

FisherBroyles

Name: Leanne Prendergast

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Practice Areas: Bankruptcy & Restructuring; Commercial Litigation; Cyber-Risk, Privacy & Data; Security; Litigation – Civil Pretrial and Trial Services; Litigation & Risk Management

Bar Admissions: Florida; U.S. Court of Appeals for the Eleventh Circuit; U.S. District Courts for the Northern, Middle and Southern Districts of Florida

Education: University of Florida; *J.D.*, with honors, 1995; University of North Florida; B.A. *magna cum laude*, 1992; Certified E-Discovery Specialist by the Association for Certified E-Discovery Specialists

Experience: Smith Hulsey & Busey

Leanne has more than 20 years of bankruptcy experience. Her debtor's counsel experience includes the Chapter 11 cases of Winn-Dixie Stores, Inc., and 23 of its affiliates, which restructured more than \$2 billion of debt. She has represented debtors, creditors and trustees in a broad range of Chapter 11, Chapter 7 and Chapter 12 litigation, including automatic stay, cash collateral, confirmation and dischargeability issues, claims objections, the enforcement of the permanent injunction and prosecuting and defending fraudulent transfer and preference actions.

Leanne also has significant experience in commercial and insolvency litigation and appeals, E-discovery, mediation, receiverships, foreclosures, assignments for the benefit of creditors and Fair Debt Collection Practices Act litigation.

Leanne represents large and small businesses, banks, creditors, debtors, trustees, receivers and assignees at the trial and appellate levels in state courts throughout Florida and in federal courts throughout the country.

Prior to joining FisherBroyles, Leanne practiced with a venerated Florida firm with an established reputation as a go-to firm for bet-the-company litigation, serving national, international and Fortune 500

clients. She collaborates with clients to develop effective strategies to successfully and efficiently manage litigation and resolve legal challenges.

REPRESENTATIVE LITIGATION EXPERIENCE

- Defended The Charter Company from CERCLA, mesothelioma and benzene claims based upon contaminations and exposures which predated Charter's 1984 bankruptcy but which did not manifest in injuries until the 2000s, including winning summary judgment holding such claims were discharged in Charter's bankruptcy and that publication notice effected due process
- Managed personal injury, property damage, premises liability, employment and landlord claims in the Chapter 11 cases of Winn-Dixie Stores, Inc. and 23 affiliates, which restructured more than \$2 billion in liabilities
- Designed, obtained court approval of and supervised a claims resolution procedure requiring in-person mediation of over 3,800 personal injury, property damage, premises liability and employment claims asserting liabilities in excess of \$250 million
- Litigated and won claims objections based upon the novel argument that the filing of proofs of claims in bankruptcy did not satisfy the state statute of limitations applicable to the underlying causes of action
- Favorably resolved thousands of claims through negotiation, mediation, objection and litigation
- Used e-discovery to find smoking gun evidence proving bad faith
- Part of the team which, on behalf of Wilmington Trust, challenged the priorities of 354 mechanic liens asserted against approximately \$100 million of proceeds from the sale of the Fontainebleau Las Vegas to Carl Icahn
- Participated in a three-week jury trial on behalf of Citibank asserting fraud and apparent agency claims and in the defendant's appeal of the verdict
- Prevailed in the trial and appeal of unjust enrichment claims
- Obtained quiet title judgments declaring restrictive covenants on commercial real estate unenforceable
- Foreclosed on and secured the return of tractor-trailers
- Participated in the prosecution and mediated resolution of a will contest in an estate exceeding \$100 million
- Defended a Fortune 500 company in a \$45 million fraudulent transfer action

PROFESSIONAL ASSOCIATIONS

- International Women's Insolvency & Restructuring Confederation: Secretary, IWIRC – Florida Network, February 2016 – Present
- American Bankruptcy Institute
- Association of Certified E-Discovery Specialists
- Women in E-Discovery
- Jacksonville Bankruptcy Bar Association
- Jacksonville Women Lawyers Association
- Jacksonville Bar Association

HONORS AND AWARDS

- Women's Center of Jacksonville Unsung Shero - 2016
- IWIRC Leadership Summit Delegate - 2016, 2015, 2014

PRESENTATIONS & TEACHING EXPERIENCE

- E-Discovery in Bankruptcy, Jacksonville Bankruptcy Bar Association Annual Seminar, August 2015
- Supreme Court Review and Recent Case Law Update, ABI 41st Annual Alexander L. Paskay Memorial Bankruptcy Seminar, February 4, 2017
- Bankruptcy Battle Royale: Lift Stay Battles, Financial Poise webinar, April 4, 2017