

Lugenbuhl, Wheaton, Peck, Rankin & Hubbard

A LAW CORPORATION

STEWART F. PECK

AWARDS AND ACCOMPLISHMENTS

- Listed in recent editions of Best Lawyers in America in the field of maritime law
- Listed in the 2010-2012 editions of Louisiana Super Lawyers in the fields of bankruptcy and maritime law
- Listed in recent editions of New Orleans Magazine, Top Lawyers in New Orleans
- Past Chairman of the Bankruptcy Committee for the New Orleans Bar Association
- Magna Cum Laude, Phi Beta Kappa, Distinction in Political Science, Kenyon College, 1974
- Order of the Coif, Tulane Law Review, Tulane Law School, 1977

PRESENTATIONS

- **Maritime Insolvency for Offshore Marine Services Companies**, OMSA (Offshore Marine Service Association) Law Seminar, November 19, 2009.
- *Taking Advantage of the Louisiana Oil Well Lien Act (LOWLA)*, July 10, 2009
- *Recent Developments in Bankruptcy: An Analysis of Bankruptcy Issues in 2008*, December 30, 2008
- *Chapter 11: Dangers, Defenses, and Strategies for Creditors*, April 2, 2003
- *Bankruptcy, A Creditor's Perspective in Louisiana*, April 23, 2002

RECENT M&A AND FINANCE TRANSACTIONS

- In 2008, represented shareholders of Rigdon Marine Corporation in sale of stock to and assumption of debt by GulfMark Offshore Corporation.
- In 2008, represented seller of marine companies in the approximate amount of \$80,000,000.00.
- Handled the auction and sale of assets of Bender Shipbuilding & Repair Co., Inc. for an amount exceeding \$40,000,000 in connection with its pending Chapter 11 Bankruptcy Case.
- Handled the auction and sale of the marine assets of Gulf Fleet Holdings, Inc., et al. for an amount exceeding \$26,000,000 in connection with their pending Chapter 11 Bankruptcy Cases.
- Handled marine finance transactions with a cumulative value of more than \$300,000,000 in recent years.
- In 2005, handled the sale of a fleet of vessels from Torch Offshore to Cal Dive International.

RECENT CHAPTER 11 BANKRUPTCY AND CREDITOR MATTERS:

- Debtors' Lead Counsel for Gulf Fleet Holdings, Inc., as well as 10 of its subsidiaries and affiliates in Chapter 11 with over \$35,000,000 in assets and approximately \$65,000,000 in claims.
- Debtor's Lead Counsel for Bender Shipbuilding & Repair Co., Inc. in Chapter 11 with over \$100,000,000.00 in assets and \$100,000,000.00 in claims.
- Debtor's Lead Counsel for Torch Offshore, Inc. in a Chapter 11 proceeding with over \$125,000,000.00 in claims and \$100,000,000.00 in assets.
- Debtor's Lead Counsel for East Cameron Partners, LP in Chapter 11 proceeding with assets of over \$100,000,000.00 and debt of approximately \$185,000,000.00.
- Debtor's Lead Counsel for Conmaco/Rector, LP in a Chapter 11 proceeding.
- Debtor's Lead Counsel for Sun Drilling Products Corporation in Chapter 11 Bankruptcy Case.
- Represented Unsecured Creditors' Committee in the Chapter 11 Bankruptcy Cases of Force Energy, Equinox Energy, Virgin Oil Company, Inc., as well as others.
- Representation of Citicorp North America, Inc. in the foreclosure of Oakwood Mall, a shopping mall in metropolitan New Orleans.
- Represented Secured Creditors in numerous Chapter 11 Bankruptcy Cases.

LITIGATION EXPERIENCE:

- Has been involved as lead trial counsel in over 60 reported decisions in federal and state courts as set forth in Appendix A.
- Appellate Court experience: has presented oral argument 13 times before the U.S. 5th Circuit and has presented oral argument before U.S. 4th Circuit
- Has argued before Louisiana Supreme Court and various Louisiana Courts of Appeal.
- Has handled significant arbitration proceedings involving ship construction and vessel charter disputes.

