions. **Kenneth A. Rosen**, Chair of the firm's bankruptcy practice, says that Hirsh's "deep knowledge of specialty lending and his national reputation for creditor committee representations ... will bring further innovation and extraordinary results to our clients." (*subscription required to access certain content*)

> December 12, 2019; January 16, 2020

**Kenneth A. Rosen** is quoted in the **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 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 24, 2019

**Kenneth A. Rosen**, **Christopher Porrino**, and **Philip J. Gross** are mentioned in the **Jewish Standard**'s piece on the 13<sup>th</sup> 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.

> October 22, 2019

**Kenneth A. Rosen** comments to **CNBC** on the changing approach to bankruptcy by retailers, explaining that the 2005 changes to the U.S. Bankruptcy Code shortened the timeline for a sale or reorganization before a retailer was pushed into liquidation and that a new market of liquidators now competes to run retailers' going-out-of-business sales. "There is no patience for a protracted reorganization anymore," he says. "Chapter 11 is too darn expensive, and I think lenders have alternatives to a long-term Chapter 11 that are better."

> 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.

> February 19-20; March 8, 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**, and **EIN Presswire**. The firm's role as legal counsel in Aceto's sale of subsidiary Rising Pharmaceuticals, Inc. is noted in **The Associated Press** and **MarketScreener.com**. (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 announcement about this transaction.**

> 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.

> October 11-16, 2018

The **New York Post** quotes **Kenneth A. Rosen** in an **October 11, 2018, article** about Sears' potential bankruptcy and CEO Eddie Lampert's aim of avoid a corporate liquidation by bidding on Sears' remaining assets. Rosen notes that, while some bankruptcies are designed to secure a court's permission to sell assets to someone inside the company, he believes Sears may be in liquidation within the next few months. In the **Post's October 14, 2018, article** announcing Sears' October 15, 2018, Chapter 11 bankruptcy filing and noting Lampert's bid to keep several hundred stores open, Rosen states that some of the stores may currently be successful and that Lampert likely knows which ones they are. The **Post** quotes Rosen again in an **October 16, 2018, piece** reporting on the retailer's efforts to reassure vendors that the company has the financing to pay for new merchandise supplied to Sears' stores. Rosen notes that such reassurances may no longer resonate with vendors.

> 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.
- > 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

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- > Speaker, **Responsibilities and Liabilities When a Company is in Distress. And, How to Prepare for a Meeting with Your Lender**, Thomson Reuters West LegalEdcenter, Webinar, December 21, 2021
- > Speaker, **The Inaugural NJSBA Bankruptcy and Restructuring Forum**, NJSBA, New Brunswick, NJ, November 18, 2021
- > Presenter, **How to Preserve Your Job as CEO, CFO or General Counsel in a Bankruptcy Case or Financial Restructuring**, West/Thomson Reuters, Webinar, October 1, 2021
- > Presenter, **TMA Town Hall: Retail Distress**, Turnaround Management Association (TMA), Webinar, June 10, 2020
- > 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

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

## ADMISSIONS

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- > New York
- > New Jersey