ABOUT THE EDITORS AND CONTRIBUTORS

Jason B. Binford is a Dallas-based partner in the Bankruptcy & Business Reorganizations and Distribution & Franchise Practice Groups of Foley & Lardner LLP. He works with franchisors, franchisees, and related parties to provide workable, real-world solutions to deal with financial distress. Mr. Binford draws on his experience as a corporate litigator and an attorney board certified in business bankruptcy law to assist in every aspect of a financial reorganization, whether inside or outside the courtroom. His understanding of, and experience with, complicated issues of franchise law provides an uncommon level of agility and legal sophistication in these matters. Mr. Binford’s experience also extends beyond franchise issues, including the representations of debtors, creditor committees, lenders, creditors, and every other meaningful stakeholder in large to midsize Chapter 7 and Chapter 11 cases across a diverse set of industries. He has been recognized through board certifications from the Texas Board of Legal Specialization and the American Board of Certification, as well as being named a Rising Star and a Super Lawyer by Thomson Reuters every year since 2011. Mr. Binford is actively involved in the Forum on Franchising, where he has previously spoken at the annual conference and published multiple articles in the Franchise Law Journal. He also serves as an associate editor of the Franchise Law Journal.

Daniel M. Eliades is a partner in the Newark, New Jersey office of K&L Gates LLP and regularly represents various stakeholders in debtor/creditor matters and insolvency issues. Mr. Eliades represents large and small franchisors in out-of-court workouts with distressed franchisees including restructuring, sale, composition, forbearance, and/or termination agreements. He also routinely appears on behalf of franchisors in bankruptcy cases of franchisees throughout the United States where he counsels franchisors on a myriad of issues including prebankruptcy discussions with franchisees, cash collateral and critical vendor negotiations, collection of pre- and postpetition royalties, negotiating the assumption or rejection of franchise agreements and related executory contacts, protection of intellectual property interests, sale or surrender of franchised business assets, bankruptcy litigation, and restructuring debtor/creditor relationships between franchisee and franchisor. Mr. Eliades is a frequent author and lecturer in the areas of bankruptcy law, franchise matters, and debtor/creditor interactions. Recently, Mr. Eliades presented at the 20th Annual Honorable William H. Gindin Bankruptcy Bar Conference on issues pertaining
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Marcus A. Banks is senior vice president of Litigation, Employment Law & Intellectual Property for Wyndham Worldwide Corporation. He oversees litigation matters concerning Wyndham and its business units, including but not limited to franchise litigation, bankruptcy, complex litigation, and class action matters. Mr. Banks also oversees employment law issues, which include counseling, labor relations, and employment dispute resolution, and litigation management. In addition, he oversees various intellectual property issues for the company. Mr. Banks has spoken throughout the country on various franchise laws, in-house litigation management, and alternative dispute resolution issues. Prior to working for Wyndham, he served as vice president of Legal for Cendant Corporation, concentrating on franchise litigation and bankruptcy related issues. Mr. Banks started his legal career at Greenbaum, Rowe, Smith & Davis in Woodbridge, New Jersey. He received his J.D. from Columbia University and his B.A. from Stanford University.

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Michael Conway is a partner with Shipman & Goodwin LLP where he serves as a member of both the Franchise/Distribution and Bankruptcy Practice Teams. Mr. Conway formerly was a Shareholder at LeClairRyan where he served as leader of its Franchise and Distribution Practice Team for a number of years. Although he is primarily a trial lawyer, a large portion of his practice involves advising franchisors and franchisees in the event of a bankruptcy filing. He typically advises franchisors when a franchisee files for bankruptcy protection, but also has served as debtor’s counsel in franchisee reorganizations and as counsel to the Official Committee of Unsecured Creditors in large franchise-related bankruptcies. Mr. Conway often advises clients in dealing with the effects of a bankruptcy filing, including providing advice as to changes in the relationship between franchisor and franchisee and their rights vis-à-vis trademarks and other intellectual property, as well as the effect of bankruptcy on the franchisee-vendor relationship. He also regularly advises his clients on how to deal with vendors or other parties that are in financial distress. In addition, Mr. Conway represents franchisors in disputes arising from termination of franchise agreements and in drafting separation agreements with franchisees and in actions relating to nonpayment of franchise fees, and has litigated numerous franchise-related disputes ranging from wrongful termination cases to representing franchisees in wage and hour class action matters. He is a graduate of Wake Forest University School of Law and the Wake Forest University Babcock Graduate School of Business Management.

