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PRACTICE AREAS

Neutral Alternative Dispute
Resolution Services

Asset Sales & Acquisitions
Litigation

Debtor Representation

Land Use

Franchise & Distribution

Receiverships

Secured Creditor
Representation

Unsecured Creditors &
Committee Representation

Workout & Restructuring

Financial Services

Bankruptcy Litigation

Robert J. Haupt

Partner | robert.haupt@lathropgpm.com

Robert Haupt is a committed problem-solver. Over the course of his legal career, Robert has represented a wide spectrum of clients, from some of America's largest companies to smaller businesses and individuals in commercial matters, civil litigation and bankruptcy. Robert practices throughout the United States in both federal and state civil and appellate courts.

As a commercial lawyer, Robert has handled hundreds of millions of dollars in real estate transactions involving development, management and franchising issues. In bankruptcy, he has represented both creditors and debtors having successfully confirmed plans of reorganization in industries as diverse as hospitality (hotels and restaurant groups) to real estate developers to oil and gas related businesses. Practicing in the middle of America has inevitably brought agricultural reorganizations into Robert's practice.

As with his clients, Robert's litigation experience ranges from local contractual disputes to complex litigation involving multinational corporations. Robert has represented lenders, developers and borrowers in real estate transactions in hotels, resorts, golf course, commercial and large residential developments.

Representative Experience

- Represented parties in real estate transactions involving hundreds of millions of dollars.
- Successfully represented many developer and real estate purchases in challenges to zoning ordinances.
- Served as a receiver of a golf-course/real estate developer, assisting in finding new capital and restructuring the debtor of the



General Business & Complex
Commercial Litigation

INDUSTRIES

Restaurant, Food & Beverage

COURT MEMBERSHIPS

State Admissions/Licenses

- Arkansas
- District of Columbia
- Georgia
- Iowa
- Kansas
- Kentucky
- Minnesota
- Missouri
- New York
- Ohio
- Oklahoma
- Pennsylvania
- Tennessee

Federal Court Admissions

- United States Supreme Court
- U.S. Tax Court
- U.S. Court of Federal Claims
- U.S. Courts of Appeal for the
Fifth, Eighth and Tenth Circuits

Federal District Court Admissions

- Arkansas (Eastern and Western)
- Georgia (Northern)
- Illinois (Northern, Central and
Southern)
- Kansas
- Michigan (Eastern and Western)

developer.

- Served as receiver for retail and hospitality (resorts, hotels, golf courses) businesses, in federal and state actions throughout the United States.
- Served as first-chair attorney in nearly 20 federal and state jury trials.
- Successfully represented a large group of victims in Civil Rights and Civil RICO claims against multiple governmental bodies.
- Successfully represented numerous family farmers in Civil Rights claims against the United States of America and in Chapter 12 reorganizations.
- Appeared in state and federal courts in civil litigation matters in more than 30 U.S. States and Territories.
- Represented multiple parties in matters and in oral arguments before the U.S. Court of Appeals for the 10th Circuit including defendants in an adversary action which challenged claims by a state securities department, that our clients were engaged in a Ponzi Scheme. Successfully argued before the U. S Court of Appeals for the 10th Circuit under 11 U.S.C. Section 523(a)(19) the limits of the scope of the section relieving our clients of additional liability.
- Served on the Editorial Board of the ABA Bankruptcy Litigation report from 2005-2010 and was a frequent contributor to articles on issues ranging from the above described 523(a)(19) issue, to issues related to Net Present Valuation calculations.
- Served as counsel for a global takeout lender who suffered the failure of the anticipated planned end lending facility. While initial loss reserves were established in excess of \$200 million, eventual losses were only a fraction of that amount. The collateral was challenged as being largely personal property and enterprise value of food service businesses. The representation involving highly aggressive representation of the client with assets and concurrent litigation in more than 20 states and involving dozens of borrowers. This was a nearly 10-year representation that resulted in a wrap-up of the investment fund and was considered to be highly successful.
- Represented a prestigious international manufacturer of cookware in Chapter 11 heavily contested but confirmed reorganization, while under a Section 1111(B) creditor election.
- Served as counsel in an investor derivative lawsuit involving upscale hotel properties in multiple states in which the risk of losing the franchise affiliation was imminent and trust between

