



Robert F. Poppiti, Jr.

PARTNER

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Consensus is important to Rob Poppiti. Given all the moving parts in a typical chapter 11 proceeding — including the multitudes of creditors, lenders, vendors, and employees, each with competing interests; the complex agreements and debt instruments; and the challenges of successfully navigating the Bankruptcy Code — Rob sees litigation as generally counter-productive, and often avoidable. He prefers a more collegial approach, one that works for all interested parties.

To that end, he approaches all negotiations with a commitment to being reasonable — emphasizing strengths, acknowledging weaknesses, and working with all sides to achieve a viable agreement. Because he represents debtors, creditors, and lenders alike, Rob brings a unique, 360-degree perspective to each chapter 11 proceeding and out of court restructuring. He thinks beyond the day-to-day issues, focusing intently on the endgame, and on the best possible outcome and the best path to arrive at it.

As frequent co-counsel to out-of-state law firms, Rob serves as a savvy guide to the Delaware bankruptcy process, with a firm understanding of the local rules and customs. Rob has deep experience not just in the Bankruptcy Code and related rules, but also in the ways judges are likely to interpret them, which is particularly important to his co-counsel. Rob takes as active a role as his co-counsel asks, often handling significant aspects of the case. He regards the success of his co-counsel as a key measure of his own success, and has earned the admiration of his colleagues, co-counsel, clients and opposing counsel for his work ethic and commitment to each of them.

FOCUS:

- Representation of debtors and other constituents (including lenders) in connection with chapter 11 proceedings.

Practices

- Debtor/Corporate Restructuring
- Committee Practice
- Cross-Border Insolvencies

Education

- Widener University Delaware Law School (J.D., *summa cum laude*)
- University of Delaware (B.S., *magna cum laude*)

Bar Admissions

- Delaware
- New York
- District of Columbia

Distinctions

- Delaware *Super Lawyers*, Rising Star, Bankruptcy, 2016 - Present

Memberships and Affiliations

- Delaware State Bar Association
- American Bar Association
- Association of Insolvency and Restructuring Advisors

Representative Matters

Current and past debtor representations include:

- RMH Franchise Holdings, Inc. (operator of franchised Applebee's restaurants)
- Marsh Supermarkets
- Vestis Retail Group (operator of Eastern Mountain Sports, Bob's Stores and Sport Chalet)
- RCS Capital Corporation and Cetera Financial Group
- Haggen Holdings, LLC (operator of Haggen grocery stores)
- Trump Entertainment Resorts, Inc.
- Eastman Kodak Company
- F & H Acquisition Corp. (operator of Fox & Hound and Champps restaurants)
- Perkins & Marie Callender's Inc.
- Smurfit-Stone Container Corporation
- Heartland Publications, LLC
- GEMS TV (USA) Limited; Telogy, LLC
- Badanco Acquisition LLC (the parent of Randa Luggage)
- Questex Media Group, Inc.
- Building Materials Holding Corporation

- American Fibers and Yarns Company
- GWLS Holdings, Inc. (parent of Greatwide Logistics Services)
- Distributed Energy Systems Corp.
- Movida Communications, Inc.; and
- Home Mortgage Holdings, Inc.

Experience

Capmark Financial Group, Inc.

Young Conaway served as co-counsel to NREF II Acquisitions, LLC in the chapter 11 proceeding of Capmark Financial Group, Inc. in the United States Bankruptcy Court for the District of Delaware

Marsh Supermarkets Holdings, LLC

Vestis

RCS Corporation

Haggen

Trump Entertainment Resorts

Windsor Petroleum

AES Thames, LLC

Young Conaway served as counsel for Smurfit-Store Container Corporation, creditor and contract counter-party, in the chapter 11 proceeding of AES Thames, LLC in the United States Bankruptcy Court for the District of Delaware.

AgFeed USA, LLC

Young Conaway served as lead counsel to AgFeed USA, LLC and its affiliated debtors in their chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. At the time of their bankruptcy filing, the debtors were one of the largest hog producers in China and the United States.

Ambassadors International, Inc.

Young Conway served as counsel for Wippoowill Associates, Inc. as pre- and post-petition secured lender in the chapter 11 proceeding of Ambassadors International, Inc. and its affiliated debtors in the United States Bankruptcy Court for the District of Delaware.

Solyndra LLC

Young Conway served as co-counsel to Argonaut Ventures I, LLC., *et al*, post-petition DIP lender in the chapter 11 proceeding of Solyndra LLC in the United States Bankruptcy Court for the District of Delaware.

