



## Jason M. Rudd

Partner | (713) 333-5129 | jrudd@diamondmccarthy.com

Jason Rudd is a partner in Diamond McCarthy's commercial insolvency, restructuring and bankruptcy practice. Jason has extensive experience in all stages of the commercial Chapter 11 and Chapter 7 process, including related litigation and corporate transactions. He represents debtors, secured and unsecured creditors and creditor committees in Chapter 11 cases. In Chapter 7 proceedings and post-confirmation matters, Jason represents trustees and litigation trusts in recovering and administering estate assets, including the prosecution of preference, fraudulent transfer, breach of fiduciary duty, alter ego and other insolvency related litigation.

Jason also advises distressed companies, their officers, directors and other fiduciaries in pre-bankruptcy planning and in pursuing various bankruptcy alternatives including (i) coordinating out-of-court workouts and debt restructurings; (ii) assisting management in the wind-up of business affairs (whether through bankruptcy, receivership or dissolution proceedings); (iii) counseling companies in the sale or purchase of assets in financial distress situations; and (iv) providing litigation support for a wide variety of financial distress-based problems. In all matters, Jason works closely with the client, its advisors and accountants to quickly assess the situation and provide cost-effective options to address the often complex issues faced in insolvency situations.

His representative cases and matters include:

### **Debtor Representations:**

- Debtors' counsel for Consolidated Equipment Companies, Inc., Con-Equip, Inc. and Owsley & Sons, Inc. as debtors in possession. Jason was the primary associate representing the largest commercial crane retailers in the southeastern United States, with over \$100 million in senior secured debt in their Chapter 11 bankruptcy cases. Important issues included prepetition planning, debtor in possession financing, cash collateral, 363 asset sales and plan formulation and confirmation.
- Debtors' counsel for Consolidated Roofing and Waterproofing, Inc. and eleven related companies as debtors in possession in Chapter 11 bankruptcy cases. Jason was the principal associate representing this nation-wide network of commercial roofing companies from pre-bankruptcy planning through plan confirmation. He handled issues related to construction project bonding and surety issues, enforcing the automatic stay, secured creditor negotiations, and 363 asset sales.
- Debtor's counsel for Advantage Investors Mortgage Corporation as debtor in possession in Chapter 11 bankruptcy case. Jason was the senior associate representing this residential mortgage banker and broker with 60 branch offices in 35 states in the wind-down of its operations through a liquidating Chapter 11 plan. This representation included the closing of branch offices, handling claims related to mortgage loan wholesale and correspondent agreements.
- Debtor's counsel for AFG Pacific Properties, Inc. as debtor in possession in Chapter 11 bankruptcy case. Jason teamed with one partner and two associates to represent this international real estate holding company in the sale of over \$30 million in undeveloped real estate through a Chapter 11 plan of reorganization.

### **Location:**

Houston, Texas

### **Education:**

Kentucky Wesleyan College  
B.A., 1997

*magna cum laude*

Baylor University  
School of Law, J.D., 2000

### **Areas of Practice:**

Commercial Chapter 11 & 7  
process including related litigation  
and corporate transactions

### **Admitted to Practice:**

Texas, 2000



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### Creditor Representations:

- Lead counsel to secured creditors in numerous Chapter 11 proceedings. Specific matters include cash collateral order negotiations, DIP financing issues, opposing plan exclusivity, formulating competing plans of reorganization, litigating lien priority disputes and negotiating plan of reorganization treatment.
- Lead counsel for unsecured creditor clients on a variety of bankruptcy issues, including obtaining critical vendor treatment for prepetition claims, asserting reclamation rights, prosecuting administrative expense claims and conducting postpetition business with the Chapter 11 debtors.
- Lead counsel to mortgage lenders and servicers in lien avoidance, TILA and RESPA litigation, and as a secured creditor in various bankruptcy cases.
- Counsel to various other stake holders in Chapter 11 and Chapter 7 proceedings. Jason has represented equity holders and former officers and directors and in obtaining the appointment of an examiner, seeking the appointment of a Chapter 11 trustee, contesting plan confirmation, investigating claims against the debtors' financial advisors and certain secured creditors and in obtaining the conversions of a debtor's Chapter 11 case to one under Chapter 7.
- Counsel for post-petition lenders in the Chapter 11 and Chapter 7 proceedings of National Airlines, Inc. Jason was the principal associate representing an aviation fuel vendor in providing post-petition credit to this commercial airline debtor.

### Committee Representation:

- Counsel for the Official Committee of Unsecured Creditors of Logix Communications Corporation. Jason was the primary associate representing the unsecured creditors committee in the Chapter 11 bankruptcy of this telecom-munications competitive local exchange carrier in Texas, Louisiana, Oklahoma and Florida. Case issues included investigating lien avoidance and debt recharacterization claims, making a Louisiana World demand to allow the unsecured creditors committee to bring claims on behalf of the debtor's estate, negotiating the recovery for, and protecting the interests of unsecured creditors.

### Trustee Representations:

- Special litigation counsel for the Chapter 7 trustee of three jointly administered bankruptcy estates. Jason joined a team of three Diamond McCarthy partners in prosecuting fraudulent transfer, breach of fiduciary duty, alter ego and single business enterprise claims against over thirty domestic and foreign defendants. The litigation sought to unwind a complex series of transactions involving the transfer of millions of dollars in real estate, securities and partnership interests to entities in the U.S., Australia and China.

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- Bankruptcy counsel for the Warranty Gold Liquidation Trust (a trust created by the plan of reorganization confirmed in the *In re Warranty Gold, Ltd.* Chapter 11 case) to prosecute claims and collect assets for the benefit of over 60,000 consumers holding extended car warranties issued by the now defunct debtor.

Jason received his J.D. from the Baylor University School of Law (2000) and his B.A., *magna cum laude*, from Kentucky Wesleyan College (1997). He is admitted in the United States District Courts for the Northern, Southern and Western Districts of Texas. Jason is a member of the State Bar of Texas, the American Bankruptcy Institute, the American Bar Association, the Bankruptcy Section of the Houston Bar Association, and the Arthur H. Moller / David B. Foltz, Jr. American Inns of Court.

### **Published materials include:**

"BAPCPA Four Years Later" continuing legal education presentation to the Houston Bar Association on January 8, 2009.

"The Implications of the Bankruptcy Reform Act of 2005 on the Ordinary Course of Business Defense in Preference Recovery Actions," published in the American Bar Association's *Trial Evidence*.

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