
BUCHWALD CAPITAL ADVISORS LLC

EXPERT WITNESS AND LITIGATION SUPPORT SERVICES

2001-2021

LEE E. BUCHWALD
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Case: RSL COM PrimeCall, Inc., related entities and the Official Committee of Unsecured Creditors v. JP Morgan Chase Bank, as Indenture Trustee

U.S. Bankruptcy Court Southern District of New York
Adversary Proceeding # 03-02174-alg

Dates of Service: 2001-2003

Client: JP Morgan Chase Bank, as Indenture Trustee

Counsel: Winston & Strawn LLP

Summary of Dispute: Plaintiffs sought to void a subsidiary guaranty, issued in favor of the parent's bondholders, as a fraudulent conveyance.

Significant Contributions:

1. Formulated key areas on which to focus in defending client's position.
2. Conducted extensive independent research which uncovered data that ultimately formed the foundation for the defense.
3. Drafted discovery requests.
4. Attended depositions and consulted with counsel regarding same.
5. Participated in meetings with former company executives.
6. Reviewed thousands of pages of documents and identified numerous documents which were significant to the defense.
7. Prepared a mediation report, as a precursor to an expert report, which encompassed all of the defenses and arguments which had been identified and developed.

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Case: WCI Cable, Inc. et al.
U.S. Bankruptcy Court for the District of Oregon
Case No. 301-38242-rld1 1

Dates of Service: 2002

Client: Notesan Pty. Ltd.

Summary of Dispute: Client and Debtors were supporting competing plans of reorganization for this Alaska-based telecommunications company.

Significant Contributions:

1. Analyzed Debtors' and client's Plans of Reorganization, Disclosure Statements and business plans.
2. Reviewed and analyzed numerous documents filed in the Bankruptcy Court.
3. Developed strategies for attacking the feasibility of the Debtors' business plan.
4. Prepared expert testimony and consulted with counsel regarding same.
5. Advised Client regarding settlement discussion with Debtors.

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Case: Alan J. Treinish, Trustee for AWF Liquidation Corp. v.
KeyBank National Association, et al.

Cuyahoga County (OH) Court of Common Pleas
Case No. 319817

Dates of Service: 2002

Client: Alan J. Treinish, Trustee

Counsel: Moscarino & Treu, L.L.P.

Summary of Dispute: Client sued a former officer and director of A & W Foods, Inc. for breach of fiduciary duties when acting on behalf of the secured lender, KeyBank N.A.

Significant Contributions:

1. Reviewed and analyzed fifteen deposition transcripts and related exhibits.
2. Reviewed and analyzed numerous motions and other documents filed in the Court.
3. Drafted and presented expert affidavit in support of Client's position.
4. Reviewed, analyzed and advised counsel regarding reply affidavits filed on behalf of adversaries.

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Case: Electro Mechanical Solutions, Inc. et al. v. Bear, Stearns & Co., Inc. et al.
U.S. Bankruptcy Court Northern District of California
Adversary Proceeding # 03-04540 (Judge Tchaikovsky)

Dates of Service: 2004

Client: Richard M. Kipperman, trustee for reorganized Electro Mechanical Solutions, Inc.

Counsel: Pyle Sims Duncan & Stevenson

Summary of Dispute: Plaintiff sought to recover \$1 million paid to Bear Stearns as a due diligence fee, in connection with the potential sale of the Debtors.

Significant Contributions:

1. Developed key areas on which to concentrate in prosecuting client's position.
2. Reviewed and analyzed thousands of pages of court filings, document production, deposition transcripts and interrogatories.
3. Consulted with counsel regarding drafting significant documents.
4. Prepared an Expert Report which encompassed the most relevant arguments in favor of the plaintiff's position.

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Case: Nationally recognized turnaround management firm v. Trucking company
The American Arbitration Association

Dates of Service: 2005

Client: Trucking company

Counsel: Jenner & Block LLP

Summary of Dispute: Plaintiffs sought the payment of a “success fee” pursuant to the terms of a restructuring engagement letter.

Significant Contributions:

1. Identified key points used by counsel in formulating the defense.
2. Conducted independent research which uncovered precedents that supported client’s position.
3. Reviewed numerous filed documents and used them to develop and support arguments in favor of the defense.
4. Testified at American Arbitration Association hearing.
5. Reviewed and commented on pre-hearing and post-hearing briefs.

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Case: AG Limited d/b/a The Arundel Group v. Liquid Realty Partners, LLC
U.S. District Court Southern District of New York
Case No. 05 CV 9370 (JSR)

Dates of Service: 2006

Client: The Arundel Group

Counsel: Crosby & Higgins LLP and Kasowitz, Benson, Torres & Friedman

Summary of Dispute: Plaintiff sought payment of investment banking fee and/or damages for M&A services.

Significant Contributions:

1. Prepared expert report.
2. Deposed by Shearman & Sterling, counsel for defendant.

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Case: Underhill Investment Corporation and Stephen D. Peskoff v.
Fixed Income Discount Advisory Company

U.S. District Court District of Delaware
Civil Action No. 06-0099-SLR

Dates of Service: 2007-2008

Client: Underhill Investment Corporation and Stephen D. Peskoff

Counsel: Stevens & Lee, P.C. and Ruben & Aronson, LLP

Summary of Dispute: Plaintiffs sought payment for consulting services which resulted in defendant's successful business ventures.

Significant Contributions:

1. Prepared expert report.
2. Deposed by Kirkpatrick & Lockhart, counsel for defendant

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Case: In re Xerox Securities Litigation
U.S. District Court District of Connecticut
Civil Action No. 3:99 CV 2374 (AWT)

Dates of Service: 2007-2008

Client: Class action plaintiffs

Counsel: Milberg LLP, Bernstein Liebhard & Lifshitz, LLP and Stull Stull and Brody

Summary of Dispute: Plaintiffs sought recovery of lost value of securities holdings arising from acts and omissions by Xerox management regarding the adverse impacts on operations of a customer administration organization restructuring.

Significant Contributions:

1. Prepared expert report.
2. Deposed by defendants' counsel led by Cravath, Swaine & Moore LLC.