

## Kevin M. Lippman



### Overview

Shareholder [Dallas](#)  
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### Education

J.D. from St. Mary's University School of Law

- Board of Advocates Officer
- Order of the Barristers
- Recipient of Numerous Awards in Moot Court Competitions

B.B.A. from The University of Texas at Austin

### Bar Admissions

Texas

United States Court of Appeals for the Fifth Circuit

United States District Court for the Eastern, Northern,  
Southern and Western Districts of Texas

### Related Practices

Bankruptcy, Restructuring & Insolvency

Asset Acquisitions  
Committees  
Creditors  
Cross-Border Insolvency  
Debtors  
Insolvency Litigation  
Receiverships  
Trustees

Kevin is a member of the Firm's Operations Committee and serves as Section Head of the Bankruptcy, Restructuring & Insolvency practice group, which is one of the largest bankruptcy and restructuring practices based in Texas.

Kevin has more than 28 years of experience representing debtors, secured and unsecured creditors, unsecured creditors' committees, trustees and buyers of distressed assets in bankruptcy cases throughout the United States. In addition, he has extensive experience representing clients in insolvency-related litigation, including avoidance actions and D&O litigation. His experience extends to many industries including retail, energy, food services, transportation, telecommunications, health care and real estate.

Kevin's clients appreciate his ability to understand their business, and develop and execute on a strategy that helps them accomplish their goals in restructuring or liquidation. It is this professional trait that has led him to represent clients in many of the most notable bankruptcy cases including Tuesday Morning Corporation, Energy Future Holdings Corp., Enron Corporation, Kmart, Conseco, Adelphia Communications Corporation, United Airlines, Provident Royalties, VarTec, Mirant Corporation, Pilgrim's Pride, and Texas Rangers Baseball Partners.

Kevin began his legal career with a four-year judicial clerkship with the Honorable Houston Abel, Chief Bankruptcy Judge for the Eastern District of Texas.

Kevin and his wife, Julie, have three children, Caroline, Matthew and Andrew.

## Related Industries

Financial Services  
Energy  
Hospitality  
Real Estate  
Retail  
Technology & Telecommunications  
Transportation

## Achievements

*Martindale-Hubbell®* AV Preeminent®, Peer Review  
Rated™

*Woodward/White, Inc.* – Best Lawyers in  
America, Bankruptcy and Creditor Debtor Rights /  
Insolvency and Reorganization Law (2013-2024); Best  
Lawyers in America, Litigation – Bankruptcy (2013-2024)

## Memberships

American Bankruptcy Institute  
American Bar Association, Business Law Section  
Dallas Bar Association, Bankruptcy and Commercial Law  
and Business Litigation Sections  
Dallas Texas Exes (Former President)  
Honorable John C. Ford American Inn of Court (Master)  
State Bar of Texas, Bankruptcy Law Section  
The Chancellor's Council of The University of Texas  
System

## Experience

### Agent/Lender Representation

Represents, as Texas counsel, two international banks in the Chapter 11 cases filed by CHC Group, Ltd. and 42 of its affiliates, in the United States Bankruptcy Court for the Northern District of Texas. The banks are the Agents under master facility agreements and related lease schedules, pursuant to which 30 helicopter airframes and associated engines were leased to certain of the debtors.

## Agent/Lender Representation

Represented an international bank in the Chapter 11 case filed by Aurora Oil & Gas Corporation and its subsidiary, in the United States Bankruptcy Court for the Western District of Michigan. The bank was the agent and a lender under a \$100 MM senior secured revolving credit facility provided to the debtor.

## Agent/Lender Representation

Represented an international bank and its affiliates in the Chapter 11 cases filed by Enron Corp. and certain of its affiliates, in the United States Bankruptcy Court for the Southern District of New York. The bank was a participant in certain credit facilities provided to the debtors, both secured and unsecured, which aggregated in excess of \$4.3 B.

## Lender Representation

Represented an international bank and its affiliates in the Chapter 11 case filed by SemCrude, LP and certain of its affiliates, in the United States Bankruptcy Court for the District of Delaware. The bank was one of the lenders in a \$2.4 B credit facility provided to the debtors.

## Lender Representation

Represented an international bank in the Chapter 11 cases filed by Trinity Coal Corporation and certain of its affiliates, in the Eastern District of Kentucky. The bank was part of a syndicate which provided the debtors a \$20 MM credit facility.

