



## Jeffrey Cohen

Partner

Vice Chair, Bankruptcy, Financial Reorganization & Creditors' Rights

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A trusted advisor to unsecured creditors, creditors' committees, and distressed companies, Jeff's tenacious counsel adds steady momentum to our growing client base in retail bankruptcy and is a strong resource to distressed clients in the technology sector. His practice centers on Chapter 11 bankruptcy reorganizations and related litigation. Current representations include the creditors' committees in GNC, Sur La Table, Modell's Sporting Goods, Murray Metallurgical Coal, The Northwest Company, Maines Paper & Food Service, Gibson Guitar, United Sporting Companies, Mission Coal Company, Fred's, Gander Mountain, and Vitamin World; individual creditors Under Armour and Estée Lauder in Bon-Ton Stores Chapter 11, Estée Lauder in Sears Canada proceedings, National Football League in Cumulus Media Chapter 11, and participant lenders in Toys "R" Us and Tops Markets Chapter 11 cases.

Jeff often provides advice to private equity-sponsored and venture capital-backed distressed investors, representing boards of directors and management in the out-of-court wind down or distressed M&A process in the following industries: health care, internet-connected home devices, digital content delivery websites, and digital advertisement and content delivery through television and alternative media.

As a certified bankruptcy mediator and an approved fee examiner by the U.S. Trustee for Region 3, Jeff most recently served on the Official Fee Review Committee in the Adelphia Communications bankruptcy cases and as the fee examiner in the Endeavour Operating Chapter 11 case. Jeff also recently served as mediator in the Digital Domain Chapter 11 cases in adversary proceedings involving preferential transfers and fraudulent conveyance actions.

## EXPERIENCE

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- > Iconic Consumer Brands and Their Creditors: Creditors' committees of Atari, Lenox China, Brookstone and Gibson Guitar; individual creditors include Under Armour, Fila USA, Columbia Sportswear, Brooks Running.
- > Consumer, Retail and Manufacturing: Creditors' committees of Blockbuster Video, Filene's Basement, Golfsmith, City Sports, Brookstone, Sharper Image, GNC, Sur La Table, Modell's Sporting Goods, Murray Metallurgical Coal, The Northwest Company, Maines Paper & Food Service, Pizzeria Uno, Vestis (Bob's Stores, Eastern Mountain Sports, Sports Chalet), KB Toys, Levitz Furniture, Wickes Furniture, Bombay Company, Skymall, Allen's, Alexander Gallo Holdings, Signature Styles (dba Spiegel, Newport News, and ShapeFx), Archbrook Laguna Holdings, Oriental Trading, Claim Jumper Restaurants, Sports Collectibles (dba BC Sports), Goody's Family Clothing, Boscov's, Scooter Stores, Harvey Electronics, Bachrach Clothing, Rag Shops, Norstan Apparel Shops, Troutman's Emporium, The Walking Co., Velo Holdings, Christopher's Men's Stores, Cornell Trading. Debtor representations include Crabtree & Evelyn, Metropark USA.
- > Sports, Technology, Media and Entertainment: National Football League in the Cumulus Media chapter 11 cases; New York Cosmos in the restructuring of the National American Soccer League (NASL) to avoid closure of the league at the end of 2016; creditors' committee in chapter 11 of music streaming service, Beyond Oblivion; KIT Digital, Fuhu (children's Nabi™ tablets), Aquion, HipCricket.
- > Distressed Technology Companies and the Internet-Connected Home: Debtors in chapter 11, including Quirky, Inc. And Wink, Inc. in the sale of their assets to Flextronics, Inc.; Metromedia Fiber Network; out of court wind down and sale of LittleThings, Inc. to RockYou.

