

FisherBroyles

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

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

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 serves as chair of the firm's Bankruptcy, Financial Restructuring & Reorganization Practice Group. She focuses her practice on all aspects of creditors' rights law, including bankruptcy, foreclosure, workout and related commercial litigation matters. In lending matters, she serves on the Firm's opinion team, providing mortgage enforceability opinions and bankruptcy opinions. In bankruptcy cases, out-of-court workouts, foreclosures, and state and federal receiverships, Ms. Fugée represents secured and unsecured creditors, commercial landlords, and asset buyers. Her clients have also included bankruptcy trustees (both chapter 7 and chapter 11), a securities trustee under the Securities Investor Protection Act, state and federal receivers, and debtors. Ms. Fugée has acted in numerous fiduciary capacities, including serving as a Subchapter V (small business) bankruptcy trustee, a state court receiver, a liquidating trustee and an examiner under the Bankruptcy Code. Her work spans many

industries, including retail, manufacturing, hotel and hospitality, healthcare and medical facilities, and commercial real estate.

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 bankruptcy 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, foreclosure, lien disputes and other similar commercial disputes related to creditors' rights. Ms. Fugée's practice on the transactional side includes workouts, restructurings, lending, and issuing legal opinions, including mortgage enforceability, true lease, and substantive non-consolidation opinions.

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 as President and Chair, and remains on the ABC's Board of Directors.

Representative Matters

- Serves as a Subchapter V bankruptcy trustee-in-possession, post-confirmation, of a telecom company
- Sold an operating cardboard partitions company as liquidating trustee in a limited liability company dissolution proceeding
- 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.
- Successfully prevented a Chapter 7 trustee from pursuing a \$250,000 alleged preference claim
- Guided the successful "stalking horse" bidder through an asset purchase from a Ch. 11 trustee
- Represented Chapter 7 trustees in successful sales of a nursing home and 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

- Certified in Creditors' Rights by the American Board of Certification, since 2009
- Appointed to the Attorney Constituent Group for the U.S. Bankruptcy Court, Northern District of Ohio, by the Toledo Bar Association (2013-2017)
- Served as President (2021) and as Chair (2022) for the American Board of Certification
- 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 (2017-2023 Editions) and Lawyer of the Year, bankruptcy law, 2023
- AV® Preeminent; rating from Martindale-Hubbell Law Directory, since 2005
- Appointed examiner by the U.S. Bankruptcy Court for the Northern District of Ohio under section 1104 of the Bankruptcy Code (2011, 2018)
- Selected as an "Ohio Super Lawyer" by Ohio Super Lawyers magazine (2016 - 2022)
- Named in "Who's Who in Toledo Area Law" by Toledo Business Journal (2010 - 2018)
- Named the Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law "Lawyer of the Year" for Toledo by The Best Lawyers in America® (2016)
- 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)

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- Selected as Best Lawyers in America for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation - Bankruptcy in 2024

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
- National Association of Bankruptcy Trustees
- 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)

- "Merchant Cash Advance Claims in Bankruptcy: What Are They?," by Frederic P. Schwieg, Subchapter V Trustee, and Patricia B. Fugée, Subchapter V Trustee, American Bankruptcy Trustee Journal, a publication of the National Association of Bankruptcy Trustees, 2023
- "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," 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)

- “Subchapter V: Notable Case Trends in the First Two Years,” O’Neill Seminar (2022)
- “The Small Business Reorganization Act: How’s It Going So Far?”, American Bankruptcy Institute, Annual Spring Meeting (2021)
- “ABC – Best Behavior, Use of Technology and Other Taboos,” Insolvency 2020 (for the ABC)
- “A Day In the Life of a Trustee,” Insolvency 2020 (for the NABT)
- “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)