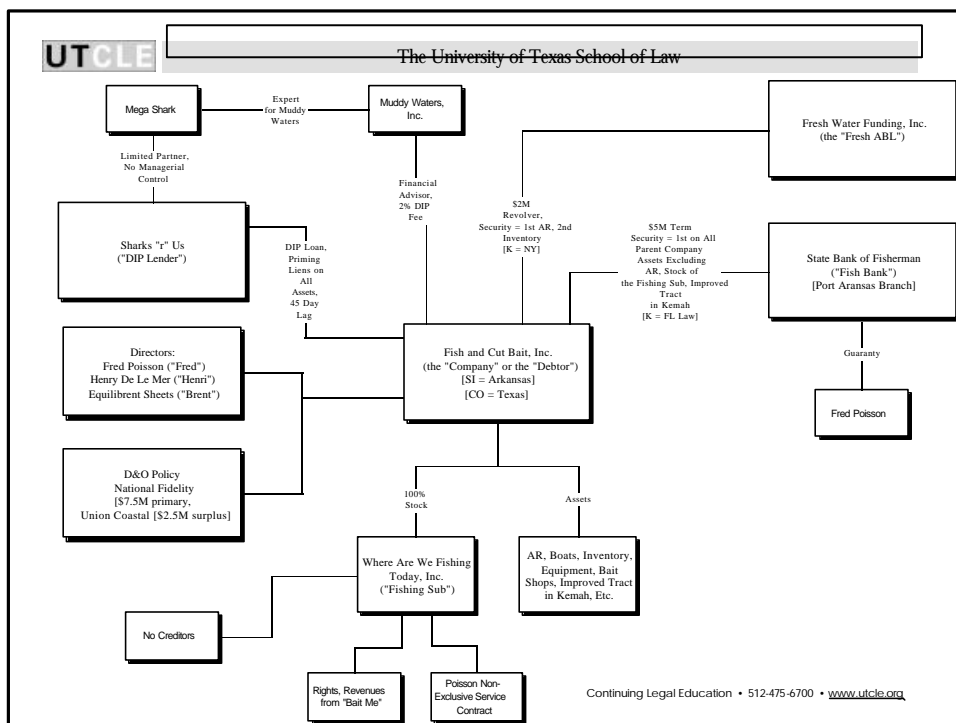


2006 Bankruptcy Litigation: Advanced Pre-Trial Practice and Procedure Workshop Top Cash Collateral/DIP Issues for the Litigator

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Key DIP/Cash Collateral Issues

- **DIP loans.**
 - **Bankruptcy Code § 364 for DIP loan.**
 - **Substantive requirements.**
 - **Levels of security.**
 - **Bankruptcy Rule 4001(c) for DIP loan.**
 - **Interim relief.**
 - **Final relief.**

Key DIP/Cash Collateral Issues

- **Cash collateral use.**
 - **Bankruptcy Code § 363(c)(2) for cash collateral use.**
 - **Substantive requirements.**
 - **Levels of security.**
 - **Bankruptcy Rule 4001(b) for cash collateral use.**
 - **Interim relief.**
 - **Final relief.**

Key DIP/Cash Collateral Issues

- **Adequate protection.**
 - **Business operating margin?**
 - **Coverage of existing collateral?**
 - **Method of valuation?**
 - **Trend of collateral value?**
 - **Depreciation from use?**
 - **Market forces?**
 - **Replacement liens in unencumbered assets?**
 - **What is lack of adequate protection?**

Key DIP/Cash Collateral Issues

- **Negotiation items in DIP/CC orders.**
 - **Replacement liens/liens on all estate property?**
 - **Replacement liens/liens on avoidance actions?**
 - **Replacement liens/liens on other causes of action?**
 - **Super-priority claims?**
 - **Cross collateralization?**
 - **Release of lender?**
 - **Surcharge Protection?**
 - **Carve-out for professionals?**
 - **Committee investigations and litigation?**

Key DIP/Cash Collateral Issues

- **Trying the DIP/CC case.**
 - **Outside expert testimony?**
 - **Debtor officer testimony?**
 - **Fact?**
 - **Expert?**

Key DIP/Cash Collateral Issues

- **Appeals.**
 - **Interlocutory orders.**
 - **Final orders.**
 - **Statutory mootness in DIP orders.**