

## John C. Weitnauer

### Senior Counsel

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Kit Weitnauer is senior counsel and former chair of Alston & Bird's Bankruptcy & Financial Restructuring Group. His recent experience includes representing clients with significant roles in the Lehman Brothers, Residential Capital, Enron, Taylor Bean & Whitaker, Spectrum Brands and IndyMac Bancorp bankruptcies.

He served as plaintiffs' trial counsel (along with local co-counsel) in a five-week jury trial in Oregon that resulted in a verdict that found over \$965 million in transfers were made with the actual intent to hinder, delay or defraud his client and that awarded \$350 million in punitive damages to his client.

Kit is a Fellow in the American College of Bankruptcy. In 2014 he was named the Atlanta Bankruptcy Litigation "Lawyer of the Year" by *The Best Lawyers in America*®, which has recognized his skill since 1996. Kit has been profiled in *Chambers USA: America's Leading Lawyers for Business* in the field of Bankruptcy/Restructuring since 2007.

He is the author of *The Bankruptcy Court's Watchdog: The Appointment, Role and Power of Examiners Today*, co-author of *Business Valuation and Bankruptcy* and co-author of *Problem Loan Strategies*. He is a contributing editor of *Norton Bankruptcy Law and Practice* and the *Bankruptcy Litigation Manual*.

Kit is a frequent speaker on a wide range of bankruptcy topics.

#### **Representative Experience**

- Represents major national bank in its roles as Trustee or Master Servicer of hundreds of trusts having RMBS "rep and warranty" claims in the Residential Capital LLC bankruptcy, including as trial counsel in a major contested matter in the case.
- Trial counsel representing several defendants in a multi-million dollar fraudulent transfer case pending in a bankruptcy court in Florida.
- Represented major national bank in its role as Master Servicer of 12 Trusts holding \$3.9 billion in assets, in the Taylor, Bean and Whitaker Corp. bankruptcy.
- Lead trial counsel to the Official Committee of Equity Security Holders in the contested plan confirmation hearing in the Spectrum Brands Chapter 11 case.
- Represented a special committee of a board of directors with respect to restructuring matters.
- Represented two shareholders/creditors in a holding company bankruptcy filed in Delaware.
- Represents various clients with various issues (swaps, swap terminations, structured finance deals, among others) in connection with the Lehman Brothers' bankruptcies.
- Plaintiffs' trial counsel (together with Oregon co-counsel) in a complex fraudulent transfer case, which resulted in a December 2006 jury verdict that (i) approximately \$1 billion in assets had been transferred with actual intent to hinder, delay or defraud the plaintiffs and (ii) awarded the plaintiffs \$350 million in punitive damages.

- Counsel for the debtor in possession in the cases of: Scovill Fasteners, Inc. (Section 363 sale); Galey & Lord, Inc. (Section 363 sale concluded in three months); Sports Court, Inc. and American Athletic, Inc. (Section 363 sales of two related companies concluded in two months); KinderCare Learning Centers, Inc. (pre-arranged plan for \$600 million in debt confirmed within several months after filing); and Cajun Electric Power Cooperative (\$5 billion restructuring with the REA).
- Special counsel to First American Healthcare (honored as the "Turnaround of the Year" by the Atlanta chapter of the Turnaround Management Association).
- Represented secured creditors and creditors' committees.
- Represented the Examiner in both the Enron and the Southmark bankruptcy cases. In the Enron Examination he was the author of "Legal Standards" contained in the Examiner's reports and also served as the reporter for the "Role of Enron's Attorneys" and was one of the two reporters for the "Role of JPMorganChase."

## **Publications & Presentations**

### **Publications**

- "Valuing Contingent or Disputed Assets and Liabilities in Solvency Opinions," *The Review of Banking & Financial Services*, Vol. 30, No. 5, May 2014.
- *The Bankruptcy Court's Watchdog: The Appointment, Role and Power of Examiners Today*, American Bankruptcy Institute, 2011.
- "TRENDS in Litigation," Summer 2010
- "Valuation Questions Raised by TOUSA," *American Bankruptcy Institute Journal*, March 2010.
- *Business Valuation and Bankruptcy*, John Wiley & Sons, November 2009.

### **Professional & Community Engagement**

- American Bar Association, Subcommittee on Bankruptcy Litigation, co-chair (2013–2015)
- American Bar Association, Subcommittee on Bankruptcy Committees, chair (2011–2013)
- American Bar Association, Subcommittee on Abuses of the Bankruptcy System, chair (2009–2010)
- Turnaround Management Association Atlanta Chapter, president (2015-2016), president-elect (2014-2015), secretary (2013), board of directors (2010-present)
- American Bankruptcy Institute, Advisory Committee (Governance) to the ABI Commission to Study the Reform of Chapter 11 (2012-present)
- American Bankruptcy Institute Journal, associate editor (2011–2013)

### **Education**

- University of Georgia (J.D., 1977)
- Washington and Lee University (B.A., 1974)

### **Admitted to Practice**

- Georgia

### **Related Services**

Financial Restructuring & Reorganization | Bankruptcy Litigation | Bankruptcy Transactions