## NEWS & INSIGHTS

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### Publications

- > April 8, 2020  
**"Vigilance Now Can Help Avoid Scrutiny Later: Fiduciary Duties in the Midst of a Global Pandemic,"** *Litigation and Bankruptcy Client Alert*  
Jeffrey Cohen, Matthew Boxer, Michael A. Kaplan, C. Patrick Thomas
- > 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,"**  
Kenneth A. Rosen, Bruce D. Buechler, Jeffrey Cohen, Jeffrey D. Prol, Andrew Behlmann, Eric Chafetz, Joseph J. DiPasquale, 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, Financial Reorganization & Creditors' Rights Client Alert*  
Kenneth A. Rosen, Bruce D. Buechler, Jeffrey Cohen, Jeffrey D. Prol, Andrew Behlmann, Eric Chafetz, Joseph J. DiPasquale, Michael S. Etkin, Robert M. Hirsh, Wojciech F. Jung, Bruce S. Nathan, Mary E. Seymour

> January 22, 2020  
**"Significant Amendments Enacted to New Jersey's WARN-related Act,"** *Lowenstein Sandler Client Alert*  
Julie Levinson Werner, Jeffrey Cohen, Amy C. Schwind

> 2nd Quarter 2018  
**"Remain on Guard: Lessons for Trade Creditors in a post-Toys 'R' Us World,"** *CRF News*  
Jeffrey Cohen

> March 7, 2018  
**"Lessons From Merit Management: The Settlement Payment Defense Lives ... if You Are a 'Financial Institution',"** *Lowenstein Sandler Client Alert*  
Jeffrey Cohen, Richard Bernstein, Michael A. Brosse, Benjamin Kozinn, Jonathan C. Wishnia

> 2nd Quarter 2017  
**"Retail Bankruptcies Are Skyrocketing: Creditors, Protect Your Rights!,"** *CRF News*  
Jeffrey Cohen

## In the Media

> August 3, 2020  
**Jeffrey Cohen** is featured in *Vogue Business* regarding the onslaught of U.S. retail bankruptcies. Cohen comments on anticipated bankruptcy trends through the second half of the year.

> July 31, 2020  
Lowenstein's selection as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 bankruptcy case of Sur La Table, Inc. is highlighted in the **Global Legal Chronicle**. The Lowenstein team includes **Jeffrey Cohen, Eric Chafetz, and Philip J. Gross**. **View Lowenstein's news announcement about this retention.**

> July 27, 2020  
**Jeffrey Cohen** is quoted in *Bloomberg Law* regarding the growing value of brand names and related intellectual property in Chapter 11 bankruptcy cases in light of increased online retail. Cohen comments on the abrupt shift to online shopping due to the COVID-19 pandemic and the magnified value of intellectual property as physical stores shutter their doors.

> July 3, 2020  
Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 bankruptcy case of **Maines Paper & Food Service, Inc.** is highlighted in the **Global Legal Chronicle**. The Lowenstein team includes **Jeffrey Cohen, Bruce S. Nathan, Jeffrey D. Prol, and Lindsay H. Sklar**. **View Lowenstein's news announcement about this retention.**

> June 17, 2020  
**Jeffrey Cohen** is quoted in *Vogue Business* regarding recent progress in the Chapter 11 bankruptcy of luxury retailer Neiman Marcus. Cohen comments as to the court's decision to approve the company's access to \$250 million in debtor-in-possession financing, and he speaks to the future of the brand post-COVID-19.

> June 2, 2020  
**Jeffrey Cohen** shares with *Business Insider* his strategy for continued client engagement in the absence of live meetings and events. Cohen, who has served as counsel to athletics companies including Under Armour, Fila USA, and Brooks Running, leverages his passion for fitness to create shared experiences and build personal relationships. *(subscription required to access article)*

> April 13, 2020  
**Jeffrey Cohen** is quoted in *Law360* regarding the Modell's Chapter 11 bankruptcy proceedings. As counsel to the official committee of unsecured creditors, Cohen comments on the current suspension of the Chapter 11 case and its impact on the landlord community. He suggests that, while imperfect, suspension of the case was the best long-term solution for both the debtor and the creditors following the COVID-19 retail shutdown.

