



**Hon. Roberta Colton, Judicial Chair**  
**James Moon, Chair**

**BLS RETREAT – JUDICIAL LIAISON AGENDA**  
**JW MARRIOTT MARCO ISLAND**

**Friday September 2, 2022 4:00 pm – 6:00 p.m.**

**I. Introductions**

**II. Reports from the Chief Judges/Clerks**

**Middle District (Chief Judge Delano)**  
**Northern District (Chief Judge Specie)**  
**Southern District (Chief Judge Isicoff)**

**III. Merchant Cash Advances – A discussion of what happens when MCAs end up as creditors in bankruptcy. (Judge Mora)**

**Lateral Recovery LLC v. Queen Funding LLC, 2022 US Dist. LEXIS 129032 (SDNY July 20, 2022)**

**Fleetwood Servs. LLC v. Ram Capital Funding LLC, 2022 US Dist. LEXIS 100837n (SDNY June 6, 2022)**

**Haymount Urgent Care PC v. GoFund Advance LLC, 2022 US Dist. LEXIS 112769 (SDNY June 27, 2022).**

**IV. Restructuring Support Agreements -- Can they save Chapter 11?**

**As chapter 11 practice continues to evolve, restructuring support agreements (RSAs) are being used with increasing frequency by companies seeking to de-lever their balance sheets or sell assets, both pre-petition and post-petition. We will discuss these agreements, their pros and cons, review common objections**

**such as sub rosa plans and vote designations and describe the approval process in court proceedings.**

***A. Prepetition RSAs (John Hutton)***

***In re Genco Shipping & Trading, Ltd., 509 B.R. 455 (Bankr. S.D.N.Y. 2014)(granting motion to assume RSA).***

***B. Postpetition RSAs (to be continued.....)***

***In re Indianapolis Downs, LLC, 486 B.R. 286 (Bankr. D. Del. 2013)(denying designation of votes).***

***Propp v. Swift Energy Co. (in re Swift Energy), 2016 U.S. Dist. Lexis 84106(D. Del. June 9, 2016)(appeal of confirmation precluded by RSA)***

**v. New Business**