

# Bankruptcy and Financial Restructuring

Fowler White Boggs Bankruptcy and Financial Restructuring lawyers handle all phases of creditors' rights and debtor representation, including debt restructuring and workouts, trials, appeals, receiverships, assignments for the benefit of creditors, and secured lender, creditor committee, trustee, and debtor bankruptcy representation. Our attorneys practice in state and federal courts, including bankruptcy court. We also have experience in all forms of alternative dispute resolution, including arbitration and mediation.

Fowler White Boggs represents secured and unsecured creditors and debtors. Our clients include Fortune 500 companies, international, national and local vendors, banks and other financial institutions, creditor committees, and insurance companies. Regardless of size, each of our clients receives the same individual attention and quality representation.

## Representative Matters

**Creditors.** The Firm performs restructuring and workout services for major clients. Examples include:

- Restructured \$180 million syndicated loan to large residential developer.
- Restructured \$200 million of loans to significant commercial real estate developer.
- Represented lender owed \$300 million in various facilities to major public company in southwest Florida.
- Represented the largest creditor (owed approximately \$40 million) in the Pan American Hospital Chapter 11 case pending in the Southern District of Florida (Case No. 04-11819).
- Represented a major secured creditor in the Bicoastal Corp. Chapter 11 proceeding.
- Represented numerous significant creditors in the Celotex Chapter 11 case.
- A national financing company and plan proponent in the Optical Technologies, et al Chapter 11 cases (Recomm) (Lead Case No. 96-00805). The client financed thousands of equipment leases pre-petition and provided post-petition financing. We have continued to represent the financing entity post confirmation in liquidating their portfolio.
- Represented a major secured creditor in the Braniff Airlines Chapter 11 proceeding in Orlando, FL.
- Represented a major secured creditor in the Lykes Steamship Chapter 11 proceeding.
- Represented a major lender in the Hillsborough Holdings Corp. Chapter 11 proceeding.
- Served as national lead bankruptcy and collections counsel for nation's largest provider of pharmaceutical drugs and services to nursing homes.

**Creditor Committees.** The Firm has represented numerous official and ad hoc committees of creditors, including:

- The Unsecured Creditors Committee and (post-confirmation) The Liquidation Trustee in the Tropical Sportswear Inc., et. al. Ch. 11 cases (Lead Case No. 04-24134). The case involved the \$88.5 million sale of assets to Perry Ellis International.
- The Ad Hoc Committee of 11% Senior Secured Noteholders and certain of those Noteholders providing DIP financing in the Anchor Glass Container Corporation



### Practice Leader

Donald R. Kirk

### Practice Team

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Ch. 11 proceeding (Case No. 05-15606). The bondholders (approximately \$350,000,000.00) became the owners of the reorganized company.

- Represented The Unsecured Creditors Committee and (post-confirmation) the Liquidating Trustee in the Pullman-Holt Corp. and Fultonville Metals Chapter 11 cases (Lead Case No. 03-08017).
- Acted as the Future Claims Representative in the Apache Products Company Chapter 11 case (Case No. 02-20896) wherein we represented a class of unsecured creditors (property damage claimants) yet to be identified. Post confirmation, the firm serves as the Future Claims Administrator.
- Represented The Unsecured Creditors Committee in the Hernando Healthcare, Inc., et al. Chapter 11 cases (Case No. 93-02171). That case involved several Tampa Bay area hospitals and resulted in a 100% plus interest distribution to our constituency.
- Represented The Unsecured Creditors Committee in the Pace Tech, Inc. Chapter 11 case (Case No. 97-12418), which also resulted in a 100% plus interest distribution to unsecured creditors.
- Represented The Post Confirmation Committee in the Government Risk Insurance Trust Chapter 11 case (Case No. 00-04008).
- Represented approximately 100 members of a golf and country club in the Twin Eagles Golf & Country Club, Inc. et al. bankruptcy cases pending in Ft. Myers (Case No. 99-14699). In this case, we successfully preserved expensive golf club memberships for members.
- Represented The Unsecured Creditors Committee in the Valco Enterprises Chapter 11 cases (Lead Case No. 07-09275)
- Represented The Unsecured Creditors Committee in the Digital Community Networks, Inc., Chapter 11 case (Case No.: 06-01702).
- Represented Ad Hoc Committee of Prepaid Lot Purchasers in the Florida Grande Motor Coach Resort, Inc. Chapter 11 case (Case No. 07-4022).

**Debtors.** Representative debtor matters include:

- Restructured approximately \$350 million in debt for sports merchandise and apparel retailer.
- Restructured approximately \$15 million in debt for large insurance plan administrator.
- Confirmed Ch. 11 Plan for 18 store fast food franchisee (08-02797).
- Represented local public telecommunications company in successful out of court workout of approximately \$40 million of secured and unsecured debt.
- Confirmed Ch. 11 plan of reorganization of homebuilder First Dartmouth Homes (08-129274).
- Represented regional restaurant chain in successful workout.
- Represented Assignee and Assignor in several assignments for the benefit of creditors' matters in Florida.

**Bankruptcy Litigation.** The Firm has represented trustees, creditors, and adversary defendants in all facets of bankruptcy litigation, including:

- The Florida Department of Transportation in the Cone Constructors, Inc. Chapter 11 case (Case No. 00-10589).
- A Ch. 7 trustee in a fraudulent transfer action relating to biotech patent.
- A national surety company obligated on significant tobacco bonds in the Eli Witt Company Chapter 11 proceeding (Case No. 96-15441).
- A significant preference defendant in the Hayes Lemmerz International, Inc. Chapter 11 proceeding in the District of Delaware.
- Plaintiffs and defendants in fraudulent conveyance, preferential transfer and other avoidance actions in Chapter 11 and Chapter 7 proceedings throughout the country.

**Trustee and Examiners:** Members of the Firm have served as the Chapter 11 Trustee and Examiner in several matters, including:

- Represented Ch. 7 Trustee in liquidation of Shells Seafood Restaurant Chain (08-13440).
- Served as Chapter 11 Examiner in the One Stop Auto Parts, Inc. (Case No. 99-12803) Chapter 11 case.
- Served as the Chapter 11 Examiner in the Gator Bait Software, Inc. (Case No. 96-14276) Chapter 11 case.
- Served as Chapter 11 Trustee in the Babette Holmes Chapter 11 case (Case No. 02-10987). In that case, we successfully confirmed a Plan of Reorganization which provided for a 100% distribution to all creditors.

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- Represented Ch. 11 Trustee in Premier Mortgage Funding, Inc. Ch. 11 case (07-5713).

**Asset Purchases and § 363 Sales.** The Firm has represented both buyers and sellers in bankruptcy asset sales including:

- Representation of the general partner in the Kaiser Aluminum Corp, et al Chapter 11 proceedings in the District of Delaware wherein we preserved a right of first refusal relating to the auction of a \$331 million partnership interest.
- Represented Debtor/Seller of 18 fast-food franchise stores; sales of approximately \$6 million.
- Represented the buyer in the successful purchase of restaurants in Leverocks Ch. 11 proceeding.
- Represented the buyer in the successful purchase of several Winn-Dixie supermarket sites.