



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 14-1449, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 4, 2014

COMMITTEE ON PROCUREMENT

Mr. David St. Pierre, Executive Director

Authorization to amend the agreement with Arnstein & Lehr, LLP for legal services related to the bankruptcy filing of FutureMark Paper Company d/b/a Alsip Acquisition, LLC, and other miscellaneous bankruptcy matters, Account 101-30000-601170, Purchase Order 3080949

Dear Sir:

On November 20, 2014, the Board of Commissioners authorized the Director of Procurement and Materials Management to increase a purchase order and amend an agreement with Arnstein & Lehr, LLP for legal services related to the impending bankruptcy of FutureMark Paper Company ("FutureMark").

On November 21, 2014, the District learned that FutureMark filed a bankruptcy petition in the State of Delaware on November 20, 2014 seeking a Chapter 11 reorganization. The Bankruptcy Court set the critical "first day" motions for Monday, November 24, 2014. Given the extent of the User Charges underlying the District's liens and the District's regulatory interests, it was imperative that the District's interests be represented by local bankruptcy counsel in Delaware. To that end, Arnstein & Lehr recommended the retention of Landis Rath & Cobb LLP.

Arnstein & Lehr prepared the necessary motions with the assistance of the District's Law Department and the Landis firm presented them to the Delaware Bankruptcy Court on November 24, 2014. It will be necessary for the District to maintain local counsel during the pendency of the District's motion to transfer venue to the Bankruptcy Court in Illinois as well as motion practice pertaining to the District's objection to the proposed sale of FutureMark's assets. Accordingly, it is requested that Arnstein & Lehr be authorized to maintain local counsel in Delaware during the District's motion practice and related proceedings. This request does not require an increase to the purchase order at this time.

It is hereby recommended that the Board of Commissioners authorize the Director of Procurement and Materials Management to amend the agreement with Arnstein & Lehr, LLP for legal services related to the bankruptcy of FutureMark Paper Company d/b/a Alsip Acquisition, LLC, and other miscellaneous bankruptcy matters with Arnstein & Lehr, LLP.

Requested, Ronald M. Hill, General Counsel, RMH:LLD:JJZ:YAT:TN

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for December 4, 2014