- Missouri (Eastern and Western)
- Nebraska, New Mexico
- New York (Northern and Western)
- North Dakota
- Ohio (Northern)
- Oklahoma (Northern, Eastern and Western)
- Texas (Northern, Eastern, and Western)
- Wisconsin (Eastern and Western)

Federal Bankruptcy Court Admissions

- Arizona
- Arkansas (Eastern and Western)
- Georgia (Northern)
- Illinois (Northern, Central and Southern)
- Kansas
- Massachusetts
- Michigan (Eastern and Western)
- Missouri (Eastern and Western)
- Nebraska
- New Mexico
- New York (Northern and Western)
- North Dakota
- Ohio (Northern)
- Oklahoma (Northern, Eastern and Western)
- Texas (Northern, Eastern, and Western)
- Wisconsin (Eastern and Western)

EDUCATION

Oklahoma City University, J.D.,
with high honors

University of Chicago, M.A. in
Social Sciences

investors and management was severely challenged. The receivership allowed a 'safe' period during which the operations became stabilized.

- Represented a Chapter 11 debtor that was a large regional provider of oilfield fluid transportation services. There, the debtor had purchased its company soon before the 2008 - 2009 downturn, from a promoter who had misrepresented the scope of the liabilities and overstated the assets. The individual owners and the company were liable for significant tax obligations. The result was a restructured company, downsized to a level where a successful reorganization was accomplished with the infusion of new capital.
- Represented a Chapter 11 debtor that owned a national restaurant brand with operations throughout the country. There was considerable pressure from diverse credit facilities with varied interests and goals. This operation was downsized with a spinoff of various operations in a market-specific approach, in some cases, closing stores, in others, rebranding stores, and in others, successfully selling participate markets. The reorganize was successful and the reorganized company continues today as an entirely rebranded construct.
- Represented both debtors and creditors in hotel related reorganizations.
- Served as counsel to many close-held businesses with debts ranging from \$10 - 100 million. In many of these instances, internal controls and management were placed to guide the clients through the restructuring process. Many of these result in negotiated reorganizations outside of the bankruptcy context.

Events

- Franchisors & Bankruptcy Webinar
March 22, 2023

Presentations

- Speaker, *Hotels, Workouts, Receiverships and other Stuff*, Annual Oklahoma Bar Association Advanced Bankruptcy Seminar, December 2, 2021
- Speaker, *Business Contracts: What you DIDN'T Learn in Law School (Negotiation Techniques You Won't Learn in Law School, Legal Ethics of Contracts and Negotiations)*, National Business Institute, June 24, 2020



Seinan Gakuin University,
Diploma in Japanese Studies

Oklahoma Baptist University,
B.A., *magna cum laude*

- Speaker, *Preparing for Franchisee Bankruptcies in a COVID-19 World*, Lathrop GPM Webinar, May 27, 2020
- Speaker, *Compliance and Technology Issues*, Information Warfare Summit 11, InfraGard Oklahoma Members Alliance, October 3, 2018
- Speaker, *Primer on Consumer Bankruptcy for Non-Bankruptcy Practitioners*, Oklahoma County Bar Association, 2012
- Speaker, *Negotiating Commercial Leases, Chapter on Impact of Bankruptcy*, Oklahoma Bar Association Continuing Legal Education, 2009
- Speaker, *Negotiating and Drafting Acquisition Agreements in Oklahoma*, Oklahoma Bar Association Continuing Legal Education, 2003

Publications

- Co-author, *Thomson Reuters "Commercial Bankruptcy Litigation,"* 2d, 2023-2024 Edition
- Co-author, *Thomson Reuters "Strategic Alternatives For and Against Distressed Businesses,"* Oklahoma Chapter, 2022-2024 Editions
- Author, "Are You Ready for the Coming Recession? *Missouri Hotel & Lodging Association Newsletter*, December 2018
- Author, "An Open Response to a Recent Presidential Order," *Daily Oklahoman*, January 31, 2017
- Co-author, *Oklahoma Chapter, Trigild Guide to Receivership & Foreclosure*, 2012 - 13 editions
- Author, "Tomorrow May Be Too Late," *Journal Record*, September 20, 2012
- Co-author, "A Weapon Unused: Offers of Judgment under 12 Okla. Stat. § 1106 - Forgotten, Misunderstood and Unused," *Oklahoma Bar Journal*, September 3, 2011
- Co-author, "Nations Thirst for a Place at the Table," *Journal Record*, October 21, 2010
- Co-author, "Is it a raft or a shark?(11 U.S.C. § 523(a)(19) Application to denial of discharge to securities law violators — broad or narrow construction?)," *Bankruptcy Litigation*, Summer 2009
- Author, "Negotiating Commercial Leases," *Sterling Education Services, Inc.*, August 6, 2009