> 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.**

> November 1, 2019

**Jeffrey Cohen** is quoted in a **Law360** article detailing a Delaware bankruptcy judge's approval of United Sporting Companies' Chapter 11 plan. As a lawyer for the official committee of unsecured creditors in the case, Cohen expresses satisfaction on behalf of the committee, describing how the confirmation represents the best result for the creditors. The Lowenstein attorneys representing the committee include Jeffrey Cohen, Michael Kaplan, Eric Chafetz, Gabriel L. Olivera, Myles R. MacDonald, Rasmeet K. Chahil, and C. Patrick Thomas.

> July 1, 2019

**Jeffrey Cohen** is quoted in a **Law360** article regarding the Chapter 11 case of United Sporting Companies. As a lawyer for the official committee of unsecured creditors in the case, Cohen remarks on the recent deal struck between the committee and the debtor, which will allow another chance to find a buyer for the debtor's assets.

> June 28, 2019

**Jeffrey Cohen** is quoted in **The New York Times** in an article on the fate of startup companies that do not succeed or fail quickly. Cohen observes that venture capital investors may let a company struggle for years: "They're willing to let it ride a little longer to see whether it explodes." (*subscription required to access article*)

> 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.**

> 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.**

> August 1, 2018

**The Wall Street Journal** quotes **Jeffrey Cohen** in an article discussing bankrupt guitar maker Gibson Brands Inc.'s deal with its unsecured creditors, each of which will now receive \$2.75 million. Cohen notes that the settlement is "good news" for many small, family-owned businesses that have long-standing relationships with Gibson. **Law360** also covered the settlement. (*subscription required to access articles*)

> 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.

> December 21, 2017

**Jeffrey Cohen** comments in **Law360** on the opposition of the amended sale order by the Official Committee of Unsecured Creditors in the Vitamin World bankruptcy proceedings. Cohen represents the committee, which was against the delay raised over landlord issues, citing that the negotiations between the buyer and debtor's estate had reduced the value of the assets.

> December 8, 2017

**Jeffrey Cohen** is quoted in **Law360** regarding the proposed auction plan of Vitamin World in its Chapter 11 proceedings. Cohen represents the Official Committee of Unsecured Creditors of the vitamin and nutraceutical retailer supplement retailer.

> November 21, 2017

**Jeffrey Cohen** is quoted in **Law360** regarding concerns over the hybrid liquidation and sale plan of bankruptcy for Vitamin World. Cohen represents the Official Committee of Unsecured Creditors of the 40-year old health supplement retailer.

> September 22, 2017

**Jeffrey Cohen** is quoted in the **New York Post** regarding the issues facing vendors to continue shipping or withhold further deliveries of merchandise to Toys 'R' Us. The retailer obtained \$3 billion in Chapter 11 financing in time for the start of the holiday season.

> April 30, 2017

**Jeffrey Cohen** is quoted in **The Wall Street Journal** regarding the winning bids at auction of **Gander Mountain Co.** by **Camping World Inc.** and a contractual joint venture of liquidators, including **Gordon Brothers**, **Hilco**, **Tiger Capital**, and **Great American**. Substantially all of the assets of the outdoor retailer, including inventory, intellectual property, and trademarks, were sold for approximately an aggregate of \$390M. Cohen and **Keara Waldron** represent the Official Committee of Unsecured Creditors.

> April 21, 2017

**Jeff Cohen** is quoted in **Fortune** and **Term Sheet** regarding the increasing utilization of bankruptcy law by startup technology companies when businesses fail. Cohen points to the increased involvement by venture capitalists and the need to protect their personal liabilities, as well as intellectual property assets and customer lists as value drivers in Chapter 11 filings.