## Creditor Representation

Represented Electric Reliability Council of Texas, Inc. ("ERCOT") in 12 separate bankruptcy cases commenced by participants in the Texas energy market following the winter storm that hit Texas in February 2021. In the case commenced by Brazos Electric Power Cooperative, Inc., the debtor challenged ERCOT's \$2 B claim against the debtor.

## Creditor Representation

Represented Power Energy Partners LP (PEP) and its affiliate Power Crude Transport Inc. (PCT) in the Chapter 11 cases filed by American Eagle Energy Corp. and AMZG, Inc. in the United States Bankruptcy Court for the District of Colorado. The debtors were an independent exploration and production operator that defaulted under a \$175 MM senior secured bond Indenture. PEP was the second largest shareholder and it purchased all oil produced by the debtor. PCT transported, among other things, all of the debtor's oil from the battery tanks to a railhead trans-loading facility. One of the highly contentious matters in the bankruptcy case involved a lien priority dispute between a group of well lien claimants (including PCT), on the one hand, and the bondholders, on the other hand. The lien dispute involved North Dakota lien statutes which have never before been judicially interpreted.

## Creditor Representation

Representing a high net worth individual in connection with certain investments he made in three separate proton radiation therapy centers in the United States. In one proton center, he was one of the largest equity investors and formally served as a member of its Board of Managers. In the other two centers, he was one of the largest secured lender. After commencing a lawsuit against one of the proton therapy center, our client recovered 100 percent of the amount owed to him, including his attorneys' fees and costs. He subsequently filed a lawsuit against another proton therapy center. Subsequent to the initiation of this lawsuit, the proton therapy center filed Chapter 11. The bankruptcy case was highly contentious due to allegations that the debtor and certain of its insiders fraudulently raised funds from investors. Our client was successful in getting a Chapter 11 trustee appointed in the case and having a Chapter 11 plan confirmed that he supported.

## Creditor Representation

Represented Fujitsu Network Communications in the Chapter 11 cases filed by Adelphia Business Solutions, Inc. and its affiliates, and in the separate Chapter 11 cases filed by Adelphia Communications Corporation and its affiliates, in the United States Bankruptcy Court for the Southern District of New York. Adelphia Business Solutions and its affiliates were leading providers of facilities-based integrated communication services to customers throughout the United States. Adelphia Communications and its affiliates were the sixth largest operators of cable television systems in the United States.

## Committee Representation

Representing the Official Committee of Unsecured Creditors of Gainesville Hospital District d/b/a North Texas Medical Center, filed in the United States Bankruptcy Court for the Eastern District of Texas. The debtor is a rural hospital district created in 1975 by the Texas legislature, and it owns and operates the hospital located in Gainesville, Texas. The hospital serves as the primary and acute care center for Cooke County, Texas. The debtor filed Chapter 9 to restructure and refinance its outstanding obligations and liabilities.

## Committee Representation

Represented the Official Committee of Unsecured Creditors of BFN Operations LLC, filed in the United States Bankruptcy Court for the Northern District of Texas. BFN and its affiliates were one of the five largest growers and wholesalers of container-grown shrubs, trees, perennials, roses and groundcovers in the United States. The debtors owned or leased six facilities located across the United States, totaling 3.577 acres, and they employed approximately 1,600 employees.

## Committee Representation

Represented the Official Committee of Unsecured Creditors of CEI Roofing, Inc. and 27 of its affiliates, filed in the United States Bankruptcy Court for the Northern District of Texas. The debtors were the nation's leading comprehensive provider of commercial roofing solutions.

## Committee Representation

Represented the Official Committee of Unsecured Creditors of GNI Group, Inc. and its affiliates, filed in the United States Bankruptcy Court for the Southern District of Texas. The debtors were a large chemical and hazardous waste disposal business.

## Committee Representation

Represented the Official Committee of Unsecured Creditors of GC Logistics, Inc., filed in the United States Bankruptcy Court for the Northern District of Texas. The debtor and its affiliates provided trucking and logistics services throughout North America.

## Committee Representation

Represented the Official Committee of Unsecured Creditors of Heartland Automotive Holdings, Inc., filed in the United States Bankruptcy Court for the Northern District of Texas. The debtor and its affiliates were the largest franchisees of Jiffy Lube International, Inc. and operated 438 quick-oil change stores across the United States.

