HUSCH BLACKWELL

Michael D. Fielding

PARTNER

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OVERVIEW

Michael helps clients resolve difficult distressed debt problems through non-judicial and formal court proceedings. He practices from Independence, Missouri as a member of our virtual office, The Link.

Michael crafts personalized solutions that clients need for complex distressed loan problems. Most frequently, he works with commercial and agricultural lenders looking to enforce their rights through workouts, foreclosures, litigation and bankruptcy proceedings involving defaulted borrowers. A tireless advocate, Michael ensures that clients receive the high attention they deserve. He takes a straightforward, no-nonsense approach to client matters, seeking to maximize recoveries while minimizing time and fees.

While Michael's 20-plus years of experience have made him skilled at defending clients' interests in state and federal courts and throughout bankruptcy proceedings, he understands that not all lenders are seeking formal remedies. He meets clients where they are and devotes much of his time to negotiating informal workouts and nonjudicial resolutions that meet clients' needs, while helping them avoid the expense, time commitment and uncertain outcome of formal court proceedings. Michael regularly negotiates forbearance agreements, voluntary asset turnovers and related resolutions without the need to file lawsuits. He knows that clients need distressed debt outcomes that fit their unique business situations, and he endeavors to craft customized solutions.

Industry

Financial Services & Capital Markets

Services

Ag Finance

Banking & Finance

Insolvency & Commercial Bankruptcy

Litigation & Alternative Dispute Resolution

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While Michael assists clients across a variety of industries, he also leads the firm's Ag Finance practice group, which represents lenders and borrowers at all phases of ag finance transactions. He has extensive experience representing lenders, bankruptcy trustees, unsecured creditors and debtors in complex insolvency proceedings. He has advised on multi-state foreclosure actions, liquidations, reorganizations and lender compensation matters, including cash collateral issues, adequate protection payments, stay relief proceedings, plan confirmations, enforcement of rights and prosecution of discharge complaints. He is also highly experienced with bankruptcy avoidance actions, including preferential transfers and constructively fraudulent conveyances where he has reached low settlement amounts on multi-million dollar claims while minimizing clients' legal spend.

Experience

DISTRESSED DEBT RESOLUTION (NOT IN BANKRUPTCY)

- Represented The Redwood Group, LLC in the acquisition of grain assets and inventory in a competitive auction arising from Hansen-Mueller's Chapter 11 bankruptcy proceeding.
- Supervised the successful non-judicial foreclosure of a $5.6 million commercial property in Missouri.
- Supervised successful multi-state foreclosure of agricultural properties in New Mexico and Texas.
- Successfully represented client in obtaining voluntary turnover of artwork valued in excess of $1 million without needing to file a lawsuit.
- In a disputed matter, obtained judgment in excess of $3 million and foreclosed multiple parcels of agricultural land covered by the same mortgage in two separate Kansas counties.
- Represented lender in successful, staggered and orderly liquidation of herd of cattle worth more than $1 million.
- Coordinated successful multi-state foreclosure action for agricultural properties in Kansas and Oklahoma owned by a single owner who had filed for Chapter 11 bankruptcy.
- Represented two secured lenders in a successful Assignment for the Benefit of Creditors of a California company which resulted in sale of business as a going concern.

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Experience

- Represented lenders in loan enforcement actions including foreclosures, deed-in-lieu of foreclosure and loan workouts.
- Successfully resolved intercreditor disputes regarding lien priority in agricultural products.
- Successfully resolved numerous troubled loans through forbearance agreements which resulted in timely recovery for lenders without need for exercising legal remedies.
- Obtained court order confirming foreign arbitration award. *Guang Dong Light Headgear Factory Co. Ltd. v. ACI International Inc.*, 521 F.Supp.2d 1153 (D.Kan. 2007).
- Served on legal team that navigated expedited negotiations, hearings and discovery for state insurance department client in disputed rehabilitation and subsequent liquidation proceedings. Team counsel avoided trial, resulting in significant client cost and time savings, thus preserving and maximizing estate assets.