Appendix A - Reported Cases

➤ **United States Fifth Circuit Court of Appeal**

- *In re ENRE LP*, 457 F.3d 493 (5th Cir. 2006)
- *In re Ramba, Inc.*, 416 F.3d 394 (5th Cir. 2005)
- *Effjohn Intern. Cruise Holdings, Inc. v A&L Sales, Inc.*, 346 F.3d 552, (5th Cir. 2003).
- *Kane Enterprises v. MacGregor*, 322 F.3d 371, (5th Cir. 2003).
- *In re Equinox Oil Co., Inc.*, 300 F.3d 614, (5th Cir. 2002).
- *In re Jack/WadeDrilling, Inc.*, 258 F.3d 385, (5th Cir. 2001).
- *Canal Barge Co., Inc., v. Torco Oil Co.*, 220 F.3d 370, (5th Cir. 2000).
- *Wilson Indus., Inc. v. Aviva America Inc.*, 185 F.3d 492, (5th Cir. 1999).
- *Trico Marine Operators, Inc. V. Falcon Drilling Co.*, 116 F.3d 159, (5th Cir. 1997).
- *Matter of Alliance Operating Corp.*, 60 F.3d 1174, (5th Cir. 1995).
- *Alberto v. Diversified Group, Inc.*, 55 F.3d 201, (5th Cir. 1995).
- *Hibernia Nat. Bank v. Carner*, 997 F.2d 94, (5th Cir. 1993).
- *Ingersoll-Rand Fin. Corp. v. Employers Ins. of Wausau*, 771 F.2d 910, (5th Cir. 1985).

➤ **United States Fourth District Court of Appeal**

- *Puglia Marine, Inc. v. Trinity Yacht*, 112 Fed.Appx. 933, 2004 WL 2634517 (4th Cir. 2004)

➤ **United States District Court, Eastern District of Louisiana**

- *Dror Intern., L.P. v. Thundervision, LLC*, 2009 WL 2147205, (E.D.La. 2009).
- *PNC Bank v. Smuck et al*, 2009 WL 481261, (E.D.La. 2009).
- *Reuther, et al. v. Smith, et al.*, 2007 WL 1962956 (E.D.La. 2008).
- *Conmaco/Rector, LP v. Shaw & Sons Equip. Rental, Inc.*, 2006 WL 3422258 (E.D.La. 2006)
- *Morse v. Bank One, et al.*, 2005 WL 3541037 (E.D.La. 2005).
- *In re Torch Offshore, Inc.*, 327 B.R. 254 (E.D.La. 2005)
- *Morse v. Bank One, et al.*, 2004 WL 2984361 (E.D.La. 2004)
- *Texas Mexican Railway Co. v. SunDrilling Products Corp.*, 2004 WL 2784949 (E.D.La. 2004)
- *SunDrilling Products Corp. v. Texas Mexican Railway Co.*, 2004 WL 2256070 (E.D.La. 2004)
- *J. Ray McDermott v. Berry Contracting, et al.*, 2004 WL 414962 (E.D.La. 2004)
- *J. Ray McDermott v. Berry Contracting, et al.*, 2004 WL 224583 (E.D.La. 2004)
- *Morse v. Bank One, et al.*, 2003 WL 23095588 (E.D.La. 2003)
- *J. Ray McDermott v. Berry Contracting, et al.*, 2003 WL 21750618 (E.D.La. 2003)
- *LaCoste Builders, LLC v. Croft Metals, Inc., et al.*, 2002 WL 34449026 (E.D.La. 2002)
- *In re Massan Shipping Indus., Inc.*, 272 B.R. 625 (E.D.La. 2005)
- *Wilson Industries v. Aviva America, Inc.*, 63 F.Supp.2d 747 (E.D.La. 1998)
- *Fagan Enterprises, Inc. v. Constantin Land Trust*, 1998 WL 195984 (E.D.La. 1998)
- *Theophile v. Trinity Indus., Inc.*, 977 F.Supp. 782 (E.D.La. 1997)
- *C&G Boats, Inc. v. Texas Ohio Services, Inc.*, 164 F.R.D. 57 (E.D.La. 1995)
- *In re Alliance Operating Corp.*, 173 B.R. 326 (E.D.La. 1994)
- *Camadelle v. A&P Boat Rentals, Inc.*, 1990 WL 161039 (E.D.La. 1990)