## Committee Representation

Represented the Official Committee of Unsecured Creditors of Buffet Partners, L.P., filed in the United States Bankruptcy Court for the Northern District of Texas. The debtor owned and operated Furr's cafeteria.

## Committee Representation

Representation of the Official Committee of Unsecured Creditors of Quail Piping Products, Inc., filed in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. The debtor was a leading manufacturer and seller of plastic piping products serving several market segments.

## Committee Representation

Represented the Official Committee of Unsecured Creditors of Kitty Hawk, Inc. and its affiliated debtors, filed in the United States Bankruptcy Court for the Northern District of Texas. The debtors were a publically traded operator of a ground and air cargo network between selected cities in North America including the continental United States, Alaska, Hawaii, Canada and Puerto Rico.

## Debtor Representation

Represented Tuesday Morning Corporation and its affiliates in their Chapter 11 case filed in the Bankruptcy Court for the Northern District of Texas. The debtors had over 450 store locations across 39 states and in the immediately prior fiscal year, generated sales of almost \$750 MM.

## Debtor Representation

Represented Base Holdings LLC in its Chapter 11 case filed in the Bankruptcy Court for the Northern District of Texas. The debtor operated the Chili's restaurant located in the American Airlines Center in Dallas, Texas.

## Debtor Representation

Represented Vanderra Resources, LLC in its Chapter 11 case filed in the Bankruptcy Court for the Northern District of Texas. The debtor was a privately owned oilfield construction company based in Fort Worth, Texas providing one-stop oilfield services.

## Chapter 11 Trustee Representation

Represented the Chapter 11 trustee appointed in the bankruptcy cases filed by Provident Royalties, LLC and its 26 debtor affiliates in the United States Bankruptcy Court for the Northern District of Texas. The debtors were in the business of acquiring and investing in both producing and non-producing leaseholds and mineral interest across the United States, with a primary focus in Oklahoma. The Provident entities raised approximately \$485 MM from over 7,700 investors nationwide. In response to significant declines in the price of both crude and natural gas, Provident and certain of its affiliates were forced to file bankruptcy.

## Chapter 11 Trustee Representation

Represented the Chapter 11 trustee appointed in the bankruptcy case filed by Halek Energy LLC in the United States Bankruptcy Court for the Northern District of Texas. The debtor was an independent oil and gas exploration and production company that filed Chapter 11 after several investors commenced litigation against it and its principal alleging securities fraud.

## Chapter 11 Trustee Representation

Represented the Chapter 11 trustee appointed in the bankruptcy case filed by Patman Drilling International, Inc. in the United States Bankruptcy Court for the Northern District of Texas. The debtor provided contract oil and gas land drilling services to exploration companies and independent operators in North America.

## Chapter 7 Trustee Representation

Representing the Chapter 7 trustee appointed in the bankruptcy case filed by Caroline D. Wyly in the United States Bankruptcy Court for the Northern District of Texas. This is one of the largest individual bankruptcy cases ever filed in the United States. The IRS asserted a claim against the debtor in excess of \$1.2 B for unpaid income taxes, gift taxes, penalties and interest. The case involves many difficult legal and jurisdictional issues, most of which involve attempts by the Trustee to bring into the United States foreign assets under the control of trusts created by the debtor and her late husband in the Isle of Mann.

## Special Litigation Counsel

Represented, as special litigation counsel, the Chapter 7 Trustee of Auto International Refrigeration, Inc. in a usury action against the debtor's pre-petition lender under a revolving credit facility.

## Newsroom

**Press Release:** 'Best Lawyers in America®' Names 54 Munsch Hardt Attorneys to its 2024 List and Two as 'Lawyers of the Year'

**Speech:** The Great Value Storage Bankruptcy Case

**Speech:** Winter Storm Uri Two Years Later: A Look Back at the Brazos Bankruptcy Case and Other Uri-Related Bankruptcy Filings

