



Howard M. Levine

SPECIAL COUNSEL
BUSINESS RESTRUCTURING AND
BANKRUPTCY GROUP CHAIR

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Howard is an accomplished attorney with more than 35 years of experience representing businesses and individuals in need of practical, innovative, and effective solutions to solve their complex business problems. Howard's real-life experience over his career includes representing both creditors and debtors during the course of several recessions and times of economic challenges. His practice includes representing plaintiffs and defendants in federal and state court litigation and receivership cases, and debtors and creditors in Chapter 11 reorganization cases.

Howard's work has taken him to courts around the United States where he has represented clients involved in complex Chapter 11 cases and in federal court litigation. He has been admitted to practice law pro hac vice for clients with significant issues in courts located in New York, Delaware, Texas, California, Florida, Idaho, Georgia, Massachusetts, Oklahoma, Alaska, and elsewhere. Howard has represented clients in major national cases such as PG&E, Inc., Orexigen Therapeutics, Inc., WorldCom, Inc., Enron, Inc., Hawaiian Airlines, PSI Net, Inc., VarTech Inc., Teligent, Inc., and the Diocese of Fairbanks. Howard's extensive bankruptcy and litigation experience includes representing parties in analysis, investigation, and litigation concerning:

- Complicated business disputes (including asserting and defending director and officer liability claims)
- Corporate governance disputes
- Fiduciary breach

Industries

Banking and Finance

Practices

**Business Restructuring and
Bankruptcy
Litigation**

Education

B.S., Monmouth University, cum laude

J.D., University of Toledo
Review, Business Editor

Admissions

- Oregon State Bar
- Washington State Bar
- United States District Court for the District of Oregon
- United States District Court for the Eastern District of Washington
- United States District Court for the Western District of Washington
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of Wisconsin
- United States Court of Appeals for the Ninth Circuit

- Fraud, fraudulent transfer, and bankruptcy discharge litigation
- Factoring and lending enforcement
- Debtor-in-possession financing
- Asset purchasing in Chapter 7 and 11 cases
- Chapter 11 plan confirmation
- Federal and state court receiverships

He has represented state and federal court receivers, including receivers in a golf and country club receivership, a real estate financing Ponzi-scheme receivership, and a large commercial real estate receivership, as well as creditors and investors impacted by receivership filings. He also has extensive experience in representing factoring companies as a DIP lender in chapter 11 cases.

Howard's Chapter 11 debtor practice includes the unique specialty of representing nonprofit religious corporations in Chapter 11 reorganizations. For example, Howard was debtor-in-possession counsel in the Chapter 11 case of the Archdiocese of Portland in Oregon, the first Diocesan Chapter 11 case filed in the United States; and the Society of Jesus, Oregon Province, the first Catholic religious order to file Chapter 11 in the United States.

Originally from the New York City metropolitan area, Howard moved to Portland in 1979. After a two-year clerkship with Judge Donal D. Sullivan, United States Bankruptcy Judge for the District of Oregon, Howard joined Sussman Shank as an associate in 1982 and became a partner in 1987. He is the chair of the firm's Business Restructuring & Bankruptcy Group.

REPRESENTATIVE CASES

Summary of Significant Transactions

- Represented Major Trade Creditor and Negotiated Claim Sale Agreement for Substantial Recovery
 - In re PG&E, Inc. (U.S. Bankruptcy Court, N.D. Cal.)
- Represented Flooring Lender to Obtain Temporary Restraining Order to Recover Collateral
 - Northpoint Commercial Finance v. AI's Trailer Services, Inc. (U.S. District Court, D. Or.)
- Represented Chapter 11 Trustee in Case Involving Major National Cattle Ponzi Scheme
 - In re Hoyt and Sons Ranch Properties (U.S. Bankruptcy Court, D. Or.)
- Represented Creditors with Recoupment and Setoff Issues and Obtained Approval

Honors

- Chambers and Partners, Bankruptcy/Restructuring (2023)
- Best Lawyers in America® "*Lawyer of the Year*" for Litigation – Bankruptcy, Portland, OR (2015, 2019, 2024)
- Best Lawyers in America® Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law; Litigation – Bankruptcy (2014 – 2024)
- Oregon Super Lawyers® (2006 – 2023)
- Oregon Super Lawyers® Top 50 List (2009 – 2023)
- Oregon Super Lawyers® Top 10 List (2012)
- Portland Business Journal, "Best of the Bar, Bankruptcy and Creditor Rights" (2005)
- Fellow, American Bar Foundation (2014 – 2020)

