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## Workouts and Wind-downs

- Restructured debts of commercial and multi-unit residential properties involving a combination of loan modifications, deeds in lieu of foreclosures, auction and open market sales, and debt forgiveness.
- Sales and/or wind-down of rural pharmacies, including negotiating with secured creditors, drafting transactional documents.
- Debt restructuring for rural grocery store to preserve an inherited family business.
- Resolve vendor accounts and merchant cash advance debts for an HVAC contractor.
- Wind-down a family-owned regional commercial printing facility.
- Experience in a number of other industries including manufacturing, retail, automotive, equine, marinas, restaurant, childcare, sawmill operation, medical and SBA debt.

## **Chapter 11 Bankruptcy - Debtor Representation**

- Successful sales of community acute care hospital, home health care business including bankruptcy pleadings and transactional documents
- Reorganization of family-owned skilled nursing facilities, one involving a HUD-guaranteed loan. Resolved substantial payroll tax debt for one facility, allowing it to be operated by the family and ultimately sold.
- Coal mining companies, ranging from closely held entities to multiple-entity operations, leading to successful sales or reorganization and continued operations
- Representation of principal of oil and gas producer in individual Chapter 11 case in tandem with corporate Chapter 11 of entity which held real property interests. Principal was simultaneously involved in a divorce proceeding.
- Commercial greenhouse operation
- Defense Department subcontractor
- Section 363 sale of regional retail mattress seller, leading to confirmed Committee plan
- Regional trucking companies
- Sand & Limestone mining operations operated by Chapter 11 Trustee pending successful sale

## **Chapter 7 Bankruptcy - Debtor Representation**

- Mechanical and HVAC subcontractor
- Food processor impacted by FDA enforcement action
- Event planner

## **Creditor and Trustee Engagements**

- Floor plan lender for watercraft dealership, involving sales out of trust and good faith purchaser litigation
- Representation of senior secured and DIP lenders in coal mining Chapter 11 cases

- Representation of land and mineral lessors in mining cases
- Representation of consignment creditor in Goody's Chapter 11 bankruptcy
- Representation of independent reseller/installer in Windstream Chapter 11 bankruptcy
- Representation of floor plan lender in recovery of collateral from recreational vehicle dealership and pursuit of deficiency
- Defense of numerous preference and avoidance actions in larger Chapter 11 cases
- Representation of national restructuring group in connection with contested fee application
- Regional bank and credit union representation in individual Chapter 7 and 13 cases
- Various medical providers in connection with urban hospital Chapter 11, including numerous lease/executory contract issues
- Trustee representation for assumption and assignment of mineral leases in Chapter 7
- Trustee representation for avoidance of mortgages in Chapter 13
- Representation of Creditor's Committee and Liquidating Trustee in regional coal mining Chapter 11, including plan negotiations, environmental and bonding issues, claim objections, etc.

## **Individual Representation**

- Wide variety of professionals, including doctors, lawyers, architects, accountants, artists, realtors, veterinarians, etc.
- Small business owners, including restaurant, medical, construction, development, horse farm, trucking, automotive, retail, manufacturing, convenience stores
- Elderly clients with substantial assets but limited cash
- Prosecution of student loan dischargeability actions
- Protection and defense of domestic support claims in Chapter 7 and 13 cases

- Embezzlement victims involved in restaurants, property management, legal practice

## **Buyer Representation**

- Purchaser of multiple locations of regional bookseller through Chapter 11 auction
- Purchaser of retail business assets from secured lender after stay relief
- Monitoring and advice on claim purchase in connection with multiple-property senior living enterprise

## **Miscellaneous**

- Representation of debtors in receivership proceedings
- Appointed as receiver for two retail stores
- Enforcement and defense of mechanics liens
- Defense of a variety of collection actions including foreclosures, replevin actions and guarantee enforcement

## **Biography Education**

- **University of Kentucky College of Law**, Lexington, Kentucky
  - J.D., Doctor of Jurisprudence – 1984
- **University of Kentucky**, Lexington, Kentucky
  - M.S.L.S., Master of Science in Library Science – 1992
- **Centre College**, Danville, Kentucky
  - B.A., Bachelor of Arts – 1980
  - Major: English

