

## INSOLVENCY

- Our clients were judgment creditors of a corporation that was found to have engaged in a Ponzi scheme, resulting in the principals being convicted of fraud, among other things. On behalf of the petitioning creditors, we put the corporation into an involuntary bankruptcy proceeding. After the Chapter 7 trustee was appointed, Bast Amron was hired as special counsel to the Estate to pursue various avoidance actions. On behalf of the Estate, and the hundreds of investors that lost millions of dollars, we sued various high-end retailers, credit card companies, and net winners to recover over \$1 million that was transferred out of the company for the personal benefit of the principals.
- Our client was the wife of a Florida real estate developer who had numerous real estate investments, partnerships, and entities, both domestic and international. He owed millions of dollars, much of which had been guaranteed by his wife. After years of litigation, he was placed into involuntary bankruptcy by his creditors. Under pressure from creditors, our client filed Chapter 11 to protect her interest in some of the property, including a rapidly expiring option to purchase a valuable shopping center in Boca Raton, Florida. The husband died during his case, and the eyes of numerous creditors turned to our client, asserting a variety of claims and allegations against her. As the litigation pressure mounted and the issues became more complicated, the debtor's case was in danger of failure. The client hired our firm to rescue her Chapter 11 reorganization effort. We quickly steered the case back on track, worked with the various constituencies to liquidate certain property to generate some cash and used the new liquidity to facilitate settlements with the numerous creditor groups. This strategy allowed our client to emerge from chapter 11 with some cash in her pocket and possession of much of her property, free and clear from the stress and financial burdens of her extensive debts.

- Our clients realize the value in retaining a team of experts. One of our clients was a law firm whose client promised to pay her legal fees from the proceeds of the sale of a multi-million dollar home. Prior to the sale, she filed personal bankruptcy, attempting to avoid payment by claiming the home was her homestead. Bast Amron challenged the debtor's claims and her entire bankruptcy case, recovering nearly 70% of the debt.
- Our client, located in Miami-Dade County, is in the business of collecting delinquent condominium assessments for condominium associations located throughout the state. When a condominium association, located in Orange County, fell behind in paying our client, we filed suit in Miami. The defendant condominium association moved to transfer venue to Orange County, on the basis that none of the causes of action accrued in Miami-Dade County. The trial court denied the motion to transfer on the basis that one of the counts alleged sought liquidated damages under a contract here. The defendant condominium association appealed. On appeal, the Third District Court of Appeal affirmed the trial court's decision, granting an appellate victory to our Client, and ensuring that the litigation could proceed in our client's venue of choice, before a court that was familiar with the issues in the case.
- Our client was awarded attorneys' fees by a divorce court in connection with a child custody dispute against the child's father. The father later filed a case under Chapter 11 of the Bankruptcy Code. On behalf of our client, we filed an administrative proof of claim on the basis that the fee award was a domestic support obligation ("DSO"). Status as a DSO is significant because DSO claims are paid before all other types of claims in a bankruptcy except secured claims. We ultimately prevailed, over the father's objection. The court allowed our client's claim in full, and our client recovered the entire balance owed to her.
- Our client's business model was in jeopardy when one of its former

customers sued our client for criminal usury and our client's officers and directors for violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act. We quickly responded with counterclaims and embarked on aggressive discovery. After our litigation team applied heavy pressure through a variety of legal strategies, the lawsuit became entirely untenable for the customer to pursue. Ultimately, we were successful in achieving a favorable resolution of the case, with the lawsuit being dismissed with prejudice. Our client also received a healthy settlement payment of several hundred thousand dollars in resolution of its counterclaims.

- Our client was a law firm that had represented their client in contentious divorce proceedings over more than five years. She promised to pay the firm from the proceeds of the sale of her multi-million dollar house which was largely the subject of the divorce battle. Just prior to the sale of the house, however, she filed personal bankruptcy and attempted to avoid paying our client by claiming that the house was her homestead. By formulating and implementing an aggressive litigation strategy, we challenged the debtor's claims and her entire case. This strategy paved the way to a settlement that allowed our client to recover nearly 70% of its debt.
- Our client was a partner in a successful law firm. While on vacation, his other two partners essentially retired him from the partnership. We commenced an arbitration action against the firm and the other two partners. After a multi-day arbitration, our client was awarded not only the past and future compensation we were seeking but also the fees and costs incurred in the process. We are now pursuing claims against the firm's accountants for withholding information to which our client was entitled.
- Our client was a committee of creditors in a chapter 11 case in which several million in debt and equity investment had been raised by the Debtor's officers. Though the debtor held certain patents which were allegedly

valuable, the operations never generated any revenue. Thus, the case had very little hope of generating any real return to creditors. We felt the company's officers and directors had breached their fiduciary duties to the company and creditors, but when pressed the debtor had no interest in pursuing such claims. We asked the court for standing to bring the claims directly. The court agreed, we filed suit and ultimately we settled the claims for approximately \$1.95 million, enabling the estate to distribute nearly 20 cents on the dollar to creditors.

