

# Fisher Broyles

Name: Patricia Fugée

Email: [patricia.fugee@FisherBroyles.com](mailto:patricia.fugee@FisherBroyles.com)

Direct: (419) 874-6859

Mobile: (419) 351-0032

Fax: (419) 550-1515

Office: Cleveland, OH; Columbus, OH; Detroit, MI

---

**Practice Areas:** Bankruptcy & Creditors' Rights; Financial Services & Lending; Real Estate; Commercial Litigation; Litigation – Appellate

**Bar Admissions:** Illinois; Michigan; New Jersey; New York; Ohio; U.S. Court of Appeals, Sixth Circuit; U.S. Court of Appeals, Third Circuit; U.S. District Court, District of New Jersey; U.S. District Court, Eastern District of Michigan; U.S. District Court, Eastern District of New York; U.S. District Court, Northern District of Illinois; U.S. District Court, Northern District of Indiana; U.S. District Court, Northern District of Ohio; U.S. District Court, Southern District of Indiana; U.S. District Court, Southern District of New York; U.S. District Court, Southern District of Ohio; U.S. District Court, Western District of Michigan; U.S. District Court, Western District of New York

**Education:** J.D., with high honors, Rutgers University School of Law at Camden, 1990, B.A., Wellesley College, 1986 (mathematics; degree awarded in 3 years)

**Experience:** Sills Cummis & Gross; Roetzel & Andress

---

Ms. Fugée focuses her practice on all aspects of creditors' rights law, including real estate lending transactions, bankruptcy, foreclosure, workout and commercial litigation matters. In lending matters, she serves on the Firm's opinion team, providing mortgage enforceability opinions and bankruptcy opinions. In bankruptcy matters, she represents secured and unsecured creditors, landlords, asset buyers, and trustees, including chapter 7, chapter 13 and chapter 11 trustees. Her work spans numerous industries, including manufacturing, hotel and hospitality, healthcare and medical facilities, and retail and commercial real estate. She represents parties such as banks and financial institutions, borrowers, debt buyers, asset buyers, landlords, and trade creditors in various proceedings, including bankruptcy cases, foreclosures, workouts, and receiverships. Her clients have also included bankruptcy trustees, a securities trustee under the Securities Investor Protection Act, state and federal receivers, and debtors.

---

## Fisher Broyles

Page 2 of 6

As part of her practice, Ms. Fugée represents clients in the investigation, prosecution and recovery of assets where fraudulent activity is involved, including Ponzi schemes, fraudulent transfers, bankruptcy fraud, bank fraud and similar conduct, as well as discharge litigation.

In commercial litigation matters, Ms. Fugée has experience with the Uniform Commercial Code in the areas of secured transactions, sales, and banking (articles 2, 3, 4 and 9), as well as breach of contract matters, lender liability, lien disputes and other commercial disputes.

Ms. Fugée's practice on the transactional side includes workouts, restructurings, lending, and opinions, including enforceability, true lease, and substantive non-consolidation.

Ms. Fugée has served as a state court receiver to operate and liquidate an industrial machinery dealer and several manufacturing businesses, and she has been appointed as an examiner under the Bankruptcy Code to investigate transactions in both 2011 and 2018.

Since 2009, Ms. Fugée has been Board Certified in Creditors' Rights Law by the American Board of Certification ("ABC"), which is a national organization dedicated to serving the public and improving the quality of the bar. She has served on the ABC's Board of Directors for the last several years and is serving as its Treasurer for 2019.

Ms. Fugée serves as chair of the firm's Bankruptcy, Financial Restructuring & Reorganization Practice Group.

### Representative Matters

- Provided mortgage enforceability opinions for loans secured by real property in Ohio, Michigan, Illinois and New York
- Provided assistance regarding special purpose entities/bankruptcy-remote structures in numerous large loan transactions secured by real property across the country
- Sold an operating hotel in a chapter 11 § 363 bankruptcy sale, sold an operating hotel in a federal receivership, and shut down then sold a hotel in a chapter 7 § 363 bankruptcy sale
- Served as counsel to a SIPA trustee liquidating two securities broker/dealers who had engaged in a long-running Ponzi scheme
- Restructured \$14 million in debt with numerous entities and cross-collateralized obligations

- Negotiated a cash settlement of a guaranty, combined with consent to a receivership for a housing development
- Successfully mediated a federal lawsuit brought against out-of-state guarantors who originally denied any liability under the guaranties
- Prepared enforceability and true lease opinions in complex financing transactions.
- Served as lead counsel in Chapter 11 retail case, where debtor had over 60 stores in 22 states
- Successfully prevented a Chapter 7 trustee from pursuing a \$250,000 alleged preference claim
- Guided the successful "stalking horse" bidder through the purchase of assets from a Chapter 11 trustee
- Represented Chapter 7 trustees in the successful sale of a nursing home and the successful sale of a temporary staffing agency
- Appointed as receiver to conduct the liquidation of a used industrial machinery and equipment dealer, receiver to conduct a "going concern" sale of a machine shop, and receiver to conduct a "going concern" sale of a carpet pad manufacturer
- Negotiated and drafted numerous forbearance agreements, some of which allow professional management to assess, market and sell businesses
- Represented state and federal court receivers in the operation and sale of numerous manufacturing companies, commercial real estate companies and service companies