Jan S. Gilbert is a principal at Gray Plant Mooty, in its Washington, DC office. For more than twenty-five years he has counseled start-up and developed franchisors and franchisees on all aspects of domestic and international franchising.
Mr. Gilbert has experience in all facets of franchise law, including: structuring franchise programs, counseling on federal and state regulatory issues, mergers and acquisitions, franchisee compliance issues, drafting franchise- and distribution-related agreements, negotiating domestic and international agreements and disputes, obtaining exemptions and interpretive opinions from regulatory agencies, responding to state and federal administrative inquiries and investigations, and establishing franchise advisory councils and cooperatives. He was recognized for exemplary standing in the legal community with the Chambers USA: America’s Leading Lawyers for Business, Franchise; The International Who’s Who of Franchise Lawyers and The Best Lawyers in America. Mr. Gilbert has also been recognized as a “Legal Eagle” by Franchise Times and has been named a Washington, DC “Super Lawyer.” He is chair of the International Franchise Association’s Legal Symposium Task Force, and an active member of the American Bar Association. He has edited many articles and topics for the American Bar Association’s Franchise Law Journal and is a member of the Antitrust Section of the American Bar Association’s Forum on Franchising.

Lynette J. Gladdis is senior vice president of Litigation and Regulatory Affairs and assistant corporate secretary at Realogy Holdings Corp. Previously, Ms. Gladdis served as senior counsel for Porzio, Bromberg & Newman, PC, where she handled complex commercial litigation and bankruptcy matters. She has over twenty-three years of experience in complex and class action litigation, including mediations, arbitrations, trials, and international and domestic franchising. Ms. Gladdis also has many years of experience with RESPA; antitrust; restrictive covenants; bankruptcy; real estate, including development, management, brokerage, and title; regulatory investigations; corporate investigations and compliance; and insurance coverage and risk management. In December 2015, she published “Enforcing Arbitration Awards in International Franchising,” with Ronald A. Giller in the American Bar Association Franchise Law Journal. Ms. Gladdis also serves as an executive board member for the Amanda Styles Cirelli Foundation where she helps organize and support fundraisers to support pediatric cancer programs like Beads of Courage. She is a graduate of Seton Hall University School of Law (J.D., cum laude, 1996). She is admitted to practice in New York and New Jersey.

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Ryan Hardy is a partner with the law firm of Spencer Fane LLP in Saint Louis, Missouri. Mr. Hardy’s practice focuses on all aspects of bankruptcy and insolvency proceedings. His recent representations in that respect include the successful Chapter 11 reorganization of a food manufacturer and distributor, defeating confirmation of a proposed Chapter 11 plan of reorganization submitted by a debtor in the hospitality industry, and countless proceedings seeking stay relief and other rulings favorable to lessors or other contract counterparties. In addition, he frequently counsels manufacturers with respect to supply chain issues and warranty disputes. Mr. Hardy is a member of the American Bankruptcy Institute and Turnaround Management Association, and he serves on the Local Rules Advisory Committee for the U.S. Bankruptcy Court for the Eastern District of Missouri. He graduated from Saint Louis University School of Law magna cum laude.