Perkins & Marie Callender's Inc.

Young Conaway acted as co-counsel, with Troutman Sanders LLP, to Perkins & Marie Callender's Inc. and certain of its affiliates in their chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. The Debtors were one of the leading operators of family-dining and casual-dining restaurants, under their two highly recognized brands : Perkins Restaurant and Bakery and Marie Callender's Restaurant and

Bakery. With Young Conaway's assistance, the Debtors successfully confirmed their joint plan of reorganization and emerged from bankruptcy protection in 2011.

Angiotech Pharmaceuticals, Inc.

Young Conaway acted as co-counsel, with Willkie Farr & Gallagher LLP, to Angiotech Pharmaceuticals, Inc. and certain of its affiliates, in their chapter 15 proceeding in the United States Bankruptcy Court for the District of Delaware. The Debtors are a specialty pharmaceutical and medical device company that develops, manufactures and markets innovative technologies with acute and surgical applications.

Gems TV (USA) Limited

Young Conaway acted as lead counsel to Gems TV (USA) Limited in its chapter 11 proceedings. Prior to the petition date, the Debtor was a U.S. retailer of colored gemstone jewelry. The Debtor sold its products through its 24/7 home shopping channel and its internet-based storefront. With the assistance of Young Conaway, the Debtor confirmed its chapter 11 plan of liquidation and emerged from bankruptcy protection on November 18, 2010.

EarthRenew IP Holdings LLC

Young Conaway acted as counsel for RSM Richter Inc., in its capacity as the court-appointed Receiver and Foreign Representative of EarthRenew Corporation and certain of its affiliates in Canadian receivership proceedings commenced under the Bankruptcy and Insolvency Act (Canada), R.S.C. 1985, c. B-3, as amended, pending before the Court of Queen's Bench of Alberta in the Judicial District of Calgary.

Pitcairn Properties

Young Conaway served as co-counsel to Pitcairn Properties Holdings, Inc. a holding company for a full-service real estate organization active in acquiring, managing, leasing and selling commercial real estate, in its chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware.

Heartland Publications, LLC

Young Conaway acted as lead counsel to Heartland Publications, LLC and certain of its affiliates in their chapter 11 case in the United States Bankruptcy Court for the District of Delaware. The Debtors operated a media business that primarily focused on newspaper publishing, through which they produced approximately 50 paid publications consisting of community newspapers (dailies and weeklies) and specialty publications in medium and small sized markets. With Young Conaway's guidance, the Debtors successfully confirmed a joint plan of reorganization and emerged from bankruptcy in 2010.

Building Materials Holding Corporation

Young Conaway acted as co-counsel, with Gibson Dunn & Crutcher LLP, to Building Materials Holding Corporation and certain of its affiliates in their chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. Prior to their bankruptcy filing, the Debtors were one of the largest providers of residential building products and construction services in the United States. With the assistance of Young Conaway, the Debtors successfully confirmed their chapter 11 plan of reorganization and emerged from bankruptcy protection on January 4, 2010.

GWLS Holdings, Inc.

Young Conaway served as co-counsel with Willkie Farr & Gallagher LLP to GWLS Holdings, Inc. and certain of its affiliates in their chapter 11 proceedings. Prior to the petition date, the Debtors were non-asset based logistics providers focused on ground transportation and related services within the trucking and third-party logistics services. The Debtors provided these services through 6,000 independent contractor owner-operators, 20,000 independent third-party carriers, 380 independent commissions-based sales agents, and leased equipment and warehouses. With the assistance of Young Conaway, the Debtors confirmed their plan of liquidation and emerged from bankruptcy in 2009.

Questex Media Group, Inc.

Young Conaway acted as co-counsel, along with Kirkland & Ellis, to Questex Media Group, Inc. and its affiliates, in their chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. The Debtors were a leading, diversified, global business-to-business integrated media and information provider. With Young Conaway's assistance, the Debtors successfully liquidated their assets, wound down their operations and the case was dismissed in 2009.

Distributed Energy Systems Corp.

Young Conaway acted as lead counsel to Distributed Energy Systems Corp. and Northern Power Systems Inc. in their chapter 11 proceeding before the United States Bankruptcy Court for the District of Delaware. Prior to their bankruptcy filing, the Debtors were involved in a wide range of businesses, including the design and sale of power generation equipment; engineering, procurement and construction of distributed power systems; the design and sale of direct drive wind turbines; and the servicing of fossil fuel power generation equipment. With the assistance of Young Conaway, the Debtors successfully liquidated substantially all of their assets in a series of 363 sales.