### Accomplishments

- Selected for inclusion in The Best Lawyers in America® in the practice areas of: Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Litigation - Bankruptcy (2017, 2018, 2019 Editions)
- Certified in Creditors' Rights by the American Board of Certification, 2009
- AV® Preeminent; rating from Martindale-Hubbell Law Directory, since 2005
- Appointed to the Attorney Constituent Group for the U.S. Bankruptcy Court, Northern District of Ohio, by the Toledo Bar Association (2013-2017)
- Serving as President-Elect for the American Board of Certification (2020)
- Named the Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law "Lawyer of the Year" for Toledo by The Best Lawyers in America® (2016)
- Appointed examiner by the U.S. Bankruptcy Court for the Northern District of Ohio under section 1104 of the Bankruptcy Code (2011, 2018)

## Fisher Broyles

Page 4 of 6

- Named to The Best Lawyers in America® for Bankruptcy and Creditor Debtor Rights, Insolvency and Reorganization Law (2012-2019) and Litigation - Bankruptcy (2013 - 2019)
- Named in "Who's Who in Toledo Area Law" by Toledo Business Journal (2010 - 2018)
- Selected as an "Ohio Super Lawyer" by Ohio Super Lawyersmagazine (2016 - 2019)
- Selected as an "Ohio Super Lawyers - Rising Star" by Ohio Super Lawyers magazine (2005 & 2006)
- Law Clerk to the Honorable John W. Bissell, U.S. District Judge (1990-1992)

### Professional Affiliations

- International Women's Insolvency & Restructuring Confederation (IWIRC)
- American Bankruptcy Institute (ABI)
- Turnaround Management Association (TMA)
- Toledo Bar Association, Board of Directors (2010 & 2011), Bankruptcy Committee, Chair (2007-2009) and Secretary (2006 & 2007), Grievance Committee (2015- current)
- Michigan Bar Association
- Ohio State Bar Association
- New Jersey Bankruptcy Inn of Court, Master and Assistant Program Chair (1997-1998 session)

### Community Affiliations

- Zonta Club of Toledo I, President (2012-2013) and Board Member (2010-2012)

### Publications (Selected)

- "Successful Strategies for Helping Secured and Unsecured Creditor Clients in Chapter 11", chapter in "Inside the Minds: Creditors' Rights in Chapter 11 Cases" Aspatore Books, 2016
- "Why I Became Certified and Why I Want to Stay Certified," 40 American Bankruptcy Institute Journal, September (2015)
- "Secured Party Sales: Fraudulent Conveyances?"- American Bankruptcy Institute Commercial Fraud Task Force Committee e-Newsletter (2007)
- "Some Musings on Fraud in Bankruptcy Cases"- American Bankruptcy Institute Commercial Fraud Task Force Committee e-Newsletter (2006)

- "Bankruptcy Advice: Adding Value When You Think There Is Nothing Left"- Inside the Minds: Winning Legal Strategies for Bankruptcy Law (2006)
- "Economic Loss, Commercial Reality, and Legal Process: Spring Motors v. Ford Motor Company," co-author with Professor Jay Feinman, 22 Rutgers L.J. 301 (1991) (under prior name, Patricia A. Brown)
- "The Resounding Thunder of Rifle-Shots: Tax Laws for the Individual," 22 Rutgers L.J. 779 (1991) (under prior name, Patricia A. Brown)

### Presentations (Selected)

- "Chapter 7 Trustees and Avoidance Actions," The University of Toledo College of Law Consumer and Corporate Bankruptcy CLE (2018)
- "In Through the Out Door: §365 Lease Rejection and Other Bankruptcy Considerations," 39th Annual Real Estate Law Institute, Cleveland Metropolitan Bar Association and its Real Estate Law Section (2017)
- "The Lawyer as Business Advisor," American Bankruptcy Institute 23rd Annual Central States Bankruptcy Workshop (2016)
- "Best Practices: Use of Examiners in Non-Individual Chapter 11 Cases," Northern District of Ohio Bankruptcy Bench-Bar Retreat (2015)
- "Bankruptcy's Implications on Collection Practices" and "Ethics in Collection," - National Business Institute (2014)
- "How the Principle of Equality May Help or Hurt Certain Creditors" and "Filing Successful Proofs of Claim - National Business Institute (2014)
- "Collection Law from Start to Finish" - National Business Institute (2013)
- "Tenant or Landlord Bankruptcy" - Sterling Education Services, Inc. (2012)
- "Bankruptcy and Collection in Landlord/Tenant Law" - Sterling Education Services, Inc. (2011)
- "Bankruptcy Law and Litigation" - National Business Institute (materials only) (2011)
- "Protecting the Creditors' Rights During Bankruptcy" - National Business Institute (2010)
- "Collection Law Tips and Strategies"- National Business Institute (2010)
- "Creditors' Rights During Bankruptcy" - The Ohio State Bar Convention (2009) and National Business Institute (2009)
- "Bankruptcy Litigation and Procedure" - National Business Institute (2008)
- "Bankruptcy Nuts & Bolts" - Toledo Bar Association Bankruptcy Committee CLE (2007)

- "Understanding Debtor Responsibilities in Consumer and Business Cases: Providing Electronically Stored Information" - American Bankruptcy Institute, Annual Spring Meeting, Washington, D.C. (2007)
- "Collection Law from Start to Finish" - National Business Institute (2007)
- "Collection Law in Ohio: The Good, The Bad and The Profitable" - Lorman Educational Services (2006)
- "Bankruptcy Law and Procedure from Start to Finish" - National Business Institute (2006)
- "Consumer and Business Debt Collection: Resolve Debts Quickly and Easily" - National Business Institute (2006)
- "Electronic Discovery Rule Changes and Fraud Investigations" - American Bankruptcy Institute, Annual Spring Meeting, Washington, D.C. (2006)