



Kevin G. Hroblak

PARTNER , CO-CHAIR OF LITIGATION DEPARTMENT

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BIOGRAPHY

Mr. Hroblak, a partner in WTP's Baltimore office, co-chairs the firm's Litigation Services Department, which includes all litigation services provided by the firm. His experience extends across a broad array of business litigation and governance matters, including representing companies, trustees, creditors, special committees and directors and officers in connection with investigations and litigation involving director and officer liability claims, mismanagement and business fraud, government and corporate investigations, professional liability insurance claims, auditing and accounting malpractice, and other business-related litigation. Mr. Hroblak also represents companies, creditors, and trustees in financial restructurings, bankruptcy proceedings, and related litigation. He litigates and handles appeals in state and federal courts across the country.

RECOGNITIONS

- AV-Preeminent Peer Review Rated: Martindale-Hubbell
- Selected as one of Washington DC & Baltimore's Top Rated Lawyers by ALM, publisher of the *National Law Journal*, *Corporate Counsel* and *The American Lawyer*
- Ranked in *Chambers USA: America's Leading Lawyers for Business* as a

PRACTICES & INDUSTRIES

Business Litigation

Director and Officer Corporate Governance

Professional Liability

Insolvency Litigation

Trustee and Receiver Representations

Special Counsel Services

Business Reorganizations and Bankruptcy

Loan Workouts and Pre-Bankruptcy Planning

Alternative Dispute Resolution

Energy & Natural Resources Group

EDUCATION

University of Baltimore School of Law, 1998, J.D., magna cum laude

Salisbury University, 1995, B.S., Accounting, magna cum laude

leading Commercial Litigation and Bankruptcy Litigation lawyer

- Listed as a "Litigation Star" in *Benchmark Litigation*, 2010 - present
- Listed as a "Litigation Star" in *Benchmark Plaintiff Litigation: The Definitive Guide to America's Leading Plaintiff Litigation Firms and Attorneys*
- Ranked among the leading bankruptcy lawyers in the Northeast region of the United States by *Legal 500*
- Listed in *Best Lawyers in America*
- Listed in *Maryland Super Lawyers*
- Selected as one of the "Best Bankruptcy Lawyers in Maryland" by LegalForce and peers
- The National Trial Lawyers: Top 100 Trial Lawyers
- Maryland Successful by 40 - VIP List, *The Daily Record* (2011)

ADMISSIONS

Maryland

District of Columbia

U.S. District Court: District of Maryland

U.S. District Court: District of Columbia

U.S. Court of Appeals: Fourth Circuit

U.S. Court of Appeals: Ninth Circuit

U.S. Supreme Court

MEMBERSHIPS & ACTIVITIES

- Fellow: Litigation Counsel of America
- Member: Maryland State Bar Association
- Member: Maryland Bankruptcy Bar Association
- Member: American Bar Association
- Member: American Bankruptcy Institute
- Member: National Association of Bankruptcy Trustees
- Member: National Association of Corporate Directors
- Member: American Bar Association Corporate Governance Task Force
- Judicial Clerk: Hon. Sally D. Adkins, Court of Special Appeals of Maryland (1998-1999)

CORPORATE GOVERNANCE, PROFESSIONAL LIABILITY, TRUSTEE REPRESENTATION, BANKRUPTCY LITIGATION, AND SPECIAL COUNSEL SERVICES

- Counsel to trustee of assigned company claims of American Apparel in litigation asserting breaches of fiduciary duty against its former director and officer, Dov Charney, filed in Los Angeles.
- Counsel to John DeGroote Services, LLC, as trustee of the BearingPoint Liquidating Trust, in the investigation and pursuit of claims against a former officer and directors of BearingPoint, Inc. for alleged breach of fiduciary

duties. The bankruptcy case of BearingPoint, Inc. was filed in the United States Bankruptcy Court for the Southern District of New York, and the corporate governance lawsuit was filed in Virginia and settled for \$55 million.

