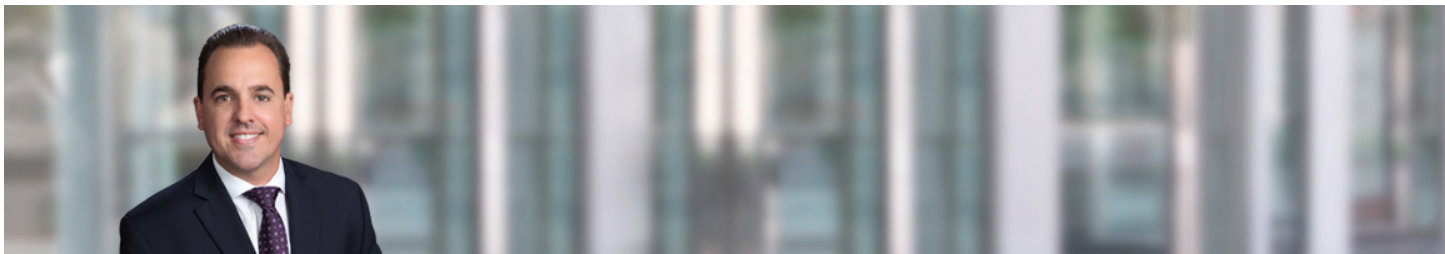


Kristopher E. Pearson



Shareholder

Miami Office

kpearson@stearnsweaver.com

Phone: 305-789-3259

PRACTICE AREAS

Bankruptcy & Creditors' Rights
Litigation & Dispute Resolution

OVERVIEW

Kristopher Pearson is a Shareholder practicing in the Business Restructuring Department. His statewide practice focuses on bankruptcy, creditors' rights, and insolvency related commercial litigation. He represents secured creditors, Chapter 11 and 7 bankruptcy trustees, landlords, tenants, asset purchasers, unsecured creditors, and a variety of other stakeholders in Chapter 11 and 7 bankruptcy cases. Kristopher also represents plaintiffs and defendants in insolvency related cases in federal and state courts, which involve claims for avoidance and recovery of fraudulent and preferential transfers, usury, breach of fiduciary duty, breach of contract, mortgage foreclosure, alter ego, veil piercing, successor liability, "de facto" merger, injunctive and declaratory relief, and pre- and post-judgment execution. He has experience handling cases from inception through the final appeal. Kristopher also serves as local counsel to firms with matters in Florida courts.

REPRESENTATIVE EXPERIENCE

Trial Experience

Obtained victory at trial for a Chapter 11 Trustee in an Adversary Proceeding to invalidate a purported lease of a Tiki Bar at a 147 room beach front hotel, which was sold after the lease was invalidated for \$17 million; the Adversary Proceeding involved obtaining a temporary restraining order and preliminary injunction to prevent the purported tenant from interfering with hotel operations, navigating through the requirements for a valid lease under Florida law, and litigating several evidentiary issues concerning third-party affidavits, the genuineness of copies of documents, and the admissibility of criminal convictions. *Yip v. El Mar Associates, Inc.*, 13-01641-JKO (Fort Lauderdale, Florida).

Lead counsel to a creditor holding an approximately \$4.5 million deficiency claim in a Chapter 7 bankruptcy; successfully tried case along with counsel for Chapter 7 Trustee and obtained denial of the debtor's discharge for fraudulent concealment of assets and related false oaths, published opinion *CIB Marine Cap. LLC v. Herman (In re Herman)*, 495 B.R. 555 (Bankr. S.D. Fla. 2013), which was affirmed on appeal by the District Court.

Secured Creditor Representation Experience

Lead counsel to agent of a \$17 million syndicated loan, secured by a 140 unit apartment complex, in Chapter 11 bankruptcy case, which was filed after approximately four years of mortgage foreclosure litigation. Prosecuted motion to dismiss case for bad faith filing, which included appraisal and financial advisor expert witnesses. Obtained favorable settlement for client, which involved dismissal of case and payment of satisfactory amount of client's claim. *In re Villas at Spring Hill, Ltd.*, 8:14-bk-06684-MGW (Tampa, Florida).

Lead counsel to a secured creditor in Chapter 11 bankruptcy case involving multiple loans collateralized by multiple commercial properties; negotiated settlement that effectuated consensual dismissal of the Chapter 11 bankruptcy case, state court foreclosure sale of certain properties, and work out of loan secured by multi-unit residential property. *In re Wellington Capital Group, LLC*, 12-11289-JKO (Fort Lauderdale, Florida).

Lead counsel to a secured creditor holding a first mortgage on all of the Chapter 11 debtor's real property; negotiated favorable cash collateral arrangement with the debtor, negotiated settlement with the Small Business Association, which asserted claims for equitable subordination in an Adversary Proceeding, and negotiated dismissal of the Chapter 11 case to enable the secured creditor to foreclose its mortgage on the debtor's real property. *In re First American Wealth Management, LLC*, 10-31883-AJC (Miami, Florida).

Lead counsel to one of four secured creditors in Chapter 11 case of Northeast-Florida homebuilder; negotiated favorable settlement, which included cash payment and deficiency note from guarantor. *In re American Homebuilders, Inc.*, 3:09-bk-05668-PMG (Jacksonville, Florida).

