

RESTRUCTURING, INSOLVENCY AND BANKRUPTCY

Companies experiencing financial distress often face uncertainties that can make it difficult to plan for the future, expand, or perhaps even survive. Lenders, and other secured creditors extending credit to these entities, have rights and expectations that can be severely impacted without swift action.

Lawyers in Armstrong Teasdale's Restructuring, Insolvency and Bankruptcy practice have appeared and practiced in virtually every federal jurisdiction in the U.S., and have been chosen to represent debtors, creditors and creditors' committees in some of the largest and most complex bankruptcies and restructurings. Our team has experience working on a wide range of domestic and cross-border matters including advisory, transactional and contentious work with a particular focus on the automotive, food, manufacturing, financial services, real estate, oil and gas, and retail and leisure sectors.

Our lawyers represent lenders and other secured creditors, unsecured creditors' committees, ad hoc committees, boards of directors, insolvency/bankruptcy practitioners (receivers, trustees, administrators and liquidators) and corporate debtors in bankruptcy/insolvency proceedings and reorganizations. Our counsel have represented foreign representatives in U.S. courts under Chapter 15 and other prevailing legislation. We are also extremely accomplished in non-bankruptcy business workouts, financial restructuring and pre-bankruptcy planning. Our experience in these areas allows us to provide the most efficient and cost-effective service to creditor clients faced with significant decline or delayed nonpayment of unsecured or secured debt. Our practice also encompasses credit enforcement work, and our lawyers have broad experience in enforcing and protecting creditors' rights in multiple jurisdictions and in cross-border asset recovery.

We also provide the same top-level assistance to publicly or privately held corporate debtor clients, as well as entities seeking to acquire assets from entities faced with mounting debt, demands from trade creditors, secured creditors or bondholders and the possibility of a forced liquidation or declaration of default under a bond obligation.

We believe clients are best served by a team concept, which employs the most efficient and cost-effective legal talent to particular situations and issues. For example, members of the team work with lawyers in other practice areas ranging from real estate, M&A, financial services, tax and corporate law to environmental law and litigation. This ensures accurate, creative and value-driven results.

EXPERIENCE

Missouri Counsel to National Lender in \$250 Million Loan Restructuring

Served as Missouri counsel to national lender in connection with the restructuring of a \$250 million loan.

Counsel for Successor Trustee Related to a Commercial Foreclosure

Managed and conducted foreclosure of commercial real estate located in Missouri which sold for over \$6 million.

Counsel in Commercial Litigation, Foreclosure, Special Assets and Receivership Matters

Served as counsel to local, regional and national lenders in numerous commercial litigation and foreclosure, special assets and receivership matters involving the sale and liquidation of nearly every type of real property and collateral, as well as workouts, including: office parks, mobile home parks, factory, warehouse and manufacturing properties, retail centers,



marinas, medical offices and equipment, transportation development districts (TTDs), liquor stores, turkey farms, cattle, farm products and equipment, hotels, dry cleaners and many more.

Managed Over 4,000 Missouri Non-judicial Foreclosures

Supervised and managed over 4,000 non-judicial foreclosures in Missouri for successor trustee under deeds of trust regarding residential and commercial properties.

Counsel to National Bank in Collection on Commercial Loan

Served as counsel to national bank in collection on commercial loan, secured by multi-state collateral, including receivership.

Counsel for Secured Lender in \$8 Million Commercial Transaction

Served as counsel for bank and drafted commercial loan documents with respect to loans totaling \$8 million, secured in part by commercial real estate in Georgia and South Carolina, and facilitated multi-state closing.

Lead Trial Counsel to National Bank in Chapter 11 Proceedings, First Virtual Evidentiary Hearing

Served as lead trial counsel to national bank lender in enforcement of rights in secured collateral in Chapter 11 bankruptcy proceedings, including the first virtual evidentiary hearing conducted in the court.

Counsel to Federal Agency Regarding Enforcement of Liens

Served as counsel to federal agency in connection with enforcement of liens on multi-state collateral.

Lead Trial Counsel to National Bank in Receivership, Foreclosure

Served as lead trial counsel to national bank in receivership and foreclosure of mobile home park.

Lead Trial Counsel for National Bank in Adversary Proceeding in Bankruptcy Court

Served as lead trial counsel to national bank in adversary proceeding in bankruptcy court resulting in a judgment for priority of mortgage against \$15 million mechanic's liens on failed commercial project.