Bandanco Acquisition Corporation

Randa Luggage Holdings Corp.

Young Conaway acted as lead counsel to Randa Luggage Holdings Corp. and its affiliates in their chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. The Debtors were a leading manufacturer, distributor, and marketer of luggage, casual bags, backpacks, and business cases for men and women. With Young Conaway's assistance, the Debtors successfully liquidated their assets, wound down their operations and the bankruptcy cases were dismissed in 2009.

Smurfit-Stone Container Corporation

Young Conaway acted as co-counsel to Smurfit-Stone Container and certain of its affiliates in their chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. The Debtors were one of the leading integrated manufacturers of paperboard and paper-based packaging in North America and one of the world's largest paper recyclers, selling a broad range of paper-based packaging products to manufacturers of both industrial and consumer products. With the assistance of Young Conaway, the Debtors successfully sold certain real property and timberlands and confirmed a plan of reorganization in 2010.

DBSI, Inc.

Young Conaway acted as lead counsel to DBSI, Inc. and certain of its affiliates in their chapter 11 proceeding before the United States Bankruptcy Court for the District of Delaware. The Debtors collectively comprised a network of real estate entities which had interests in numerous commercial real estate projects and businesses.

GW Limited 51, Inc., f/k/a GWLS Holdings, Inc.

Young Conaway served as co-counsel with Willkie Farr & Gallagher LLP to GWLS Holdings, Inc. and certain of its affiliates in their chapter 11 proceedings. Prior to the petition date, the Debtors were non-asset based logistics providers focused on ground transportation and related services within the trucking and third-party logistics services. The Debtors provided these services through 6,000 independent contractor owner-operators, 20,000 independent third-party carriers, 380 independent commissions-based sales agents, and leased equipment and warehouses. With the assistance of Young Conaway, the Debtors confirmed their plan of liquidation and emerged from bankruptcy in 2009.

American Fibers and Yarns Company

Young Conaway acted as lead counsel to American Fibre & Yarns and certain of its subsidiaries, the largest supplier of solution-dyed Polypropylene filament yarns, in their chapter 11 case in the United States Bankruptcy Court for the District of Delaware. With the assistance of Young Conaway, the Debtors received approval for the sale substantially all of their assets to Maynards Industries (1991) Inc. for a purchase price of \$1,550,000.

KCMVNO, Inc., f/k/a Movida Communications, Inc.

Movida was the first and largest MVNO (Mobile Virtual Network Operator) committed to delivering wireless services to Hispanic communities. Serving as lead counsel to Movida, Young Conaway obtained expedited Bankruptcy Court approval of the sale of substantially all of the assets of Movida pursuant to section 363 of the Bankruptcy Code and confirmation of Movida's Chapter 11 plan of liquidation in 2008.

Movida Communications, Inc.

Young Conaway acted as lead counsel to Movida Communications, Inc. in its chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. The Debtor was a Mobile Virtual Network Operator, which provided pay-as-you-go wireless voice and data communications service, without owning its own cellular telephone network. With Young Conaway's assistance, the Debtors successfully sold substantially all of their assets in a 363 sale and confirmed a plan of liquidation in 2009.

American Home Mortgage Holdings Inc.

Young Conaway served as lead counsel to American Home Mortgage Holdings, Inc. and certain of its affiliates, in their chapter 11 proceeding in the United States Bankruptcy Court for the District of Delaware. Prior to the bankruptcy filing, the Debtors had engaged in the origination of residential mortgage loans through their retail business and their indirect business. The Debtors' intention was to sell many of the loans they originated, either by transfer into securitization transactions or through whole loan sales to institutional purchasers. With Young Conaway's guidance, the Debtors successfully confirmed their chapter 11 plan of liquidation and emerged from bankruptcy protection in 2010.

Publications

April 21, 2015

International Shipments: When 'Received by the Debtor' Under Section 503(b)(9) of the Bankruptcy Code Might Not Mean Physical Possession"

Events

June 8, 2016

Robert Poppiti Speaking at the AIRA's 32nd Annual Bankruptcy & Restructuring Conference

News

May 14, 2017

22 Young Conaway Attorneys Named 2017 Delaware Super Lawyers

May 13, 2016

23 Young Conaway Attorneys Named Delaware Super Lawyers, 4 Named Rising Stars