

# John J. Lamoureux

SHAREHOLDER

TAMPA

**P** : 813.229.4224

**F** : 813.229.4133

CONNECT

jlamoureux@carltonfields.com

## Overview

John Lamoureux represents a diverse clientele in complex commercial disputes, focusing on construction disputes, bankruptcy, and debtor and creditor rights and issues. John's construction practice has included representation of owners, general contractors, subcontractors, and sureties in a variety of construction disputes, including defective work, lien disputes, unlicensed contractors, and delay disputes. His experience in bankruptcy and creditors' rights has included representation of financial institutions, equipment lessors, trustees, examiners, assignees, and secured and unsecured parties in complex bankruptcy reorganizations and other commercial litigation.

John is board certified in Business Bankruptcy by the American Board of Certification and is AV rated by Martindale-Hubbell. He has been listed in Florida Super Lawyers and *Florida Trend's* Florida Legal Elite.

## Experience

- John's experience in construction has included representation of owners, general contractors, subcontractors, and sureties in a variety of construction disputes, including defective work, lien disputes, unlicensed contractors, and delay disputes.
- John's experience in bankruptcy, creditors' rights, and commercial litigation has included representation of financial institutions, equipment lessors, Chapter 7 trustees, Chapter 11 examiners, assignees in assignment for the benefit of creditors, creditors' committees, bidders at Bankruptcy Code Section 363 sales, and secured and unsecured creditors in complex bankruptcy reorganization, liquidation, assignment for the benefit of creditors, and commercial litigation.

## Creditors Rights, Bankruptcy, and Commercial Litigation

- Represented a large New York City-based financial institution in the Chapter 11 bankruptcy case of KinderCare Learning Centers Inc. that, at the time, operated the largest number of proprietary day care centers in the United States, serving approximately 141,000 children at 1,200 centers located in 39 states, and advised the client on the restructuring of approximately \$33 million in financing of industrial revenue bonds, secured by certain learning centers; and as a loan participant in the restricting of approximately \$358 million in credit facilities and financing.

- Represented not-for-profit charter school tenant in breach of real property lease and large not-for-profit corporation against commercial landlord asserting alter ego/piercing the corporate veil claims, and negotiated resolution of all disputes asserted by landlord against tenant charter school and not-for-profit corporation.
- Represented commercial truck leasing/financing company in Chapter 11 bankruptcy of trucking company and successfully defeated confirmation by showing proposed Chapter 11 plan of reorganization was not feasible, and conversion of bankruptcy case to Chapter 7 liquidation.
- Represented Chapter 7 trustee in contested consolidated adversary proceeding in which Chapter 7 trustee objected to the debtor's discharge and claimed exemptions, and sought recovery of fraudulent transfers. Successfully negotiated resolution of all disputed claims with recovery by the Chapter 7 trustee of \$475,000.
- Represented assignee in assignment for the benefit of creditors of jewelry retailer and the liquidation of jewelry inventory with sale proceeds in excess of \$930,000; successfully contested an involuntary Chapter 7 bankruptcy proceeding, and resolution of assignee's surcharge dispute with the jeweler's primary lender.
- Represent successful bidder in Bankruptcy Code Section 363 sale regarding the purchase of real property, and the negotiations and documentation of land easements and railroad track usage rights with various third parties relating to Chapter 11 bankruptcy case of HRK Holdings LLC.
- Represented chemical manufacturer in Chapter 11 bankruptcy of real estate developer in opposing debtor's efforts to terminate real property easement rights allowing transfer of raw materials through easement on real property owned by debtor.
- Represented Chapter 7 examiner in Bankruptcy Code Section 363 sale of substantially all the assets of Chapter 11 debtor, which resulted in bids and concession of the successful bidder in excess of \$5 million.
- Represented Level 1 trauma center hospital regarding restructuring advice and recapitalization for underperforming limited liability company surgery center, partially owned by hospital, including impact on hospital of Chapter 11 bankruptcy, Chapter 7 bankruptcy, and assignment for the benefit of creditors by surgery center, as well as other recapitalization options.
- Represented central Florida hospital that was divested by large hospital holding company based in Nashville, Tennessee, that struggled with its debt obligations. Advised central Florida hospital of its rights and assisted central Florida hospital with reviewing and consenting to lease assignment from hospital holding company to Adventist Hospital. Also advised central Florida hospital as to potential impact upon hospital if hospital holding company filed Chapter 11 bankruptcy, including impact on capital improvement obligations from hospital holding company, and impact on another hospital's prior option to acquire central Florida hospital and recapitalization options.
- Represent developer of multistory condominium in downtown St. Petersburg, Florida, when one of the country's largest general contractors filed liquidating Chapter 11 bankruptcy case and abandoned partially completed construction project, and related litigation against Chapter 11 debtor's insurance company, architect, window manufacturer, and window subcontractor; negotiate payments for breach of professional duties/breach of contract claims to obtain sufficient settlement proceeds to complete construction of condominium project.
- Represented Belfor, one of the world's largest disaster recovery companies, in

Chapter 11 bankruptcy case of New Louisiana Holdings LLC pending in Lafayette, Louisiana, over prepetition services provided to debtor and negotiated allowance and payment of unsecured claims.