Represented Construction Company in Chapter 11 Reorganization

Represented debtor in Chapter 11, Subchapter V bankruptcy case with contingent liabilities in excess of \$25 million and secured indebtedness of approximately \$4.5 million, and negotiated consensual reorganization plan with all constituents.

Summary Judgment Win for Shopping Center Client Against Debtor's Claim

Beat back an \$11 million claim in bankruptcy case asserted against country's second largest owner of shopping centers based on doctrine of judicial estoppel.

Representation of Airline Booking Agent in Successful Chapter 15 Proceedings

Represented U.S. affiliates of a third-party airline ticket booking agent in successful Chapter 15 reorganization proceedings.

Counsel to Miami-Dade County in Arena Naming Rights Dispute in FTX bankruptcy

Served as counsel to Miami-Dade County regarding the naming rights to the arena where the NBA's Miami Heat play which resulted in the termination of the agreement between Miami-Dade County, which owns the facility, and FTX, once the third-ranked crypto exchange by volume.

Investigation of Sudden Demise of Automotive, Recreational Equipment Companies

Investigated and analyzed the causes of and potential legal claims arising from the sudden demise of two major Illinois corporations in the automotive and recreational equipment industries.

Removed Utility Client as Creditor in Bankruptcy Proceeding

Prevailed in U.S. Bankruptcy Court for the Western District of Missouri for a client energy utility when a hospital Chapter 11 filing listed the client as a creditor to compel the utility to continue providing gas and electric service. Following an



emergency evidentiary hearing, the court agreed the hospital was never a direct customer of the client and thus the Bankruptcy Code provisions did not apply, allowing the client to disconnect service.

Conflicts Counsel in Health Care Corporation Chapter 11 Proceedings

Serving as conflicts counsel to the unsecured creditors committee for a health care corporation and 216 affiliated debtors in their Chapter 11 bankruptcy proceedings.

\$50 Million Settlement for Multinational Telecom Company's Former Employees with Disabilities in Light of Bankruptcy

Served as lead counsel for the Official Committee of Long Term Disability Participants in the bankruptcies of a multinational telecom company, in which he secured a settlement of more than \$50 million for the company's former employees with permanent disabilities.

Counsel to Tier 1 Automotive, Aviation Manufacturers in Chapter 11 Proceedings

Served as counsel to numerous trade creditors, including Tier 1 suppliers, in automotive and aviation industry manufacturer's Chapter 11 proceedings.

Counsel to Acquiring Company in 363 Sale of Assets of Major Steel Manufacturer

Served as counsel to the purchaser of substantially all of the assets of a major steel manufacturer.

Defense Counsel for Employee Retirement Investment Funds in Two of the Largest Fraudulent Conveyance Actions in History

Served as defense counsel for employee retirement investment funds of a Fortune 100 company in two of the largest fraudulent conveyance actions in history, filed in the Southern District of New York.

Counsel to Secured Creditor in Farming Operation Litigation and Bankruptcy

Served as lead and trial counsel to lender in federal litigation for breach of contract, fraud, and replevin and for non-dischargeability and defense of lien avoidance in subsequent bankruptcy.

Counsel to Secured Lender in Commercial Restructuring of Multiple Loans

Served as counsel to secured lender in workout of numerous loans secured by real estate and properties located in Development District.

Delaware Counsel to Computer Data Storage Products Manufacturer in Bankruptcy

Delaware counsel to the Official Committee of Unsecured Creditors in bankruptcy cases for a computer data storage products manufacturer.

Bankruptcy Counsel for Fortune 10 Tech Retailer

Represented a Fortune 10 American technology retailer in bankruptcy. Advised and assisted the client on many issues, including rejection, assignment and assumption of executory contracts, intellectual property license and privacy issues.

Representation of Secured Lenders in Agricultural Company Bankruptcy Proceedings

Represented the secured lenders in Chapter 12 and agricultural Chapter 11 bankruptcy cases.

Counsel to Various Parties on Executory Contracts in Bankruptcy

Represented trade creditors, critical vendors and non-debtor parties to executory contracts in the bankruptcies of automotive OEMS and Tier 1 suppliers, chemical companies, pipeline owners, and contractors and airplane manufacturers.

Counsel to Official Committees of Unsecured Creditors Across Industries

Served as counsel to numerous official committees of unsecured creditors across industries including transportation, professional services, and agribusiness and food.