**In The News:** 5th Circ. Won't Budge From Ch. 15 Power Price Suit Remand

**In The News:** 5th Circ. Remands Just Energy Ch. 15 Suit Over Power Prices

**In The News:** Bankruptcy Judge 'Conditionally Approves' Brazos Disclosure Agreement After Intense Hearing

**In The News:** Brazos Gets Nod On Ch. 11 Plan Docs With ERCOT Deal

**Press Release:** Munsch Hardt Attorneys Honored as 2023 'Best Lawyers in America®,' 'Ones to Watch', and 'Lawyer of the Year'

**In The News:** Brazos Wants To Set Trial Date On ERCOT \$1.9B Ch. 11 Claim

**In The News:** CEO: Brazos in Great Shape Until Crippling Uri Bills

**In The News:** Brazos Execs Knew Electric Prices Would Soar Even Before Winter Storm Uri Hit

**Speech:** Winter Storm Uri Lessons Learned and Legislative Updates

**Press Release:** Munsch Hardt Attorneys Honored as 2022 'Best Lawyers in America', 'Ones to Watch' and 'Lawyer of the Year'

**Press Release:** Munsch Hardt Wins "Corporate Turnaround of the Year" at 2021 Turnaround Atlas Awards

**In The News:** How COVID-19 Strengthened Texas As A Bankruptcy Hub

**In The News:** The NRA says it's moving to Texas. Bankruptcy experts say it may be more of a legal move than a physical one.

**Press Release:** Munsch Hardt Attorneys Honored as '2021 Best Lawyers in America' and 'Ones to Watch'

**In The News:** Avalanche of Business Bankruptcies has Arrived in Texas

**In The News:** In The Coronavirus Crisis, Some Retailers In Chapter 11 Are Too Stuck To Reorganize

**Press Release:** Twenty-Five Munsch Hardt Attorneys Honored as '2020 Best Lawyers in America'

**Speech:** Bankruptcy for Estate Planners: What you Need to Know, or at Least be Aware of



**Speech:** Workout Tactics and Other Strategies to Avoid Chapter 11 Bankruptcy

**Press Release:** Twenty-One Munsch Hardt Attorneys Recognized as 2019 "Best Lawyers in America"

**Press Release:** Eighteen Munsch Hardt Attorneys Honored as '2018 Best Lawyers in America'

**Press Release:** Twenty-Two Munsch Hardt Attorneys Recognized as 2017 Best Lawyers in America

**In The News:** Billionaire Kelcy Warren Sued Over \$20 MM Cancer Center Loan

**Press Release:** Seventeen Munsch Hardt Attorneys Recognized as 'Best Lawyers in America 2016'

**Speech:** Confronting the Downturn

**Press Release:** Seventeen Munsch Hardt Attorneys Recognized as 'Best Lawyers in America 2015'

**In The News:** Ex-Howrey Partners' Clawback Deal Will Pressure Holdouts

**Press Release:** Best Lawyers 2014 Recognizes Munsch Hardt Attorneys

**In The News:** The Scooter Store Proposes 'Aggressive' Sale

**Press Release:** U.S. News Best Lawyers Recognizes Munsch Hardt Attorneys as Texas' Best

**Press Release:** Munsch Hardt Names 2013 Management Committee

**In The News:** Vanderra final DIP hearing delayed

**In The News:** Vanderra to seek final OK to tap DIP, cash

**Press Release:** U.S. News - Best Lawyers Recognizes Munsch Hardt Attorneys

**Press Release:** Lippman Named Head of Insolvency, Restructuring and Creditors' Rights Group

**Article:** Trade Creditors in Bankruptcy

**Article:** Survey of Texas Bankruptcy Court Opinions Addressing the Applicability of Till in Chapter 11 Cases

**Article:** The Basics of Cash Collateral and DIP Financing

**Article:** Commercial Landlord Issues in Bankruptcy

**Article:** What Every Bankruptcy Attorney Needs to Know About Cash Collateral and DIP Financing

**Article:** What Every Landlord Should Know About Non-Residential Tenant Bankruptcies

**Article:** What Every Young Lawyer Should Know About Non-Residential Tenant Bankruptcies

**Article:** A Primer on Commercial Landlord Issues in Bankruptcy

**Article:** Claims Trading: New York District Court Gets Bullish on Bankruptcy Claims Market

**Article:** Family Law Issues Under the Bankruptcy Reform Act

**Article:** Avoid Bursting the Dot.com Bubble

**Article:** Ethical Issues and Malpractice Prevention: Preparation of the Schedules and the Statement of Financial Affairs