- Represented disaster recovery company in several state court actions relating to breach of contract claim brought by disaster recovery company against multitenant condominium associations and homeowner associations for breach of construction contract as a result of failure to pay for construction service, including successful five-day nonjury trial awarding disaster recovery company full amount of damages sought and legal fees.
- Represented large regional residential homebuilder in 10-day jury trial regarding alleged construction defects in which homeowner sought more than \$600,000 in damages for construction defects, and jury awarded less than \$120,000 in damages.
- Represented high-end custom residential home contractor in construction dispute with homeowners regarding alleged construction defects and advise contractor regarding terms of settlements and issues regarding bankruptcy discharge of potential claims by Florida Department of Business and Professional Regulation (DBPR) relating to potential judgment against contractor for construction defects and impact of bankruptcy on DBPR claims.
- Counsel to Chapter 11 debtor Anchor Glass Container Corp., which successfully confirmed Chapter 11 plan of reorganization in which bondholders converted claims to own/control the reorganized entity.

## All Insights

11.15.2019	Restructuring Distressed Entities for a Clean Financial Bill of Health
11.15.2011	Selected Bankruptcy Issues Pertinent to the Construction Industry
04.01.2011	Congratulations! You Got Your Judgment. Now for the Hard Part—How Do You Collect? Post-Judgment Remedies and Collections
03.01.2009	When Projects Go Bad: Bankruptcy Issues for the Construction Industry
02.16.2006	Recent Changes to the United States Bankruptcy Code – What Construction Lawyers Should Know and the Potential Impact Such Changes may have on Construction Projects
04.01.1999	Show Me the Money! Strategies and Arguments for Getting Paid Professional Fees When Representing a Chapter 11 Trustee (Without Having to Surcharge Collateral Under 11 U.S.C. 506 (c))
01.01.1993	Secured Creditor Rights and Strategies in Bankruptcy
01.01.1990	Problems Associated with Loan Participation Agreements: A View from Lead Lender and Participant

## All News

- 07.09.2018 Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida “Super Lawyers” and “Rising Stars”
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- 08.15.2017 78 Carlton Fields Attorneys Named “Best Lawyers in America”
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- 06.23.2017 Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 “Super Lawyers” and “Rising Stars”

## Recognition

- AV Rated by Martindale-Hubbell
- Board Certified in Business Bankruptcy by the American Board of Certification
- *The Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, Construction Law, Litigation – Bankruptcy (2006–2022)
- Florida Super Lawyers, *Super Lawyers Magazine* (2007, 2010–2021)
- Have a Heart Pro Bono Award, Thirteenth Judicial Circuit (2004)

## Professional & Community Involvement

- American Bar Association
  - Business Law Section
  - Forum on Construction Law
- American Bankruptcy Institute
- The Florida Bar
  - Business Law Section
  - Real Property, Probate, and Trust Law Section
    - Construction Law Institute
- State Bar of Texas
- New York State Bar Association
- Hillsborough County Bar Association
  - Construction Law Section
    - Co-Chair (2008–2010)
- Leadership Tampa (2006–2007)
- Tampa Bay Bankruptcy Bar Association
  - President (2003–2004)

## Speaking Engagements

- "What Every Construction Lawyer Should Know About Bankruptcy; Select Bankruptcy Issues for the Construction Lawyer," Hillsborough County Bar Association Construction Law Annual Half-Day CLE/Luncheon (February 16, 2017)
- "Select Bankruptcy Issues Pertinent to the Construction Industry," ABA Forum on Construction Law, Environment, Energy, and Resources Section, and Committee on Continuing Legal Education (November 15, 2011)
- "Congratulations! You Got Your Judgment. Now for the Hard Part — How Do You Collect? Post-Judgment Remedies and Collections," The Florida Bar Real Property, Probate, and Trust Law Section, Construction Law Institute Annual Meeting (April 2011)
- "Dealing With Project Problems Exacerbated by the Down Economy," Construction Management Association of America, Gulf Coast Chapter, Tampa, FL (January 2010)
- "When Projects Go Bad: Bankruptcy Issues for the Construction Industry," The Florida Bar Real Property, Probate, and Trust Law Section, Construction Law Institute Annual Meeting, Orlando, FL (March 2009)
- "Recent Changes to the United States Bankruptcy Code – What Construction Lawyers Should Know and the Potential Impact Such Changes May Have on Construction Project," Hillsborough County Bar Association (February 2006)
- "Show Me the Money! Strategies and Arguments for Getting Paid Professional Fees When Representing a Chapter 11 Trustee (without having to surcharge collateral under 11 U.S.C. 506 (c))," ABA Business Law Section, Business Bankruptcy Section Spring Meeting, San Francisco, CA (April 1999)
- "Secured Creditor Rights and Strategies in Bankruptcy," The Florida Bar Bridge the Gap Seminar, Tampa, FL (1993)

## Credentials

### EDUCATION

- Fordham University School of Law (J.D., 1987)
- Fordham University (B.A., 1984)

### BAR ADMISSIONS

- Florida
- New York
- Texas

### INDUSTRY SPECIALIZATION CERTIFICATIONS

- Business Bankruptcy

### COURT ADMISSIONS

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Southern District of Texas
- Florida State Courts
- New York State Courts
- Texas State Courts

## Areas of Focus

### PRACTICES

### INDUSTRIES

- Aviation
- Class Actions
- Construction Litigation
- Creditors' Rights and Bankruptcy
- Distressed Health Care
- Investment and Ownership
- Lending
- Litigation and Trials
- Mass Tort and Product Liability
- Construction