- > March 15, 2017  
**Jeffrey Cohen** comments in **Forbes** regarding the recent explosion of startup technology companies filing for bankruptcy protection. Cohen points to intellectual property assets and the less-public bankruptcy procedure, assignment for the benefit of creditors (ABC), as catalysts for the increase in Chapter 11 filings.
- > March 8, 2017  
**Jeffrey Cohen** is quoted in the **New York Post** regarding the increase in the number of retailers filing for bankruptcy protection after a weak holiday retail season. Jeffrey addressed the issue of escalated tensions between retailers and lenders in the wake of disappointing returns.
- > January 26, 2017  
**Jeffrey Cohen** comments in the **New York Post** on retail sporting goods companies on the verge of bankruptcy.
- > January 23, 2017  
**Jeffrey Cohen** is mentioned for joining Lowenstein Sandler LLP's Bankruptcy, Financial Reorganization & Creditors' Rights practice as a partner in **New York Business Journal**, **Law360**, **New York CityBizList**, **ABF Journal**, and **Business Wire**.

## SPEAKING ENGAGEMENTS

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- > Presenter, **Current Developments in Chapter 11 Retail in the Post-Covid-19 Environment**, National Association of Credit Management Webinar, July 15, 2020
- > Presenter, **Update on Recent Retail Bankruptcy Filings**, RiemerPlus Webinar for the Department Stores Suppliers Credit Group, Webinar, June 18, 2020
- > Presenter, **Impact of the Pandemic: PPE for the Credit Operation**, National Association of Credit Management, Webinar, April 29, 2020
- > Presenter, **F&D Reports/CreditIntell/ARMS Meeting**, New York, NY, November 4, 2019
- > Presenter, **Bankruptcy 101 – 2019**, Credit Research Foundation's Credit & Accounts Receivable Forum and Expo, National Harbor, MD, October 14, 2019
- > Presenter, **Do I Really Need to Read This? Bankruptcy Filings Every Credit Manager Should Understand**, ABC-Omega, March 12, 2019
- > Panelist, **Eye on Bankruptcy**, American Bankruptcy Institute Annual Spring Meeting, Washington, D.C., April 21, 2018
- > Moderator, **2017 Year in Review**, Annual Advanced Restructuring and Plan of Reorganization Conference, New York, NY, November 13, 2017
- > Presenter, **The Retail Apocalypse: How Does the Trade Respond?**, National Apparel & Footwear Credit Association, Las Vegas, NV, November 10, 2017
- > Presenter, **The Retail Apocalypse: How Does the Trade Respond?**, National Association of Credit Management' Luggage and Travel Industry Credit Group, New York, NY, October 16, 2017
- > Presenter, **Do I Really Need to Read This? Bankruptcy Filings Every Credit Manager Should Understand**, Interbike International Bicycle Pre-Conference, Las Vegas, NV, September 19, 2017
- > Presenter, **Fortifying Your Credit Foundation: What Are Your Legal Options When a Customer Approaches Chapter 11?**, Interbike International Bicycle Pre-Conference, Las Vegas, NV, September 18, 2017
- > Presenter, **My Customer Filed Bankruptcy: Now What?**, Credit Management Association Webinar, August 17, 2017
- > Panelist, **Paths for Committees Post-Jevic**, American Bankruptcy Institute Mid-Atlantic Workshop, Hershey, PA, August 4, 2017
- > Presenter, **Do I Really Need to Read This? Bankruptcy Filings Every Credit Manager Should Understand**, Outdoor Retailer Summer Market Pre-Conference, Salt Lake City, UT, July 25, 2017
- > Presenter, **Differences Between Chapters 7 and 11 Bankruptcy**, Credit Management Association Webinar, July 21, 2017
- > Presenter, **F&D Reports/CreditIntell/ARMS Meeting**, New York, NY, May 8, 2017

## EDUCATION

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- > St. John's University School of Law (J.D. 2000), cum laude; Articles Editor, *American Bankruptcy Institute Law Review*
- > State University of New York at Albany (B.A. 1997), Criminal Justice and Political Science

## ADMISSIONS

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- > New York