- *United States of America v. LeBeouf Bros. Towing Co., Inc.*, 45 B.R. 887 (E.D.La. 1985)
- **United States District Court, Western District of Louisiana**
 - *Goldin Assoc., LLC v. Central Boat Rentals, Inc.*, 2008 WL 1782284 (W.D.La. 2008)
 - *In re Jack/Wade Drilling, Inc.*, 213 B.R. 493 (W.D.La. 1997)
- **United States District Court, Middle District of Louisiana**
 - *Hibernia Nat. Bank v. Carner*, 758 F.Supp. 382 (M.D.La. 1991)
- **United States District Court, Southern District of Texas**
 - *Deep Marine Tech., Inc. v. Conmaco/Rector, LP*, 515 F.Supp.2d 760 (S.D.Tex. 2007)
- **United States Bankruptcy Court, Eastern District of Louisiana**
 - *In re Torch Offshore, Inc., et al.*, 2008 WL 245746 (Bankr.E.D.La. 2008)
 - *In re Barnett Marine, Inc.*, 2007 WL 2893518 (Bankr.E.D.La. 2007)
 - *In re New Orleans Paddlewheels, Inc.*, 2007 WL 1035151 (Bankr.E.D.La. 2007)
 - *In re New Orleans Paddlewheels, Inc.*, 350 B.R. 667 (Bankr.E.D.La. 2006)
 - *In re Barnett Marine, Inc.*, 343 B.R. 561 (Bankr.E.D. La. 2006)
- **United States Bankruptcy Court, Middle District of Florida**
 - *In re Penisular Oil Corp.*, 399 B.R.532, (M.D.Fla. 2008).
- **United States Bankruptcy Court, Southern District of Mississippi**
 - *In re FGH Liquidating Trust*, 2008 WL 2778875, (Bankr.S.D.Miss. 2008).
- **Louisiana Supreme Court**
 - *Crescent Towing & Salvage Co., Inc. v. Ormet Corp.*, 720 So.2d 628 (La. 1998)
 - *Triangle Marine, Inc. v. Savoie, et al.*, 681 So.2d 937 (La. 1996)
- **Louisiana First Circuit Court of Appeal**
 - *Crescent Towing & Salvage Co., Inc. v. Ormet Corp.*, 694 So.2d 1121 (La.App. 1 Cir. 1997)
- **Louisiana Fourth Circuit Court of Appeal**
 - *C&S Safety Systems, Inc. v. SSEM Corp.*, 843 So.2d 447 (La.App. 4 Cir. 2003)
 - *Rauscher Pierce Refsnes, Inc. v. Flatt*, 632 So.2d 807 (La.App. 4 Cir. 1994)
 - *Fidelity Bank & Trust Co. v. Deutsch, Kerrigan & Stiles* (La.App. 4 Cir. 1990)
 - *C-Craft Marine Services, Inc. v. LLOG Expl. Co., et al.*, 470 So.2d 241 (La.App 4 Cir. 1985)
- **Louisiana Fifth Circuit Court of Appeal**
 - *Carriere v. Bank of Louisiana in New Orleans*, 662 So.2d 491 (La.App. 5 Cir. 1995)
 - *Pipe Liners, Inc. v. Edenwald Contracting Co., Inc., et al.*, 650 So.2d 304 (La.App. 5 Cir. 1995)
 - *Carriere v. Bank of Louisiana in New Orleans*, 602 So.2d 155 (La.App. 5 Cir. 1992)
 - *Carriere v. Frank A. Occhipinit, Inc.*, 570 So.2d 43 (La.App. 5 Cir. 1990)
 - *McMillan v. Bank of the South*, 514 So.2d 227 (La.App. 5 Cir. 1987)