

David B. Hathaway
Attorney-at-Law
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Education:

Boston University School of Law
Boston, MA

J.D., cum laude, 1987

L.S.A.T. score: 785 out of 800

Honors: Editor - Boston University Law Review, G. Joseph Tauro Distinguished Scholar and Paul Liacos Scholar

Boston University School of Management
Boston, MA

B.S.B.A. in Management, 1981

Honors: Recipient of the Scarlet Key Award for extraordinary achievement in student activities, served as a member of the Boston University Trustee's Growth and Development Committee, twice elected Vice President of the Boston University undergraduate student government

Professional Employment:

Enron Fee Committee (Enron Chapter 11 Case)

Professional Staff Member

New York, NY

January 2003 - October 2005

Chapter 7 Panel Trustee for the District of Rhode Island

Warwick, RI

July 1998 - February 2003

Law Office of David B. Hathaway

Private Practice primarily focused on insolvency-related representations

Warwick, RI

May 1998 - February 2003; March 2006 - Present

Baker & Hostetler LLP (n/k/a Baker Hostetler LLP)

Cleveland, OH

September 1987 - December 1997

Position: Elected to the partnership in January 1996. Served as a member of the firm's Bankruptcy & Commercial Law Group

Professional Experience:

Commercial Bankruptcy experience includes: representing large and medium corporate debtors, trustees, landlords, creditors' committees, secured and unsecured creditors, and purchasers and sellers in bankruptcy asset sales, serving as lead attorney with respect to the Revco D.S., Inc. objections to claims process (which involved coordinating the logistics of objecting to 12,000 claims, the ultimate disallowance of \$2.3 billion in claims, and handling trials ranging from simple invoice disputes to trials involving such varied interests as pension rights, finder's fees and corporate veil piercing), plan of reorganization and disclosure statement formulation, negotiation, and drafting, and related solicitation matters, counseling, on an in-house basis, the staffs of chapter 11 corporate debtors on coping with and understanding the effect of bankruptcy on their continuing day-to-day operations, conducting 2004 examinations and other discovery matters, and handling adversary proceedings (including matters involving equitable subordination, marshaling, setoff, reclamation, indemnification, declaratory judgment, injunctive relief, preferences and fraudulent conveyances) and bankruptcy-related appeals, and a wide variety of motion-type practice matters including assumption and rejection of executory contracts and leases, relief from automatic stay, use of cash collateral, adequate protection, retention of professionals, conversion to Chapter 7, the appointment of a trustee, abandonment of property, extension of the exclusivity period, objections to fee requests, approval of compromises and settlements, and pleadings related to discovery and trial.

Consumer Bankruptcy experience includes: serving as a Chapter 7 Bankruptcy Trustee for the District of Rhode Island for a five year span of time between 1998 and 2003, during which I was responsible for the review and administration of well over one thousand Chapter 7 bankruptcy cases filed with the United States Bankruptcy Court for the District of Rhode Island, and, in addition, successfully representing over 3,000 individuals and small businesses who found it necessary to seek protection from their creditors and relief from their debts in the form of Chapter 7 and Chapter 13 bankruptcy filings from 1998 through 2003 (when I was appointed by the United States Bankruptcy Court for the Southern District of New York to serve on the Staff of the Enron Fee Committee in one of the largest Chapter 11 Bankruptcy Cases ever to be filed in the United States) and again from 2005 (when I reopened my local law practice) through present time.

Commercial Real Estate experience includes negotiating and drafting leases for large commercial landlords and tenants including one of the nation's top office supply chains, due diligence, drafting and closing work related to the acquisition by my client (a large mid-western REIT) of more than 20 multi-million dollar apartment complexes, handling virtually all of the real estate related details for the sale of a large mid-western pharmaceutical company, handling the due diligence for a client acquiring a \$100 million dollar shopping center complex.

Franchise experience includes counseling clients on the scope of various state and federal franchise-related regulations, reviewing and advising clients on the implications of franchise disclosures, preparing and registering franchise disclosures and registration statements.

Bar Admissions:

United States Court of Appeals, Sixth Circuit, 1992

United States District Court, Northern District of Ohio, 1989

United States District Court, District of Rhode Island, 1998

State of Ohio, 1987

State of Rhode Island, 1998

Professional Affiliations:

Rhode Island Bar Association

American Bar Association

American Bankruptcy Institute

National Association of Consumer Bankruptcy Attorneys