Lead Debtor's Counsel to Real Estate Company in Chapter 11

Lead debtor's counsel to real estate company in Chapter 11 proceeding.

**Delaware Counsel in Specialty Pharma Company Bankruptcy**

Delaware counsel to the Official Committee of Unsecured Creditors in the bankruptcy cases for a specialty pharmaceutical company.

Representation of Trade Creditors in 503(b), Reclamation Claims

Represented numerous trade creditors asserting Section 503(b) and/or reclamation claims against debtors, including general contractors, manufacturers and fabricators.

Co-Counsel to Unsecured Creditors Committee for National Movie Theater Chain

Served as co-counsel to the unsecured creditors committee for a national movie theater chain in its Chapter 11 bankruptcy proceedings.

Chapter 11 Bankruptcy for Public Agribusiness Company Following Chinese Reverse Merger

Served as lead counsel for the equity committee in the Chapter 11 bankruptcy of a publicly traded agribusiness company which was the result of Chinese reverse merger that resulted in the successful sale of U.S.-based assets, assets in China, and a global settlement with the company, secured creditors, SEC, class action plaintiffs and unsecured creditors. This resulted in a successful distribution to shareholders in an insolvent company that had little hope of recovery due to massive securities fraud in the U.S. and China.

Representation of Bankrupt Companies in Alleged Patent Infringement Cases

Represented parties alleged to have infringed patents of bankrupt telecommunications and manufacturing companies.

Representation of Equity Holders in Athletic Accessory Company Bankruptcy

Represented equity holders in the bankruptcy of a seller of hologram bracelets, necklaces and pendants asserted to improve athletic performance.

Representation of Equity Sponsor in Telecom Company Bankruptcy

Represented the equity sponsor in the bankruptcy of a telecommunications company.

Counsel to Insured Mortgagee Defeating Bankruptcy Trustee Avoidance Action

Served as counsel to insured under lender's policy successfully defeating bankruptcy trustee's lien avoidance adversary complaint.

Counsel to Peabody Energy in Chapter 11 Proceedings

Served as co-counsel to Peabody Energy, the largest private-sector coal company in the world, in its Chapter 11 bankruptcy proceedings.

Counsel to Secured Creditor in Beer Distributorship Bankruptcy

Served as counsel to mortgage lender in Chapter 11 of Central Illinois closely held beer distributor.

Representation of Secured Lenders in Golf Course Owner Bankruptcies, Workouts

Represented the secured lenders in the bankruptcies and workouts of the owners of operating golf courses.

Co-counsel to Foresight Energy, Affiliated Debtors in Chapter 11 Proceedings

Serving as co-counsel to Foresight Energy LP, a producer of thermal coal, and 30 affiliated debtors in Chapter 11 bankruptcy proceedings in the U.S. Bankruptcy Court for the Eastern District of Missouri.

Representation of Private Equity Group in Purchase of Golf Courses

Represented a private equity group in the purchase of golf courses through bankruptcy sales.

Representation of Acquirers of Shuttered Lead Mine

Represented the acquirers of a shuttered lead mine containing rare earth minerals.

Representation of Vehicle Service Contract Dealer in Underwriter Bankruptcy



Represented a vehicle service contract dealer in the bankruptcy of the underwriter of the program.

Preference Action Defense for Public Utilities

Representation of public utilities in the defense of preference actions.

Representation in Massachusetts-Based Pizza Chain Bankruptcy

Served as representation for landlord and committee member in the bankruptcy cases of a Massachusetts-based pizza restaurant chain.

Prosecution and Defense of Fraudulent Conveyance Actions for Multiple Clients

Prosecuted and defended fraudulent conveyance actions arising from alleged ponzi schemes, leveraged buyouts and alleged non-statutory insider transactions.

Counsel to Bond Holders in Chapter 11 Proceedings for Telecom Company

Served as counsel to bond holders in Chapter 11 bankruptcy proceedings for a telecommunications and fiber optic network company.

Bankruptcy Counsel to Teamsters and Transportation Industry Pension Fund in Bankruptcy

Served as lead bankruptcy counsel to teamsters and a transportation industry pension fund in bankruptcy cases.

Counsel to Noteholders for Footwear, Furniture Maker in Chapter 11 Proceedings

Served as counsel to the noteholders in Chapter 11 bankruptcy proceedings for a footwear and furniture maker.

Counsel to Private Equity Sponsor for Financial News and Data Provider

Served as counsel to the equity sponsor for a financial news and data provider in its Chapter 11 bankruptcy proceedings.