- Litigation Counsel to Chapter 7 Trustee in Delaware liquidation of Just for Feet, Inc. (the second largest national shoe and sporting apparel retailer) with litigation of claims in Alabama against the Debtors' former officers, directors, and independent accounting and auditing firm. The *Wall Street Journal* reported that the settlement with the directors "is believed to be among the largest out-of-pocket payments by outside directors following corporate fraud allegations."
- Counsel to former founder, Chief Executive Officer, and member of the Board of Directors in claims asserted by a Creditors Committee relating to alleged director and officer liability resulting from the operations of a blood laboratory that was investigated and pursued by the government for alleged false claims.
- Counsel to Trust established *In re Saint Vincent Catholic Medical Centers* (New York hospital and healthcare system) and investigation and pursuit of director and officer liability and professional malpractice claims in New York.
- Counsel to Unsecured Creditors Committee of Videology, Inc. in investigation and claims against directors and officers and noteholders.
- Special Litigation Counsel to the Chapter 7 Trustee of RoomStore, Inc, a national furniture retailer, in a breach of fiduciary duty case against the former Chairman of the Board relating to alleged loyalty breaches during a Chapter 11 bankruptcy case. Case settled favorably during the multi-week trial prior to the close of Trustee's case.
- Counsel to directors from private equity fund in suit by bankruptcy trustee alleging breach of fiduciary duties. Settled favorably for nuisance value.
- Litigation Counsel to Natchez Regional Medical Center in its Chapter 9 bankruptcy case in Natchez, Mississippi pursuing claims of officer liability, fraud, professional malpractice, and breach of contract liability claims against former officers and a hospital management company.
- Counsel to Unsecured Creditors Committee in *VER Technologies, Inc.* in investigation and assertion of claims involving eight-figure fraudulent transfer arising from leveraged buy-out transaction.
- Special Litigation Counsel to Chapter 11 Trustee of *In re Taneja, et al.* in several hundred million dollars of fraudulent conveyance and preference litigation arising from operation of mortgage company Ponzi scheme.
- Counsel to bankruptcy liquidating trust created in the bankruptcy cases of LandAmerica Financial Group, Inc., and its affiliates, in the investigation and

pursuit of professional liability claims. Confidential arbitration award entered after three week trial before the International Institute for conflict Prevention and Resolution ("CPR").

- Counsel to the Creditors Committee, Creditors Trustee, and Plan Administrator in liquidation of *HealthEssentials Solutions, Inc.* and its affiliates (a national healthcare provider) in Kentucky, and litigation involving Medicare false claims, accounting malpractice, director and officer liability, and a criminal and civil investigation by the United States arising from whistleblower claims in Kentucky and New York.
- Counsel to Hancock Medical Center, a community hospital in Bay St. Louis, Mississippi, in pursuing professional malpractice and breach of contract claims against a national hospital management company relating to the operations and management of the hospital. Significant award obtained in trial.
- Counsel to Liquidating Trustee in investigation and pursuit of claims against officers and members of *In re Shapes/Arch LCC*, an aluminum extrusion industrial company, and its affiliates in New Jersey.
- Special Counsel to Litigation Trust as a result of *Converse, Inc.'s* reorganization in Delaware and investigated accounting and insider liability claims and prosecuted hundreds of preference and fraudulent transfer claims.
- Special Litigation Counsel to Litigation Trust in a professional liability action against an accounting firm arising from an international airline's (*Tower Air, Inc.*) liquidation in New York and Delaware.
- Counsel to Chapter 7 Trustee of *Rowe Furniture, Inc.* and the estate of *Storehouse, Inc.*, a furniture manufacturer and retailer, in the investigation and prosecution of director and officer claims in Virginia. This matter was settled very favorably without the need of filing a complaint.
- Counsel to a Litigation Trustee in liquidation of an airline industry service company, (*Air Cargo, Inc.*) including professional malpractice, director and officer liability, and preference investigations and litigation.
- Special Litigation counsel to Debtors in *In re Roper Brothers Lumber Company* in Richmond, Virginia, in investigation of claims against insider officers and directors.

BUSINESS LITIGATION, APPELLATE PRACTICE, AND ALTERNATIVE DISPUTE RESOLUTION

- Counsel to numerous businesses and individuals in commercial and business contract, tort, and other disputes in various state and federal courts.

- Counsel to companies in criminal indictment by the United States and related government investigations.
- Counsel to trusts owning significant coal reserves in West Virginia in breach of lease case against Murray Energy Corporation and its affiliate.
- Counsel to investment entity in pursuit of fraud and other claims involving venture capital fund partner's misconduct in connection with investments.
- Counsel to partner in nursing home investment venture involving numerous nursing homes, assisted living facilities, and management companies in litigation against other partner.
- Handled appeals in several state courts, federal district courts, the United States Court of Appeals for the Fourth Circuit, the United States District Court for the Ninth Circuit and the United States Supreme Court.
- Participated in numerous mediations and arbitrations involving business litigation and professional liability matters.

