

# Creditors' Rights & Bankruptcy **OVERVIEW**



## About Kegler Brown's Creditors' Rights & Bankruptcy Practice Area

The global economy is suffering in ways not seen since the Great Depression. The housing markets have ground to a near standstill. The stock indices have declined by more than a third. As the economy resets, some law firms are scrambling to fill the role of bankruptcy lawyer for many creditors. But at Kegler Brown, our bankruptcy attorneys have been here all along, assisting our clients with creditors' rights, bankruptcy and insolvency issues.

Our integrated approach to legal services - which blends experience from our banking, tax, securities, real estate, litigation and financial law practices - yields an experienced team of creditors' rights and bankruptcy attorneys ready to assist in all facets of this practice. The firm has acted throughout the United States as counsel to a number of commercial banks and financial institutions, other secured parties and major creditors in bankruptcy and insolvency proceedings involving real estate, oil and gas, insurance, manufacturing, steel and retail companies.

Our services include representing our clients in Federal and State courts and Bankruptcy court, including the enforcement of judgments, pursuit of officers and directors for breach of fiduciary obligations, other creditor remedies, Uniform Commercial Code matters, mechanic's, tax and other lien priority disputes, defense of title insurance claims and general bankruptcy litigation, including representation of secured creditors, official creditors' committees and small business debtors.

Kegler Brown is experienced in representing businesses and creditor's committees in formal re-organization proceedings in the Bankruptcy Court and has handled significant individual debtor relief proceedings. Additionally, our attorneys are skilled in all aspects of Bankruptcy Court litigation. Recent successes include:

- Representing clients in a number of national impact bankruptcy proceedings, including National Century Financial Services (counsel to official creditors' subcommittee), Sight Resource (counsel to official creditors' committee), Steelox Systems (counsel to secured lender), Organized Living (counsel to multiple landlords), LTV Steel, National Steel, Montgomery Ward and Owens Corning. Our lawyers have defended rights relating to uncompleted contracts, unexpired leases and suits to recover "preferential payments"
- Achieving one of the largest single garnishment recoveries ever in Franklin County
- Successfully foreclosing a lender's interest in an office complex (\$150 million)
- Securing a lien on assets of a failing out of state "dot-com" company before a judgment utilizing a little-known or -used pre-judgment attachment procedure
- Obtaining the appointment of a Receiver and liquidating an out-of-state manufacturing facility for default under the terms of a \$6 million note.

As bankruptcy and insolvency issues continue to mirror the condition of the U.S. economy, our bankruptcy attorneys will reflect the changing needs of our clients by providing an experienced team to assist with creditors' rights, bankruptcy, financial law and insolvency concerns. With the breadth and depth of knowledge available at Kegler Brown, our clients are assured insightful, strategic legal counsel in today's competitive marketplace.

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## What We Do

Kegler, Brown, Hill & Ritter's creditors' rights & bankruptcy practice provides experience in:

- Specialty Litigation Areas
  - Commercial litigation/collection of accounts
  - Pre-judgment attachment
  - Foreclosures
  - Evictions (Landlord Tenant)
  - Fraudulent conveyances under state law
  - Receivership
  - Recovery of personal property collateral (judicial foreclosure, replevin)
  - Enforcement of Judgements (Liens, garnishments, executions)
  - Ohio exemption statute
  - Fair Debt Collection Practices Act Compliance
  - Real Estate Title Insurance Defense
- Bankruptcy Court Litigation
  - Enforcement of creditor's rights (claims, lift stay, collateral valuation)
  - Discharge litigation (denial of discharge/determination of dischargeability)
  - Enforcement of landlords' rights
  - Protection of debtor's rights (petitions for Chapter 7 relief)
  - Corporate/business reorganizations under Chapter 11
  - Prosecute/defend preference/fraudulent conveyance litigation
  - Representation of fiduciaries (trustees, official creditors' committees)

## Our Team

Practice Area Chairs: John Brody, *Director* and Larry J. McClatchey, *Director*

- Dan Bennett, *Associate*
- Kenneth Cookson, *Director*
- Christy A. Prince, *Associate*
- Stephanie P. Union, *Director*
- Jerri Jorene Gibson, *Paralegal*
- Robin Kelley, *Paralegal*
- Kelly Marullo, *Paralegal*