Counsel to International Secured Lender in Manufacturing Bankruptcy

Served as counsel to the largest secured creditor in Chapter 11 of international manufacturing entity.

Counsel to Supplier, Lender in Chapter 11 Proceedings

Served as counsel to both the supplier and lender in Chapter 11 bankruptcy proceedings for a building products company.

Counsel to University, Foundation in Bankruptcies of Business Trust

Served as counsel to a public university and its foundation in bankruptcies of a business trust and its affiliates, which owned hotels, a ballpark and other assets valued at over \$1 billion.

Counsel to Reclaiming Creditors for Discount Drug Store Chain

Served as counsel to the reclaiming creditors for a chain of discount drug stores in its Chapter 11 bankruptcy proceedings.

Counsel to Reclaiming Creditors for Major Steel Manufacturer

Served as counsel to the reclaiming creditors for an East Coast steel manufacturing company in its Chapter 11 bankruptcy proceedings.

Counsel to Senior Secured Lenders for Large Supplier of Welding Products

Served as counsel to the senior secured lenders for a large supplier of welding products in its Chapter 11 bankruptcy proceedings.

Co-counsel to Armstrong Energy in Chapter 11 Bankruptcy

Served as co-counsel to the debtor, coal company Armstrong Energy, in its Chapter 11 bankruptcy proceedings.

Counsel to Retail Chain Convenience Store Distributor in Chapter 11 Bankruptcy

Served as counsel to a regional distributor of inventory to convenience stores throughout the Midwest in its Chapter 11 proceeding.

Co-counsel to Retailer in Chapter 11, Post-bankruptcy Proceedings

Serving as co-counsel to a specialty footwear retailer and its related debtor affiliates in Chapter 11 restructuring and post-bankruptcy proceedings. Client is the largest specialty family footwear retailer in the Western Hemisphere with nearly 4,400 stores across more than 30 countries.

Counsel to the Unsecured Creditors Committee for a Consumer Refrigeration Company

Served as counsel to the unsecured creditors committee for a consumer refrigeration company in its Chapter 11 bankruptcy proceedings.

Co-counsel in Bioenergy Companies' Chapter 11 Bankruptcy

Served as co-counsel to global bioenergy companies in Chapter 11 bankruptcy proceedings.

Counsel to Unsecured Creditors Committee for Provider of Computer Services

Served as counsel to the unsecured creditors committee for a provider of computer services in its Chapter 11 bankruptcy proceedings.

Restructuring of Multi-State, For-Profit College

Served as counsel to a multi-state, for-profit college in its restructuring and ultimate closure.

National Counsel to Multiple Airline Service Providers in Bankruptcy

Served as national counsel to multiple airline services providers in bankruptcies.

Counsel to the Unsecured Creditors Committee for a Petroleum Producer and Marketer

Served as counsel to the unsecured creditors committee for a petroleum producer and marketer in its Chapter 11 bankruptcy proceedings.

Counsel to Unsecured Creditors Committee for National Trucking Company

Served as counsel to the unsecured creditors committee for a national trucking company in its Chapter 11 bankruptcy proceedings.

Counsel to Online Consumer Lender in Chapter 11 Bankruptcy

Served as counsel to online consumer lender in its Chapter 11 bankruptcy proceedings and ultimate successful sale to a third-party.

Counsel to Unsecured Creditors Committee for Business Process Outsourcing Company

Served as counsel to the unsecured creditors committee for a business process outsourcing company in the bankruptcies of a group of equity-sponsored debt collection companies.

Counsel to Vehicle Service Contract Dealer in Chapter 11 Proceedings

Served as counsel to a vehicle service contract dealer in its Chapter 11 bankruptcy proceedings.

Defended International Freight and Utility Processor in Avoidance Actions

Served as primary bankruptcy counsel for an international freight and utility processor in the defense of avoidance actions brought in multiple jurisdictions.

Representation of the Single-Largest Creditor for an Automotive Service Contracts Company

Represented the single-largest creditor in a bankruptcy case for a seller of after-market vehicle service contracts to consumers. The case was concluded through the confirmation of a plan providing for the release and permanent injunction of claims of 43 states attorneys general and over 600,000 consumers.

Counsel to the Unsecured Creditors Committee for a National Trucking Company

Served as counsel to the unsecured creditors committee for a national trucking company in its Chapter 11 bankruptcy proceedings.