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Glenn D. Moses is a shareholder in the Miami law firm of Genovese, Joblove & Battista, P.A., where he specializes in the areas of complex commercial bankruptcy, business and financial restructuring, and insolvency matters including related litigation. Mr. Moses counsels clients in all aspects of business bankruptcies, including reorganization, acquisition, and transactional matters. He has substantial experience in litigating a wide variety of bankruptcy-related claims at both the trial and appellate levels, including fraud claims and avoidance litigation. Mr. Moses has significant experience in the representation of franchisors in numerous franchisee bankruptcies throughout the country, and has lectured and authored materials on various franchise bankruptcy issues for the American Bar Association. Mr. Moses is listed in The Best Lawyers in America® in the area of bankruptcy, business reorganization, and creditors’ rights. He holds an AV® Preeminent peer review rating from Martindale-Hubbell and has been...
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**David M. Neff** is a partner in the Chicago office of Perkins Coie, a national law firm of more than 1,000 lawyers. In 2012, he argued for the petitioner in front of the Supreme Court of the United States in the case of *RadLAX Gateway Hotel v. Amalgamated Bank*. That same year he also obtained a damage claim of almost $125 million for a client in the *MSR Resorts* bankruptcy case after two trials. More recently, he argued successfully for the appellant before the United States Court of Appeals for the Ninth Circuit in the *Transwest Resort Properties* bankruptcy case on the issue of equitable mootness. Mr. Neff is a fellow of the American College of Bankruptcy and adjunct professor at Northwestern University Pritzker School of Law. He has been designated an Illinois Super Lawyer since 2005, and Chambers USA has listed him as one of the leading Chicago bankruptcy lawyers and one of the leading hospitality lawyers nationwide since 2007. He is Chairman Emeritus of the International Society of Hospitality Consultants.

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**Eric C. Peterson** is counsel at Spencer Fane LLP, working primarily from one of the firm’s St. Louis, Missouri offices. He represents clients in financial litigation, turnarounds, and commercial bankruptcy and nonbankruptcy insolvency proceedings, such as receiverships, assignments for the benefit of creditors, commercial collection matters, and out-of-court debt restructurings. He is an experienced litigator, defending banks and large corporations in relation to a wide array of commercial claims and trade disputes. Mr. Peterson is a cochair of the Missouri Bar Bankruptcy and Creditor Rights Committee, and is the chair of the Missouri Bar Subcommittee on Commercial Receivership, and spearheaded the crafting of the Missouri Commercial Receivership Act, enacted in 2016. He is also active in the American Bankruptcy Institute and Turnaround
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Craig K. Schuenemann is an associate in the Denver office of Bryan Cave Leighton Paisner LLP in the Bankruptcy, Restructuring and Creditors’ Rights Practice Group. Mr. Schuenemann represents national banks, real estate investment entities, energy companies, and corporations in proceedings before federal bankruptcy courts and specializes in representing secured creditors in all facets of the bankruptcy process. He also routinely appears on behalf of unsecured creditors, committees, and foreign trustees, and has achieved victories for several clients in adversary proceedings brought by Chapter 7 and Chapter 13 trustees. Mr. Schuenemann is recognized by Super Lawyers as a 2018 Rising Star in the bankruptcy and commercial litigation practice area.

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Frances A. Smith is a partner in the Dallas office of Shackelford, Bowen, McKinley & Norton LLP. She has been honored among The Best Lawyers in America© and D Magazine’s Best Lawyers in Dallas in recognition of her bankruptcy and restructuring work on behalf of debtors, secured lenders, unsecured creditors’ committees, and asset purchasers in bankruptcy proceedings throughout the United States. She helps clients navigate the bankruptcy process and provides creative solutions for out-of-court restructurings. She regularly represents clients involved in the fast casual dining industry, including the owners and franchisors of more than 500 casual dining restaurants in Chapter 11 reorganizations. She frequently consults with companies and individuals on the best practices for avoiding lawsuits related to debt-collection laws, representing clients in a wide range of industries, including regional and national financial institutions, landlords, real estate developers, equipment lessors, manufacturers and other businesses. A sought-after expert on bankruptcy and credit matters, Ms. Smith is frequently called on by members of the media for her insightful legal perspectives, including prior interviews with news outlets such as Dallas’s KTVT CBS 11 News, KDFW Fox 4 News, The Dallas Morning News, and others. In 2011, Ms. Smith received the Romina L. Mulloy-Bossio Achievement Award, which is presented annually by the Bankruptcy Law Section of the State Bar of Texas to the state’s top young bankruptcy lawyers. A graduate of the Southern Methodist University Dedman School of Law, she serves on the Executive Committee of the Honorable John C. Ford American Inns of Court, is a former chair of the bankruptcy section of the Dallas Bar Association and a former president of the DFW Association of Young Bankruptcy Lawyers.

