

Tightening Credit, Failed Indemnities, and Bankruptcy: A Technical Roundtable

Addressing Environmental Liabilities During Global Financial Turmoil

In 2008 the rate of business filings for Chapter 11 Bankruptcy protection increased by over 49% from the prior year*. Already in 2009, several large Fortune 500 companies have sought Bankruptcy protection, while others have seen planned mergers either collapse or (perhaps worse), consummated, resulting in a heavy debt load at sky-high interest rates. The capricious financial sector and an economy in a deep recession have put pressure on the balance sheets of even once financially robust companies.

The difficult economic times have also put increased emphasis on environmental liabilities, and increased challenges for:

- Companies filing for Chapter 11 protection, PRPs who fear their allocations will increase as a result of others' Bankruptcy filings, and companies purchasing tainted assets out of Bankruptcy.
- Companies and Private Equity firms spinning off divisions, with buyers unwilling to accept contractual indemnities that once would have sealed the deal.
- Companies with RCRA and CERCLA Financial Assurance obligations that they once met by simply filing their balance sheet, but no more.

Members of Marsh's Global Environmental Practice will discuss how the Environmental Insurance Marketplace can provide solutions for companies entering bankruptcy and contemplating emergence, companies seeking to avoid bankruptcy, business partners who may have contractual counterparty risk from M & A transactions, and companies scrambling to meet Financial Assurance obligations without posting precious collateral.

*According to the Administrative Office of the U.S. Courts

Join us for Marsh's Technical Roundtable at the American Bar Association's 38th Annual Conference on Environmental Law.

**Thursday, March 12, 2009
5:30 p.m. - 7:15 p.m.**

Keystone Resort and Conference Center
Keystone, CO

Marsh Speakers

Janet Carl, J.D.
Senior Vice President
Environmental Practice CoLeader – West Zone
Phoenix, AZ
E-mail: Janet.R.Carl@marsh.com
Phone: 602-337-6228

Chris Smy
Managing Director
Marsh Global Environmental Practice Leader
Atlanta, GA
E-mail: Chris.Smy@marsh.com
Phone: 404-995-2748

Jim Vetter
Managing Director
Environmental Practice CoLeader – Northeast Zone
Philadelphia, PA
E-mail: James.Vetter@marsh.com
Phone: 215-262-3736

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