BANKRUPTCY-RELATED LITIGATION

- Lead attorney in the successful Chapter 11 bankruptcy of *Splash News & Picture Agency, LLC* (Bankr. D. Nev. Case No. 21-11377) where the confirmed plan resulted in the sale of the debtor's assets as a going-concern.
- Represented banks and other financial institutions in bankruptcy proceedings, including cash collateral issues, adequate protection payments, stay relief proceedings, plan confirmations, enforcement of rights and prosecution of discharge complaints.
- Represented bankruptcy trustees, unsecured creditors and Chapter 11 debtors in complex insolvency proceedings.
- Obtained affirmation from Tenth Circuit Court of Appeals upholding bankruptcy court's decision that worker's compensation lien was not voided by the automatic stay. *Davis v. Tyson Prepared Foods, Inc. (In re Garcia)*, 740 Fed. Appx. 163 (10th Cir. 2018), *cert denied* 139 S. Ct. 2614 (2019).

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Experience

- In matter of first impression in Delaware Bankruptcy Court, obtained ruling holding that a client could offset its $2.6 million administrative expense claim against alleged preference liability. *The Official Committee of Unsecured Creditors of Quantum Foods, LLC v. Tyson Foods, Inc. (In re Quantum Foods LLC)*, 554 B.R. 729 (Bankr. D. Del. 2016).
- Obtained summary judgment denying administrative expense claim for indenture trustee of notes held by securitized lenders. *In re Brooke Corp.*, 443 B.R. 856 (Bankr. D. Kan. 2011).
- Principal author of *amicus curiae* brief of various Chapter 7 Trustees and the National Association of Bankruptcy Trustees whose rationale was followed by the Eighth Circuit in *In re Benn*, 491 F.3d 811 (Eighth Circuit, 2007).
- Defended claim that sought post-confirmation award of bank's attorneys' fees. *In re Farmers Cooperative Association*, 323 B.R. 494 (Bankr.D.Kan. 2005), aff'd 2006 WL 950189 (D.Kan. 2006).
- Served as lead attorney in Chapter 11 reorganization of Fortress Women's Center, St. Louis, Missouri, which provides services for homeless and abused women and children (Bankr.E.D.Mo. Case No. 06-40160).

BANKRUPTCY AVOIDANCE & DISCHARGE DENIAL ACTIONS

- Prosecuted and defended hundreds of bankruptcy avoidance actions (including the successful resolution of several multi-million dollar claims).
- Defended Tyson Foods, Inc. and affiliates from claims seeking over $10 million in alleged preferential transfers ultimately settling the four matters for $100,000. *In re Central Grocers, Inc.* (Bankr. N.D. Ill. 17-13886 and Adv. Nos. 18-00662, 18-00692, 18-00693, and 18-00695).
- Obtained $3.37 million judgment following 14-day trial, avoiding constructively fraudulent conveyances. *Redmond v. NCMIC Finance Corp. (In re Brooke Corp.)*, 568 B.R. 378 (Bankr. D. Kan. 2017).

