

T. Josh Judd

Shareholder

PRACTICE EMPHASIS:

Bankruptcy: Commercial Litigation

EDUCATION:

J.D., University of Houston Law Center, 2002
Deans Merit Scholar
B.A., *cum laude*, Utah State University, 1998

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Northern, Eastern, Southern and Western
Districts of Texas



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Profile:

Board Certified in Business Bankruptcy Law by the Texas Board of Legal Specialization, Josh Judd's areas of expertise include bankruptcy and reorganization, commercial law, including contract disputes, securities fraud, debt collection, creditors' rights and partnership and corporate governance disputes. A first chair trial attorney, Josh represents clients such as multi-family developers, retail shopping centers, manufacturing companies, upstream and midstream oil and gas firms, contractors, lenders and healthcare providers in both bankruptcy and state courts.

Josh directly handles all aspects of Chapter 11 reorganizations, including Chapter 11 plan negotiation and confirmation, preparation of disclosure statements, fraudulent transfer and preference actions, bankruptcy-related litigation, creditor committee representation and bankruptcy settlements. He also regularly advises lenders on loss mitigation, structured settlements and streamlining work-outs within pre-approved terms and conditions.

In addition to his bankruptcy and litigation work, Mr. Judd has experience in preparing loan and financing documents including negotiating, preparing and analyzing asset purchase agreements, stock purchase agreements, stock pledge agreements, commercial lease agreements, and related documents.

Professional Recognition:

Business Bankruptcy Law, Texas Board of Legal Specialization
United States Bankruptcy Court, Chapter 11 Trustee
Recognized as a "Top Lawyer" by *Houstonia* magazine, January 2020 & 2021

Affiliations:

State Bar of Texas, Bankruptcy Section
Houston Bar Association, Bankruptcy Section
Moller/Foltz Inns of Court
Memorial Bend Club, Board Member

Speeches and Publications:

Bankruptcy and Construction Law Panel, Houston Bar Association, October 2020
"COVID-19: Bankruptcy & Restructuring Options During a Pandemic," AM Law Alert, March 2020
"Oil & Gas Bankruptcies Spike in 2019," AM Monthly Law Alert, September 2019

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Speeches and Publications (Cont'd)

- "Rare \$1.6 M Fee Award in M&G Bankruptcy for Construction Lienholders Group," AM Monthly Law Alert, June 2019
- Bankruptcy and Construction Law Panel, Houston Bar Association, Construction Law Section, March 2019
- "Contractors' Failure to be Licensed Results in Disallowance of \$12M in Claims," AM Monthly Law Alert, March 2019
- "Chapter 11 Issues Arising Commercial Real Estate Matters," Houston Bar Association, Real Estate Law Section, February 2019
- "Selling Claims in Bankruptcy: Risk vs. Reward" AM Monthly Law Alert, November 2018
- "Estimation of Claims in Bankruptcy - A Powerful Tool for Debtors," AM Monthly Law Alert, September 2018
- "U.S. Supreme Court Warns Creditors to get Statements about Financial Conditions in Writing," AM Monthly Law Alert, June 2018
- "Courts Continue to Protect Texas Homesteads and Their Proceeds," Andrews Myers Monthly Law Alert, April 2018
- "Bankruptcy Issues for Landlords and Tenants," Andrews Myers Monthly Law Alert, February 2018
- "Corporate Bankruptcy & Insolvency Planning," Andrews Myers Monthly Law Alert, March 2017
- "How to Protect Yourself in the First 30 Days of a Customer's Bankruptcy Filing," AM Law Alert, January 2017
- "Fundamentals of Bankruptcy Law and Procedure in Texas," National Business Institute (Co-Author), 2003, 2004 and 2006
- "Chapter 11: A Business Strategy for the New Millennium," Mann, Frankfurt, Stein & Lipp Advisors Seminar (Co-Author), 2002

Representative Experience:

