

The header graphic is split into two main sections. The left section has a light grey background with a subtle pattern of small dots and a large, solid purple triangle pointing towards the right. The right section features a dark blue background with a glowing line chart that has multiple lines in blue, orange, and red, suggesting financial data or market trends.

Bankruptcy, Restructuring & Creditors' Rights

Lathrop GPM's experienced bankruptcy attorneys provide effective transactional and litigation representation in complex cases. Skilled attorneys help debtors reorganize, pursue and defend creditor and committee rights, and secure favorable outcomes, such as nondischargeable judgments and lien priority retention. Their ability to navigate intricate legal challenges helps clients safeguard assets and achieve resolutions efficiently and effectively.

Our bankruptcy, restructuring and creditors' rights team offers comprehensive legal services to a wide range of clients, including business debtors, committees, secured and unsecured creditors, asset purchasers, lenders, vendors, landlords and trustees. We provide counsel throughout every stage of the bankruptcy, reorganization and workout process, including related litigation and business transactions. From reorganizing debtors to acquiring assets out of bankruptcy and defending preference actions, we are dedicated to guiding our clients through the complexities of bankruptcy law in federal courts across the country as well as representing creditors in non-bankruptcy proceedings in state and federal courts across the country.

Why Choose Us?

Proven Record in Complex Cases: With extensive experience in federal bankruptcy courts, federal district courts and state courts nationwide, our team is well-versed in handling sophisticated legal challenges. Our record of accomplishment includes achieving favorable outcomes for clients in some of the most high-stakes bankruptcy and non-bankruptcy litigation.

Strategic and Customized Solutions: We understand that every case is unique. Our bankruptcy, restructuring and creditors' rights attorneys develop tailored strategies to meet each client's specific financial and legal objectives, ensuring solutions that are both practical and cost-effective.

Comprehensive Representation: Our team represents clients at all levels — whether defending creditors, assisting debtors in reorganization efforts, or facilitating asset sales. We are adept at handling the full spectrum of bankruptcy and restructuring matters.

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Substantive Areas

Our team addresses a broad range of bankruptcy and restructuring issues, including:

Adversary Actions and Contested Matters: Our firm has extensive experience handling adversary actions and contested matters, particularly in cases involving complex financial fraud. We represented defendants in a high-profile adversary action brought by a state securities department, which alleged involvement in a Ponzi scheme. By strategically challenging the claims under 11 U.S.C. Section 523(a)(19), we successfully argued before the U.S. Court of Appeals for the 10th Circuit to significantly limit the scope of our clients' liability.

Appellate and Nondischargeability Actions: Our firm has a strong track record in appellate and nondischargeability litigation, successfully representing creditors in complex, high-stakes appeals. In one significant case, we prevailed in the 11th Circuit Court of Appeals, which ruled in favor of our client by affirming that the bankruptcy and district courts acted correctly in allowing extra time for service of process in an adversary proceeding to declare a debt nondischargeable. We have also obtained multimillion-dollar nondischargeability judgments, including a notable victory against a borrower's principal who falsified financial information, ensuring that the debt could not be discharged in bankruptcy.

Bankruptcy Litigation: We handle litigation related to bankruptcy, such as prosecuting and defending preference actions, fraudulent transfer cases and relief from stay motions. Examples include the defense of a multimillion-dollar fraudulent conveyance claim brought by a trustee against a secured creditor client arising from payments made by an operator of a Ponzi scheme. After substantial litigation, the case was settled in mediation within the client's targeted settlement parameters. We also represented an estate in bankruptcy litigation against insiders to recover more than \$100 million in transfers from the debtor during the four years prior to bankruptcy.

Chapter 7: Our Chapter 7 bankruptcy practice assists businesses and individuals with claims against Ch. 7 bankruptcy debtors in obtaining relief from the automatic stay and defending against preferential and fraudulent transfer litigation.

Chapter 9: Our Chapter 9 bankruptcy practice helps businesses and individuals navigate municipal bankruptcy cases.

