

More Bad News For Bondholders On Make-Whole Premiums

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Special counsel [Ben Feder](#) authored the *Law360* article, “More Bad News For Bondholders On Make-Whole Premiums.” The article discusses Judge Christopher Sontchi’s decision that Energy Future Holdings had no obligation to pay back a make-whole premium worth more than \$400 million in its chapter 11 bankruptcy. The decision demonstrates that only clear and express language in applicable debt documents can serve to support a claim for payments, and that the automatic acceleration of debt due to bankruptcy cannot be undone for purposes of imposing make-whole premium liability on debtors.