## LITIGATION

- When a global technology company found itself in a post-M&A dispute involving its divestiture of a business unit and the buyer's subsequent refusal to make an earn-out payment, they turned to the team at Bast Amron to litigate on their behalf in Texas. As the case developed, the buyer filed a slew of counterclaims against our client, alleging everything from violation of a non-competition agreement to fraud. After contentious pre-trial litigation, including Bast Amron's dogged pursuit of wrongfully withheld discovery (and an award of \$25,000 in sanctions, to boot), the case culminated in a three-week bifurcated jury trial. At the end of the trial, Bast Amron successfully obtained a directed verdict on one claim, a jury verdict in our client's favor on several others, the jury's outright rejection of the buyer's claims of fraud and breach of the non-competition agreement, and a judgment for millions in damages and attorneys' fees on behalf of our client.
- Bast Amron was hired as special litigation counsel to pursue claims against a fidelity bond. Our client was a successor fiduciary for a mega-million dollar probate estate involving over 100 entities and properties in Florida, Maryland, Pennsylvania, Delaware, and Michigan. The client was appointed by the Probate Court after it removed the Estate's former personal

representative, finding that she had violated numerous orders of the Court and posed a danger to the Estate. The Probate Court tasked the client with accounting for the Estate's assets and liabilities, pursuing recoveries, paying creditors, and distributing the remainder to the Estate's beneficiaries. After performing the required accounting, our client learned that the Estate had little, if any, assets remaining but had outstanding creditor claims in excess of \$50 million. We, on behalf of the client, investigated claims and filed a lawsuit in Miami-Dade County's Complex Business Division, to recover against the former personal representative's \$23.1 million fidelity bond, alleging that she had breached her fiduciary duties to the Estate and its creditors. After nearly two years, at a final pretrial mediation, the client settled his claims against the bond company, with the bond company agreeing to pay \$12 million for damages caused by the former personal representative's malfeasance and mismanagement of the Estate.

- Our client is a major gasoline retailer. After working with one of its vendors for years, the client brought suit against its vendor and the vendor's principal on a guaranty, to recover \$4 million for gasoline the vendor had purchased but did not pay for. The defendants filed numerous affirmative defenses and a counterclaim against the client for \$14 million. We successfully struck the defendants' counterclaim, and thereafter their defenses. We moved for summary judgment on liability as a result of the defendants' failure to answer requests for admissions. Final summary judgment was granted in the client's favor against the defendants for \$4.3 million dollars.

## BUSINESS

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- Our client was a chapter 7 trustee who was tasked with liquidating a major retailer of specialty goods that up and closed overnight. A fulsome liquidation of the retail goods could not occur because they scattered across the country - in shuttered stores, on trucks and boats in transit, on docks, and with manufacturers - when the entire operation came to a sudden stop. We were retained as special litigation counsel to investigate whether claims existed against the company's officers and directors. Following an extensive document-intensive investigation, we discovered claims not only against the officers and directors but also against the debtor's major lender, a private equity firm. We negotiated a resolution of these claims in pre-suit mediation and were able to bring a significant recovery to the bankruptcy estate and its creditors.
- Our client was an insurance company. At the time they came to us, a multi-million dollar judgment had been entered against the company, and the owners felt they had no options left except to file bankruptcy and close their doors, which was a real tragedy because aside from this judgment, the company was poised to grow. We looked over their financial information and used it to structure a settlement of the judgment that allowed our client to avoid disruptive collection actions while remaining in business.
- Our client was an investment banker who came to us to file a personal bankruptcy after his former employer obtained a judgment against him related to a promissory note. Our client was fearful this judgment or bankruptcy would not only impact his current finances but his ability to work in his profession going forward. We were able to negotiate a settlement of

the judgment that allowed our client to pay a lower amount over time, in amounts he could afford, while retaining his license and his business.