Rhys P. Leonard

Shareholder

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Overview

Rhys Leonard joined the firm in September 2008. He is a Shareholder of the firm and serves as the Practice Group Co-Leader of the firm's Bankruptcy & Creditors' Rights Practice Group. In addition to his bankruptcy experience, Rhys also focuses on appellate matters. Rhys represents individuals, businesses and commercial lenders in matters related to bankruptcy and creditors' rights with a focus on creditor representation in bankruptcy proceedings and defending avoidance action and lender liability claims. Rhys also regularly represents chapter 11 and 7 bankruptcy trustees and creditor and equity committees. He has considerable experience representing parties in related appeals before Federal District Courts and Courts of Appeal.

Representative Matters

Bankruptcy & Creditors' Rights

- Represented financial institution against fraudulent transfer and aiding and abetting breach of fiduciary duty claims brought by chapter 7 trustee of temporary labor staffing companies.
- Represented group of fractional owners in Chapter 7 of aircraft fractional ownership company in insurance coverage dispute with insurer of planes.
- Represented numerous financial institutions in obtaining stay relief to commence and/or continue foreclosure proceedings.
- Represented office and furniture supply company against fraudulent transfer claim brought by supplier of competing company where competing company ceased operations and sold certain assets to client.
- Represented seller of insurance agency in purchaser's Chapter 13 bankruptcy where purchaser defaulted on payment terms of asset purchase agreement.
- Represented hospital chain in chapter 7 of a healthcare financial services company specializing in the management of third party liability claims.
- Represented subcontractor in obtaining dismissal of Chapter 11 of general contractor for bad faith filing.
- Represented Chapter 11 Trustee in Chapter 11 of parent company providing health and managed care services through several regulated subsidiaries.
- Represented Chapter 7 Trustee in placing an equitable lien on homestead property as a result of a fraudulent transfer.
- Represented Chapter 7 Trustee in selling individual debtor's membership interest in corporate entity which owned commercial property in Indiana.
- Represented Official Committee of Equity Holders in the Chapter 11 of Biovest International, Inc. a publicly traded biopharmaceutical company.
- Represented Chapter 7 Trustee of online travel service provider in prosecuting fraudulent transfer and/or preferential transfer claims.

Appellate Insolvency

- Secured affirmances of judgment holding claim is excepted from chapter 13 discharge where the loan is current on the petition date, there is no default to be cured and the debtor proposes to maintain monthly contractual payments directly to lender. *Dukes v. Suncoast Credit Union (In re Dukes)*, 2016 WL 5390948 (M.D. Fla. Sept. 27, 2016); *Dukes v. Suncoast Credit Union (In re Dukes)*, 909 F. 3d 1306 (11th Cir. 2018). In affirming, the Eleventh Circuit

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Practice Areas

- Bankruptcy and Creditors' Rights
- Litigation and Dispute Resolution
- Appellate
- Financial Services

Education

- J.D., *cum laude,* Florida State University College of Law, 2008
  - Order of the Coif
- B.A., *cum laude*, History, Furman University, 2005

Admissions

- Florida
- United States District Court, Middle, Northern and Southern Districts of Florida
- United States Court of Appeals for the Eleventh Circuit

decided - as a matter of first impression - the meaning of provided for in 11 U.S.C. 1328(a). The Eleventh Circuit held that a Chapter 13 plan that states mortgage payments would continue to be made directly to the creditor outside of the plan does not provide for the mortgage debt and therefore that debt is not discharged by the successful completion of the plan.
- Secured affirmances of (a) settlement agreement reached by chapter 7 trustee with primary creditor over debtor's objection and (b) denial of debtor's motion to convert chapter 7 case to one under chapter 11. *Daughtrey v. Rivera (In re Daughtrey)*, 2015 WL 5604764 (M.D. Fla. 2015); *Daughtrey v. Rivera (In re Daughtrey)*, 896 F. 3d 1255 (11th Cir. 2018). In affirming, the Eleventh Circuit determined, as a matter of apparent first impression in the circuit, the abuse of discretion standard of review applies to a bankruptcy court's denial of a motion to convert a Chapter 7 case to one under chapter 11.
- Secured reversal of order dismissing appeal from bankruptcy court for lack of subject matter jurisdiction because order granting motion to approve compromise of controversy resolving a fraudulent transfer adversary proceeding is a final order even though the issue of attorney's fees for discovery sanctions remained outstanding. Daake v. C.D. Jones & Co. (In re C.D. Jones & Co.), 658 Fed. Appx. 1000 (11th Cir. 2016)
- Secured reversal of order denying equitable lien claim because fraud exception to Florida's homestead exemption applied. LaMarca v. Jansen (In re Bifani), 580 F. Appx. 740 (11th Cir. 2014)
- Secured affirmance of judgment holding 11 U.S.C. 506(a) does not provide for automatic bifurcation of secured claims and IRS did not have a general unsecured claim or priority unsecured claim because it failed to bifurcate its secured claim or reserve its right to do so. United States v. Oscher (In re J.H. Inv. Servs.), 452 Fed. Appx. 858 (11th Cir. 2011).

Honors and Distinctions

- AV Preeminent Peer Review Rated by Martindale-Hubbell
- Board Certified in Business Bankruptcy Law by the American Board of Certification
- *Chambers USA*, Bankruptcy Litigation, 2023-2026
- *Florida Super Lawyers*, Bankruptcy: Business, 2026
  - *Rising Star*, 2012, 2018-2023
- *The Best Lawyers in America*
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2020-2027
  - Litigation - Bankruptcy, 2021-2027

Professional Involvement

- Tampa Bay Bankruptcy Bar Association
- The Florida Bar, Business Law and Appellate Practice Sections
- American Bankruptcy Institute
- American Bar Association
- HillsboroughCounty Bar Association

Thought Leadership

- Bad Discovery Order? Here are a Few of Your Options,Trenam Appellate Newsletter, October 2019
- Appeals from the Bankruptcy Court,Trenam's Appellate Newsletter, August 2019
- The Fundamentals of Preserving Error for Appeal,Trenam's Appellate Newsletter, February 2019
- "Understanding the Davis Bacon Act," *Lawyer*, (a publication of the Hillsborough County Bar Association), Vol. 20, No.5, February 2010.