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Experience

- Following multi-day bench trial, obtained judgment voiding more than $2 million in constructively fraudulent conveyances. *Redmond v. SpiritBank (In re Brooke Corp.),* 541 B.R. 492 (Bankr. D. Kan. 2015).
- Obtained court ruling granting motion to dismiss more than $12 million in counterclaims. *Redmond v. NCMIC Finance Corp.* (*In re Brooke Corp.*), 485 B.R. 650 (Bankr.D.Kan. 2013).
- Defended against various motions that sought to dismiss avoidance action claims seeking recovery of millions of dollars. *In re Brooke Corp.*, 2012 WL 2120736 (D.Kan. 2012) and *In re Brooke Corp.*, 2012 WL 2412151 (Bankr.D.Kan. 2012).
- Resolved $1.4 million preference settled for $32,500. *Peterson v. Tyson Fresh Meats Inc. (In re Agri-Best Holdings LLC*, Bankr. N.D. Ill. 12-01455).
- Obtained complete dismissal of complaint seeking $2.978 million as alleged preferential transfers. *Kravitz v. National Info. Solutions Coop.* (Bankr. N.D. Ala. 15-80053).
- Successfully defended several preferential transfer claims that sought recoveries in excess of $1 million. Notable preference settlements: *Davis v. Invista S.A.R.L.* (*In re Fabrics Estate Inc., et al.,* Bankr.E.D.Tenn. 10-01210), $388,243 preference claim settled for $4,000.
- Successfully prosecuted various bankruptcy discharge actions. *In re Patterson*, 2013 WL 3376780 (Bankr. N.D. Ala. 2013) (granting summary judgment and denying discharge of $807,500 debt); *Quinn Capital LLC v. Ballard* (Bankr. D. Kan. 11-06202) (agreed judgment for $1.5 million); *In re Glenn*, 335 B.R. 703 (Bankr. W.D. Mo. 2005) (denying debtor's discharge under 11 U.S.C. § 727).
- Prosecuted various discharge complaints seeking denial of debtor’s bankruptcy discharge: *Quinn Capital LLC v. Ballard* (Bankr. D. Kan. Case No. 11-06202), agreed judgment for $1.5 million; *In re Glenn*, 335 B.R. 703 (Bankr. W.D. Mo. 2005), denying debtor’s discharge under 11 U.S.C. § 727), *Automotive Finance Corp. v. Knotts*, (Bankr. D. Kan. Case No. 12-5102), agreed judgment.

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Recognition

- *The Best Lawyers in America®*
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2021-2027
  - Litigation - Bankruptcy, 2021-2027
- *Kansas City Business Journal*, Best of the Bar, 2013-2016
- *Missouri & Kansas Super Lawyers*, Bankruptcy & Creditor/Debtor Rights, 2011-2021, 2023, 2025; Top 100, 2018; Rising Star, 2008-2010
- *IFLR 1000 United States*
  - Restructuring and Insolvency (Missouri), Highly Regarded, 2018-2019, 2022-2025
- *Missouri Lawyers Weekly*, Top Legal Innovation Award
- Missouri Bar Pro Bono Wall of Fame, 2019

Education

- J.D., Brigham Young University J. Reuben Clark Law School
  - *cum laude*
- B.A., Brigham Young University
  - Economics
  - Spanish Minor
  - with honors

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Admissions

- Missouri
- Iowa
- Kansas
- Utah
- Nebraska
- U.S. District Court, District of Colorado
- U.S. District Court, Northern District of Iowa
- U.S. District Court, Southern District of Iowa
- U.S. District Court, District of Kansas
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri
- U.S. District Court, District of Nebraska
- U.S. District Court, District of Utah
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Federal Claims
- U.S. Supreme Court

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Community Leadership

Michael is extensively involved with various legal bar organizations—particularly the Kansas Bar Association. He regularly presents Continuing Legal Education talks to the legal community and has authored numerous articles. In addition, Michael has volunteered with Husch Blackwell's Human Trafficking Legal Clinic, and he has been involved in various pro bono matters over the years. Michael has also volunteered extensively through The Church of Jesus Christ of Latter-day Saints throughout his life, including two years as a full-time missionary in the Canary Islands.

- University of Missouri-Kansas City Law and Religious Freedom Conference, Steering Committee Chairman, 2014-present
- Kansas Bar Association; Ag Law Section, President; Religion Law Section, Founding Member; President, 2017-2021; Immediate Past President, 2021-present
- City of Independence, Missouri; Board of Building and Engineering Appeals, 2021-present; Personnel Board, 2011-2012
- Missouri Bar Religious Entities and the Law Community, Founding member and moderator, 2019-present
- Boy Scouts of America, Scoutmaster, 2017-2019; Assistant Scoutmaster, 2012-2017
- J. Reuben Clark Law Society, Religious Freedom Committee, 2014-2018

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*Michael works remotely and is licensed in Missouri, practicing in Independence, MO. Contact Michael via email or phone for in-person/virtual meetings. Use the Kansas City office address for mail/deliveries only.

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