CREDITORS

- Regularly represent one of the largest midstream oil and gas companies in North American in Chapter 11 cases in Texas and Delaware.
- Represented a group of construction lienholders holding approximately \$45 million in claims in a Chapter 11 case in Delaware related to the construction of the world's largest vertically integrated PET/PAT plant located in Corpus Christi, Texas. The construction lienholders successfully secured a construction lien reserve fund paid by the purchaser of the plant in amount sufficient to pay the construction lienholders claims in full.
- Represented lending institution as the first lien holder on a multi-tiered credit facility on eight acre mixed-use development, negotiating monthly adequate protection payments during pendency of bankruptcy case and obtaining relief from stay allowing the first lien holder to foreclose on the properties.
- Served as bankruptcy counsel working with state court counsel in a 7 day arbitration proceeding that resulted in a take nothing verdict on a \$12 million lender liability claim asserted against the bank.
- Represented bank in a Chapter 11 oil & gas service company case where debtor sought avoidance of bank's lien as part of a claim against debtor's landlord; successfully submitted credit bid as part of bankruptcy sales process resulting in debtor abandoning its claims against the bank's collateral and dismissing with prejudice debtor's claims against the bank's collateral.
- Represented landlord against community hospitality during a Medicaid fraud investigation, successfully obtaining the appointment of a Chapter 11 trustee and DIP financing to keep the facility opened. After lengthy government negotiations, succeeded in selling the hospital and renegotiating the lease with new buyer.
- Represented national landlord in a Chapter 11 case against high-tech company, successfully obtaining early assumption of the lease requiring immediate payment of the monetary default on the lease and payment of the landlord's attorney fees.
- Represented landlord in an oil & gas service company bankruptcy, successfully obtaining relief from stay and subsequent allowance and payment of administrative rent claims as part of a contested proceeding against the Chapter 7 trustee.
- Represented mezzanine lender in a successful reorganization of staffing company serving the energy industry.

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Representative Experience (Cont'd)

EQUITY HOLDERS

- Represented equity holders/guarantors in a successful reorganization of concrete pumping business through negotiation with multiple lenders.
- Represented equity holder of a limited service hotel in a successful reorganization by negotiating with the secured lender, franchisor, taxing authorities and various M&M lien claimants.

DEBTORS

- Represented group of 13 affiliated real estate investment companies in Chapter 11 proceedings that owned approximately 253 properties throughout Texas. Successfully resolved \$48 million of disputed claims for less than 1% of damages sought by counter-parties. Court approved structured settlements allowing debtors to exit bankruptcy after litigation was resolved.
- Filed Chapter 11 for owner of a 154,297 sf industrial facility on 37.94 acres of land to avoid foreclosure; successfully restructured the debt with the secured lender, resulting in a Chapter 11 dismissal by mutual agreement and payment in full of all unsecured and administrative claims.
- Represented developer of a 397 acre undeveloped tract of land located in Fort Bend County, Texas by filing Chapter 11 to avoid foreclosure and then successfully restructured the debt.
- Represented Harris County, Texas apartment project by filing chapter 11 to avoid foreclosure, then successfully sold the complex through the bankruptcy process.
- Represented two newly built tax-credit apartment projects unable to convert construction loans to permanent loans; through the bankruptcy process, achieved conversion of the construction loans to permanent financing by confirmation of a plan of reorganization and extension of the loan maturities.
- Represented owner of deed restricted land in Harris County; using the bankruptcy process to modify the deed restrictions for both commercial and multifamily use which enhanced the value and enabled successful debt restructuring.
- Represented limited partnership in its successful reorganization and Chapter 11 filing on a mixed use building through negotiations with bank holding the first and second notes, the SBA and its servicer on the third and interim loan.
- Represented residential developer of a 57 acre undeveloped tract of land located in Fort Bend County, Texas, by filing Chapter 11 to avoid foreclosure and then successfully selling the property through the bankruptcy process.
- Represented surgical hospitals in bankruptcy due to insurance companies' stopped payments on out of network procedures; successfully sold several of the hospitals as going concerns and the assets of several hospitals, confirming Chapter 11 which provided for a trustee to pursue \$80 million in unpaid insurance claims.
- Represented California-based ownership group in filing Chapter 11 bankruptcy for a San Antonio, Texas retail shopping center to stop a foreclosure; successfully restructured debt in Chapter 11 Plan that provided debtor up to three years to refinance or sell the property with a negotiated pay-off of secured debt. After Chapter 11 Plan was confirmed, property was successfully sold for a price sufficient to allow equity holders to recover their investment in the property.
- Represented a manufacturing company in a successful Chapter 11 reorganization which involved competing claims to intellectual property.

TRUSTEE

- Appointed by Bankruptcy Court to serve as Chapter 11 trustee for two individual debtors. Successfully operated rental properties for interim period and then conducted a combined sale of real estate and securities through a Chapter 11 plan, resulting in payment of secured and unsecured creditors in full, along with a return to the individual Chapter 11 debtors.
- Represented a Chapter 7 trustee in a trespass to try title and fraudulent transfer action related to the transfer of land that occurred eight years prior to the bankruptcy filing. After a trial on the merits, obtained a judgment for the trustee vesting the property with the bankruptcy estate that allowed the trustee to sell the land and distribute the proceeds to the creditors of the estate. Representation included successfully handling the appeal of the judgment to the United States District Court and ultimate dismissal with prejudice of the appeal.