

Sheinberg, Samuel I.

From: [REDACTED]
Sent: Friday, May 8, 2020 10:51 AM
To: Walsh, Kathryn E.; Carson, Timothy; Sheinberg, Samuel I.; Six, Anne; Whitehead, Nora; Musick, Vesselina
Subject: FW: 802.63

From: Berg, Karen E.
Sent: Friday, May 8, 2020 10:51:19 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: HSRHelp
Subject: RE: 802.63

[REDACTED] we agree that 802.63 is not available under these facts.

Karen

From: [REDACTED]
Sent: Thursday, May 7, 2020 12:14:37 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: 802.63

Dear All:

Does 802.63 apply to a credit bid by a parent to acquire assets out of bankruptcy from a debtor in possession of a subsidiary of the parent? I know that intra-person does not apply as the bankruptcy filing severs the chain of control. I did not find any interpretations on point and I assumed that 802.63 would not apply because the parent would not be viewed as a creditor who extended credit in a bona fide credit transaction to its subsidiary but I wanted to check to be sure.

I hope all are well.

Best regards,

[REDACTED]