Counsel to secured creditor holding an approximately \$15.4 million claim in Chapter 11 bankruptcy case filed to prevent judgment from being entered against guarantors, who were wealthy foreign nationals; after extensive negotiations the Debtor sold the real property collateral resulting in payment of the client's claim in full. *In re Cabi 301 Commercial, LLLP*, 11-38064-AJC (Miami, Florida).

Counsel to secured creditor in Chapter 11 bankruptcy case filed by borrower to prevent its property from being sold at a state court foreclosure sale; obtained "single asset real estate designation," obtained relief from the automatic stay to set foreclosure sale, and ultimately obtained title to property through back-up credit bid submitted at auction of the property under 11 U.S.C. § 363 after successful bidder failed to timely close the purchase transaction resulting from a sale of the property by the debtor-in-possession pursuant to 11 U.S.C. § 363. *In re Dania Corner Ventures, LLC*, 10-12505-JKO (Fort Lauderdale, Florida).

Counsel to related entities that were the landlord, secured creditor and debtor-in-possession lender in a Chapter 11 bankruptcy case filed by a 120 bed skilled nursing home facility; client acquired nursing home by virtue of a credit bid at the sale of the facility pursuant to 11 U.S.C. § 363, effectuated by the debtor-in-possession pursuant to a court approved settlement agreement among the major stakeholders in the case. *In re WB Care Center, LLC*, 09-26196-JKO (Fort Lauderdale, Florida).

Chapter 7 Trustee and Receiver Representation Experience

Lead counsel to Chapter 7 bankruptcy trustee in the case styled *In re Genesis Christian Center, Inc.*, 13-33654-JKO; sold the debtor's real property, the value of which was less than the secured debt; asserted claims against the secured lender and obtained settlement that provided distribution to unsecured creditors, who were largely church parishioners, who otherwise would have received no distribution but for settlement with the secured lender.

Represented Chapter 7 bankruptcy trustee of three debt settlement businesses in the bankruptcy case of *In re P & E Solutions, Inc*

., 11-1324-JKO (Fort Lauderdale, Florida); sold the debtors' businesses and related intellectual property, obtained substantive consolidation of the three bankruptcy estates; prosecuted adversary proceedings to recovery fraudulent transfers for the benefit of creditors.

Represented Chapter 7 bankruptcy trustee in the case styled *In re Royal West Properties, Inc.*, 09-20334-RAM (Miami, Florida); obtained recovery for creditor through pre-suit settlements and prosecution of fraudulent transfer claims.

Represented court appointed receiver in state court foreclosure action involving commercial retail shopping center.

Landlord Representation Experience

Lead counsel to a commercial landlord in the Chapter 11 bankruptcy case filed by a furniture retailer; obtained payment of post-petition of administrative rent, negotiated rejection of the lease on favorable terms, and ultimately obtained favorable agreed treatment of both administrative and unsecured claims in confirmed Chapter 11 plan of reorganization.

Out of Court Workout Representation Experience

Represented national bank as unsecured creditor in out of court workout of multimillion dollar unsecured loan to former NFL player.

Represented national bank as secured creditor in out of court workout of multimillion dollar loan secured by 98' luxury yacht.

Defense Representation

Lead counsel to defendant in breach of fiduciary duty action brought by foreign representative of British American Insurance Company in Chapter 15 case and obtained dismissal for lack of personal jurisdiction, published opinion *British Am. Ins. Co. v. Fullerton (In re British Am. Ins. Co.)*, 2013 WL 1881712 (Bankr. S.D. Fla. Apr. 30, 2013) adopted by District Court at 2013 WL 2490233.

Represented defendant in Adversary Proceeding brought by a Chapter 7 bankruptcy trustee of a defunct law firm and disbarred, imprisoned lawyer asserting fraudulent transfer and usury claims; negotiated very favorable settlement for client. *Mukamal v. LaJaunie*, 10-038110AJC, 10-03826-AJC.

PROFESSIONAL & COMMUNITY INVOLVEMENT

American Bar Association, Business Law Section

American Bankruptcy Institute

Bankruptcy Bar Association, Southern District of Florida

RECOGNITION

Florida Super Lawyers Rising Stars, 2013-2015

PUBLICATIONS & PRESENTATIONS

Events: ESI & Discovery Issues in Commercial Fraud Cases

American Bankruptcy Institute | | October 2017

Events: Consumer Bankruptcy Workshop

Dade Legal Aid | | February 2014

Publications: Strategic Alternatives For And Against Distressed Businesses, Chapter 23

West Publishing Company | January 2014

Publications: Hope for Temporary Citizens Aboard Floating Cities: Carlisle v. Carnival Corp.

University of Miami Law Review | January 2005

NEWSROOM

Firm Announcements: Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2014

| June 2014

Firm Announcements: Stearns Weaver Miller Promotes Five Attorneys to Shareholder

| September 2012

EDUCATION

J.D., *cum laude*, University of Miami School of Law, 2005

University of Miami Law Review, Senior Notes and Comments Editor

Dean's List, University of Miami

C.A.L.I. ("Book") Award: Marine Insurance

Dean's Certificate of Academic Achievement: Legal Research and Writing; Elements

B.A., with honors, University of California, Santa Barbara, 2001

ADMISSIONS

Florida

United States District Court for the Northern, Middle and Southern Districts of Florida

United States District Court for the Northern District of Texas, *pro hac vice admission*

United States Court of Appeals for the Eleventh Circuit