- Author, "Net Present Discount Valuation and Application in Bankruptcy," *Bankruptcy Litigation*, Winter 2009
- Author, "Three Essays on Family Law: Tender years doctrine revisited," *Oklahoma County Bar Briefcase*, April 2008
- Author, "Three Essays on Family Law: If I am going to lose my arm, then cut it off quickly," *Oklahoma County Bar Briefcase*, March 2008
- Author, "Three Essays on Family Law: A kinder, gentler divorce? Or just common sense?" *Oklahoma County Bar Briefcase*, February 2008
- Author, "Founders Sought Real Separation," *Daily Oklahoman*, March 25, 2005
- Author, "Critic's Miss the Court's Point," *Daily Oklahoman*, July 9, 2003
- Co-author, *Negotiating the Drafting Acquisition Agreements in Oklahoma*, National Business Institute, June 20, 2003
- Author, "A Question on Wine," *Oklahoma County Bar Briefcase*, April 2003
- Author, "Thoughts on Long Term Rentals," *Hotel Business*, January 2003
- Author, "Never Lay a Salmon on the Ground with his Head Toward the River - State of Washington Sues Yakamas Over Alcohol Ban," *American Indian Law Review*, University of Oklahoma, February 2002

In The News

- Franchise Times Quotes Robert Haupt on Chapter 11 Proceedings September 1, 2020
- Franchise Times Quotes Robert Haupt on Bankruptcy Process June 26, 2020
- Franchise Times Quotes James Wahl and Bob Haupt on Franchisee Bankruptcies June 9, 2020
- Robert Haupt Featured in The American Lawyer October 26, 2018

News Releases

- Lathrop GPM Attorneys Named 2023 Missouri & Kansas Super Lawyers and Rising Stars

December 11, 2023

- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
August 17, 2023
- Lathrop GPM Attorneys Named 2022 Missouri & Kansas Super Lawyers and Rising Stars
November 14, 2022
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
August 18, 2022
- Kanas City Law Firm Helps American Prestige Brand Emerge from Chapter 11
May 20, 2022
- Missouri & Kansas Super Lawyers Recognizes 30 Lathrop GPM Attorneys
November 16, 2021
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
August 19, 2021
- Missouri & Kansas Super Lawyers Recognizes 34 Lathrop GPM Attorneys
November 16, 2020
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
August 20, 2020
- Missouri & Kansas Super Lawyers Recognizes 42 Lathrop Gage Attorneys
November 13, 2019
- Best Lawyers in America 2020 Names 72 Lathrop Gage Attorneys; 13 Lawyers of the Year
August 15, 2019
- Super Lawyers Recognizes 47 Lathrop Gage Attorneys in Missouri and Kansas
November 14, 2018
- Lathrop Gage Welcomes Bankruptcy Partner Robert Haupt
October 17, 2018

Professional Affiliations

- American Arbitration Association - Arbitrator

- American Bar Association, Business Litigation Section, Forum Committee on Franchising, Business Law/Business Bankruptcy Committee, Litigation Committee, Labor and Employment Law Committee
- American Bankruptcy Institute
- Federal Bar Association
- Federal Court of Claims Bar Association
- Financial Industry Regulatory Authority (FINRA) - Arbitrator
- Oklahoma County Bar Association, Bankruptcy Section, President 2009-2010
- Oklahoma City University School of Law, Executive Board, 2002-2005; 2017 - Present; Alumni Association, President, 2007-2008
- American Hotel and Lodging Association, *Certified Hotel Administrator*, since 1987

Honors

- Martindale-Hubbell® "AV Preeminent" Rating
- Selected among *The Best Lawyers in America*®, 2012-2024
- *Missouri & Kansas Super Lawyers*, 2018-2023
- Selected for Oklahoma *Super Lawyers in Civil Defense, Bankruptcy & Creditor/Debtor Rights; Land Use and Zoning; and Business Litigation*, 2010-2018
- Central Oklahoma Association of Legal Assistants, *Attorney of the Year*, 2011
- Oklahoma County Bar Association, *Leadership in Law Award*, 2009
- Oklahoma City University School of Law, *Alumni Association Service Award*, 2001