Chapter 11: Our Chapter 11 bankruptcy practice helps businesses navigate complex reorganization and restructuring processes, working closely with creditors, debtors and other stakeholders to achieve favorable outcomes. We guide clients through every phase, from filing to plan confirmation, addressing issues such as debt restructuring, DIP lending, cash collateral issues, asset purchases and sales, and litigation involving preferential and fraudulent transfer claims. With a deep understanding of the legal and financial challenges, we deliver practical solutions that preserve value and promote recovery.

Chapter 12: Our Chapter 12 bankruptcy practice assists creditors of family farmers and fishermen with the intricacies and peculiarities of Ch. 12 bankruptcy cases.

Chapter 13: Our Chapter 13 bankruptcy practice helps creditors of individual wage earners navigate Ch. 13 bankruptcy cases.

Chapter 15: Our Chapter 15 bankruptcy practice assists creditors and debtors in obtaining recognition of foreign insolvency proceedings in U.S. bankruptcy courts.

Foreclosure, Asset Sales and Loan Enforcement: Our firm has significant experience in foreclosure, asset sales and loan enforcement, representing secured creditors in complex matters. We have handled numerous dispositions of collateral through Article 9 foreclosures, as well as alternative arrangements such as sales by assignees for the benefit of creditors. In one notable case, we successfully defended a creditor who foreclosed on real property against claims for damages and attorney's fees related to an alleged violation of the automatic stay, ultimately securing a retroactive annulment of the stay. Additionally, we have drafted critical transactional documents to modify multimillion-dollar tax-exempt loans, helping clients protect their financial interests and streamline the enforcement process.



Real Property and Lien Priority Matters: Our firm has a strong background in real property and lien priority matters, particularly in complex bankruptcy cases and representing landlords. In one notable case, we represented a lender in a dispute where the bankruptcy trustee claimed that real property belonged to the non-borrower's estate. We successfully litigated a reformation of deed claim, presenting detailed factual and legal arguments that demonstrated a mutual mistake in the original documentation. As a result, the court ordered the reformation of the deed, allowing our client to retain its first priority lien position and protect its financial interest in the property. In addition, our attorneys represented a large bank in a matter where the debtor filed Chapter 11, and our client had a lien on the debtor's property. The plaintiff alleged the property was part of their business operations. We filed relief of stay to foreclose on the property. At trial, we proved that the plaintiff was not using the property for business operations and obtained permission to foreclose the property.

Additional Services Include

- Asset sales and disposition
- Assignment for Benefit of Creditors proceedings
- Cash collateral
- Claim prosecution and defense
- Debt recovery
- Disclosure statements and reorganization plan negotiations and proceedings
- Environmental matters
- Insolvency alternatives
- Plan negotiation and reorganization
- Preference and fraudulent conveyance defense
- Receiverships in state and federal courts
- Relief from stay, abandonment and other substantive motions

Experience

Chapter 11

- Prevailed for secured creditor client in a case involving competing plans and claim objection trial, resulting in recovery by the client of all obligations, including default interest and attorney's fees.
- Represented senior secured creditor in consolidated Chapter 11 case on issues related to debtor in possession financing, sale of bulk of assets, surcharge claim by debtors, collection of receivables and ultimate dismissal of case.
- Represented the successful purchaser of Chapter 11 debtor's packaging machinery business in a competitive auction and obtained 363(m) findings of good faith.

- Represented a major Bay Area municipality in the Chapter 11 filing by one of the largest terminal operators at a West Coast port.
- Obtained appointment of a receiver after our client's borrower, who operated a hotel, defaulted on a lending arrangement. The borrower then filed for Chapter 11. We obtained a lift stay from the bankruptcy and foreclosed on the hotel and its contents for the client. The hotel ultimately was sold, resulting in significant recovery for the client.

Bankruptcy Defense and Claims Recovery

- Defended insurance broker in Companies Creditors' Arrangement Act (CCA) proceedings in the Supreme Court of British Columbia and handled bankruptcy preference defense actions.
- Pursued claims against a plaintiff for money owed by a large, publicly held grocery store chain on behalf of a large farmer-owned milk marketing cooperative. The case was settled to the satisfaction of the client.

Related Areas of Focus

Services

[Financial Services](#)

[Financial Services Litigation](#)