

**ABI COMMISSION TO STUDY THE REFORM OF CHAPTER 11**

**Financing Chapter 11 Advisory Committee**

October 2, 2013 Meeting (by Telephonic Conference Call)

MINUTES/SUMMARY

The Financing Chapter 11 Advisory Committee (the “Committee”) of the ABI Commission to Study the Reform of Chapter 11 (the “Commission”) held a meeting on Wednesday, October 2, 2013, via teleconference. *The following individuals participated in the meeting:* Ashley Bruce; Judge Robert Drain; Elliott Ganz; Christopher Mirick; Rebecca Roof; James Seery; Michael Tarsatana; Eli Vonnegut; and Judge Gregg Zive. *Committee members not in attendance:* Marc Abrams; Jo Ann Brighton; Norma Corio; William Fox; Michelle Harner; Marshall Huebner; Robert Keach; Harvey Miller; Harold Novikoff; Paul Singerman; and David Skeel.

Ms. Roof commenced the meeting at approximately 3:03 p.m. prevailing Eastern time. The following matters were discussed during the course of the meeting:

- 1) The minutes of the September 18, 2013 Committee call were approved.
- 2) Judge Drain, Mr. Mirick and Ms. Bruce lead a discussion about issues related to the “carve-out” topic, reviewing the draft report prepared by Mr. Singerman and Ms. Bruce. A detailed discussion was had regarding the possible statutory basis for carve-outs; the standing of different parties to seek, or to obtain the benefit of, carve-outs; whether it is appropriate to have limits on the use of funds in a carve-out (i.e., no investigation of the senior lender’s liens); and other issues. The carve-out subcommittee will work on revising the draft report to reflect the ideas that were raised in the discussion.

The meeting was adjourned at approximately 3:32 p.m. prevailing Eastern time.