## **Bar Admissions**

- Kentucky, 1984
- U.S. Court of Appeals 6th Circuit, 1988
- U.S. District Court Eastern District of Kentucky, 1984

- U.S. Supreme Court, 1993
- U.S. District Court Western District of Kentucky, 1995

## **Cases & Publications**

- White v. Rainbo Baking Co., Ky.App., 765 S.W.2d 26 (1988)
- In re Knowles, 253 B.R. 412 (Bankr. E.D. Ky. 2000)
- In re Smith Mining & Materials, LLC, 399 B.R. 199 (Bankr. W.D. Ky. 2008)
- In re Smith Mining & Materials, LLC, 405 B.R. 589, (Bankr. W.D. Ky. 2009)
- In re Micek, 473 B.R. 185, (Bankr. E.D. Ky. 2012)
- Author, Domestic Relations Issues in Bankruptcy, Consumer Bankruptcy Practice in Kentucky: Chapter 7 Practice, 2012
- Author, Bankruptcy Law, Consumer Law in Kentucky, 2nd Ed., 2011
- Speaker, KBA Kentucky Law Update; Changes in Chapter 7 and 13 Bankruptcy, 2014
- Panelist, KBA Convention; Family Court v. Bankruptcy Court, June 2014
- Author, Individual Chapter 11 Bankruptcies: Powerful Tools and a Few Pitfalls, Kentucky Bench & Bar, 2011
- Panelist, KBA Annual Convention-Bankruptcy Hot Topics, 2013
- Speaker, FCBA CLE Bankruptcy Issues for the Same-sex Married Couples, December 2013
- Speaker, Applying Mediation Principles in Practice, Women's Law Association Luncheon, 2013
- Speaker, Bankruptcy Issues for the Family Law Practitioner, Lunchtime CLE Series. 2013
- Speaker, Chapter 11 for Individual Debtors, 11th Biennial UK Consumer Bankruptcy Law Conference, 2012
- Speaker, Means Test/Chapter 13 Workshop, Chapter 7 and 13 Bankruptcy: Line-by-Line Workshop, 2011
- Speaker, Negotiating Loan Documents/Ethics in Lending, Negotiating Real Estate Loan Terms and Workout Options, 2010
- Speaker, Bankruptcy Means Test, Means Test 101 Teleconference, 2010

- Speaker, Practitioner's Problems with the BAPCPA, Judge Joe Lee Bankruptcy Institute, 2009
- Speaker, Issues in Bankruptcy for the Family Law Practitioner, Family Law Institute, 2009

## **Honors**

- 2015, Best Lawyers, "Lawyer of the Year", Lexington, KY for Litigation-Bankruptcy
- 2014 and 2021, Best Lawyers, "Lawyer of the Year", Lexington, KY for Bankruptcy and Creditor-Debtor Rights / Insolvency and Reorganization Law
- 2013-2021, Best Lawyers, Best Lawyer – Bankruptcy / Debtor-Creditor Rights
- 2010, 2012-2021, Kentucky Super Lawyers, Bankruptcy and Creditor / Debtor Rights
- 2021, Top 50 attorney statewide, Kentucky Super Lawyers
- 1995, Mediation Award for outstanding Mediation Services, Mediation Center of Kentucky
- 1990, Named Arbitrator of the Year by the Central Kentucky Better Business Bureau

## **Community Engagement**

- Volunteer Arbitrator, Better Business Bureau of Central Kentucky, 1984 – 1994
- Volunteer Mediator, Mediation Center of Kentucky, 1992 – 1994
- Bankruptcy Cases, Pro Bono Office, Lexington, Kentucky, 1987 – 1994
- Member, Versailles Midway Woodford County Human Rights Commission, 2005 – 2008
- Francisco's Farm Arts Festival Committee, 2008 – 2013
- Judge, Keeneland Concours d'Elegance, 2007 – present

# **Professional Organizations**

- Kentucky and Fayette County Bar Associations
- American Bankruptcy Institute
- President, Kentucky Bar Association Bankruptcy Section 2013-2014