HEALTHCARE

- Counsel to Hancock Medical Center in claims involving over staffing, physician contracts, revenue cycle management, and other stark and compliance matters.
- Counsel to former CEO, director, and founder of blood laboratory, Health Diagnostics Laboratory, in claims involving allegations of anti-kickback claims, lack of medical necessity, and false claims.
- Counsel to Natchez Regional Medical Center in claims involving over staffing, revenue cycle management, compliance with state and federal healthcare laws, including stark, and hospital accounting irregularities.
- Counsel to national retirement and senior care facilities in governance and risk management representation.
- Counsel to successor to HealthEssentials Solutions, Inc. in negotiation of criminal and civil resolutions with Department of Justice involving over billing, lack of medical necessity, and improper coding claims.
- Counsel to St. Vincent Medical Center against management and professionals for mismanagement.

BUSINESS REORGANIZATIONS, INCLUDING BANKRUPTCY, CREDITORS' COMMITTEE REPRESENTATION, CHAPTER 11 REORGANIZATION, CREDITORS' RIGHTS AND LOAN WORKOUTS

- Debtors' Reorganization Counsel for the *Suntterra Corporation*, then the world's largest publicly-traded timeshare resort company with over \$1 billion in assets.
- Counsel to Creditors' Committee in Chapter 11 case and subsequently counsel to Chapter 7 Trustee in bankruptcy of Bay Management, a multi-location Blockbuster video franchisee.
- Debtors' co-counsel in Chapter 11 reorganization case of *In re National Energy & Gas Transmissions, Inc. (f/k/a/ PG&E National Energy Group, Inc.)*, a multi billion-dollar energy company that focused on power generation and natural gas transmission in North America.
- Representation of landlord in Circuit City, Old Country Buffet, H.H. Gregg and other retail bankruptcy cases.
- Out-of-court workouts of multi-location commercial construction equipment rental and sales company, telemarketing company and communications company.
- Counsel to Chapter 7 Trustee in the case of *In re Coleman Craten LLC/In re Monica Lynn Coleman*, involving the investigation of fraud and Ponzi scheme claims and liquidation of estates of stock brokerage firm and its principal.
- Counsel to the Chapter 7 Trustee of *The Finance Company of America, L.P.*, a Maryland-based business credit investment institution in, among other things, investigation of potential claims against officers and business fraud.
- Counsel to creditors and defendants in claims brought by the Trustee for Bernard Madoff

PRESENTATIONS & PUBLICATIONS

Speaker: Corporate Governance presentations for senior and healthcare trade association (2017-2018)

Speaker: Association of Corporate Counsel, "Director and Officer Duties and Insurance Coverage" (2016)

Speaker: "Cracking the D&O Code: The Keys to Insurance Recovery and Injunctive Orders in Bankruptcy Court," American Bankruptcy Institute (ABI) Southeast Bankruptcy Workshop, Florida, (July 21-24, 2016)

Lecturer: Association of Corporate Counsel, Maryland chapter, "Director and Office Considerations in a Distressed Environment" (2014)

Lecturer: National Association of Bankruptcy Trustees, "Director & Officer Liability Claims" (2012)

Lecturer: American Bankruptcy Institute Southeast Workshop, "Director and Officer Claims" (July 2011)

Lecturer: 4th Global Forum on Investing in Distressed Debt: Los Angeles, California (2009)

Lecturer: Lorman Education Services

Co-Author: "Inside the Minds: Best Practices for Addressing Professional Liability Claims," Thomson Reuters (2015)

Author: "Fiduciary Duties and Insurance in a Distressed Corporate World," Newsletter of the Maryland Chapter of the Association of Corporate Counsel (2013)

Co-Author: "The ABC's of D&O Claims for Trustees" Journal of the National Association of Bankruptcy Trustees, Vol. 23, Issue 3 (Fall 2013)

Co-Author: "The Missing Piece of Accountability: Agency Liability for Corporate Officers" ABI Journal, Vol. XXXI, No. 1, February 2012.

Author: "Keeping Fiduciary Duties in the Crosshairs When Your Company is in Financial Distress" Association of Corporate Counsel, 2nd Quarter Newsletter (2011)

Author: "Preferential and Fraudulent Transfer Under the Bankruptcy Code and Maryland State Law" (February 2004)

Author: "Have You Been Preferred?" Baltimore Business Journal (2004)

Co-Author: "The Fifth Amendment and the Bankruptcy Code" Maryland Bankruptcy Bar Association (2000)

Contributor: "Ask the Legal Professional" Baltimore Business Journal (2006)