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**Craig R. Tractenberg** is a partner with Fox Rothschild LLP in New York and Philadelphia. He has represented franchise companies for his entire career with particular focus on finance and corporate revitalization issues. He has represented franchisees and franchisors as debtors, creditors, trustees, executory contract counterparties, and investors executing “loan to own” strategies to achieve their goals. Mr. Tractenberg’s engagements range from as simple as representing private equity to buy claims to acquire the company, to as complicated as executing competing reorganization plans by franchisees using their bankruptcy claims to reorganize and acquire the franchisor’s assets. Typically he represents franchisors protecting their brands and territories by enforcing their rights and remedies in bankruptcy. Mr. Tractenberg is a frequent publisher of articles on bankruptcy and franchising, and has presented seminars on these topics before the ABA Forum on Franchising, the International Franchise Association, and the International Bar Association and maintains a monthly franchise law column in the *Legal Intelligencer*. He has been recognized nationwide by Chambers USA: America’s Leading Lawyers for Business, Franchise; The International Who’s Who of Franchise Lawyers, The Best Lawyers in America® (Lawyer of the Year in NYC in 2012, Philadelphia 2017), Franchise Times “Legal Eagle Hall of Fame,” and by “Super Lawyer®.” He has been an adjunct professor of Franchise Law at Temple University School of Law (his alma mater), lectured as guest faculty at the Wharton School and on a cultural exchange, lectured before foreign bar associations and law schools. His contribution to this ABA published book has been his fourth in which he has coauthored a chapter.

**John M. Vernon** advises and counsels clients on cross-border international trade compliance, tariff engineering, indirect taxation transactions, and transfer pricing analysis, including a full range of practice areas such as: acquisition, joint venture, privatization, project financing, foreign investment, trade resolution dispute resolution, dealer/supplier, franchising, licensing, product distribution transactions, export compliance, customs and international trade, FCPA, FTZs, ITAR, NAFTA, FTAs, economic sanctions, OFAC, BIS, EAR, CTPAs, CFTA and “deemed export issues.” He has guided the development of U.S.-based companies’ expansion into Mexico, Latin American, the Middle East, Europe, and the Far East. Conversely, he has also facilitated the development of foreign-based companies’ expansion into the United States, Canada, and Mexico. He was a contributing coauthor and coeditor for *Franchising: Cases, Materials, & Problems* casebook, one of the first franchising casebooks written for law schools anywhere. Mr. Vernon is also an adjunct professor at SMU Law School, teaching courses in Franchising, Licensing and Distribution, as well as, International Trade and Compliance Law. He is licensed in Texas, Utah, and Washington, DC and admitted before the Court of International Trade.
Sharon Z. Weiss is a partner in the Los Angeles office of Bryan Cave Leighton Paisner LLP in the Bankruptcy, Restructuring and Creditors, Rights Practice Group. Ms. Weiss has more than twenty years of extensive experience in a wide area of insolvency matters from various perspectives, including representation of franchisors, creditors, individual and corporate debtors, trustees, and creditors’ committees. She represents franchisors in a variety of issues, including financing and cash collateral, executory contracts, lease negotiations, and termination of franchise agreements. Among her many achievements, Ms. Weiss was recognized as one of the “Top Women Lawyers” in California by the Daily Journal in 2013, and as a notable practitioner in Chambers USA every year since 2012 in the California bankruptcy and restructuring practice area. Currently, she is a member of Council of the American Bar Association Business Law Section and a conference cochair of the California Bankruptcy Forum Insolvency Conference, where she served as president from 2012 to 2013.

Nicole S. Zellweger is a Judge with the Twenty-First Judicial Circuit (St. Louis County) of Missouri. Prior to her appointment to the bench, Ms. Zellweger was a partner with Stinson Leonard Street LLP and the head of its franchise and distribution practice group. Licensed to practice in Missouri, Illinois, and Kansas, she previously assisted franchise clients in their litigation and transactional needs all over the country. Ms. Zellweger is a regular author and speaker for the American Bar Association Forum on Franchising. She has been recognized as a “Legal Eagle” by Franchise Times and a “Rising Star” in franchise and dealership law by Super Lawyers and included in the International Who’s Who of Franchise Attorneys. Ms. Zellweger graduated Order of the Coif from Washington University in St. Louis School of Law. She resides in St. Louis, Missouri, with her husband and two sons.