For Pre/Post Petition Setoff

- In re WorldCom, Inc. (U.S. Bankruptcy Court, S.D.N.Y.)
- In re Lightyear Holdings, Inc. (U.S. Bankruptcy Court, W.D. Ky.)
- In re Star Tec Global, Inc. (U.S. Bankruptcy Court, D. Md.)
- In re VarTec, Inc. (U.S. Bankruptcy Court, N.D. Tex.)
- Represented Debtor in Chapter 11 Cases
 - In re Western Supply Corporation (U.S. Bankruptcy Court, D. Or.)
 - In re Roman Catholic Archbishop of Portland in Oregon (U.S. Bankruptcy Court, D. Or.)
 - In re Society of Jesus, Oregon Province (U.S. Bankruptcy Court, D. Or.)
 - In re ERP-Link, Inc. (U.S. Bankruptcy Court, D. Or.)
- Represented Defendant in Significant Preference Litigation
 - In re Winstar, Inc. (U.S. Bankruptcy Court, D. Del.)
 - In re Simon Transportation Services, Inc. (U.S. Bankruptcy Court, E.D. Utah)
 - In re Haggen Holdings, Inc. (U.S. Bankruptcy Court, D. Del.)
- Represented DIP Lender
 - In re YDS, Inc. (U.S. Bankruptcy Court, S.D. Ohio)
 - In re New Rising Fenix (U.S. Bankruptcy Court, W.D. Mo.)
 - In re Boyd Trucking, Inc. (U.S. Bankruptcy Court, W.D. Tex.)
- Represented Indenture Trustee
 - In re Melridge, Inc. (U.S. Bankruptcy Court, D. Or.)
- Represented Secured Creditor in Successful PACA Lien Priority Dispute
 - Boulder Fruit Express, et al. v. John A. Mesing, et al., (U.S. District Court, C.D. Cal 1998)
- Represented Chapter 11 Asset Purchaser
 - In re Post Tool, Inc. (U.S. Bankruptcy Court, D. Mass.)
 - In re Woodworkers Warehouse, Inc. (U.S. Bankruptcy Court, D. Del.)
- Represented Trustee of Post-Confirmation Trust
 - In re Cadet Manufacturing, Inc. (U.S. Bankruptcy Court, W.D. Wash.)
- Represented Receiver
 - In the Matter of Broken Top (Deschutes County Oregon Circuit Court)
 - In the Matter of the Dissolution of Acuity Lending (Multnomah County Oregon Circuit Court);
 - First Citizens Bank & Trust Company v. MISSCOM, LLC et al. (US District Court, D. Or)
 - Jones v. Grant, Adamas Realty, LLC et al (Clark County Washington Superior Court)

- **Obtained Temporary Restraining Order Against Multi-store Vehicle Dealer**
Filed a seven-figure lawsuit in U.S. District Court in Eugene, Oregon on behalf of an out-of-state inventory flooring lender against multi-store affiliated vehicle dealerships. We obtained a temporary restraining order against the dealerships that prohibited the dealerships and their principals from interfering with the client in recovering collateral, and affirmatively required dealerships' principals to cooperate with the client in locating and recovering the collateral. The Court entered the TRO based solely on the motion and supporting declarations, and without requiring the client to post a bond.
- **Directors and Officer Liability Defense of Bank Chairman of the Board**
Represented the Chairman of the Board of a bank who had been sued for breach of fiduciary duty and other claims arising from the sale of the bank's assets. The bank holding company had filed Chapter 7, and with bankruptcy court approval, the major investor in the debtor sued our client on behalf of the estate. After contentious discovery and extensive negotiations with the plaintiff and the Debtor's D&O insurance carrier, we reached an agreement to settle the client's liability to the estate solely using proceeds from the D&O policy, including covering most of the client's legal fees and costs.
- **Limited Partnership Dispute in Chapter 11**
Represented the major limited partner in consolidated chapter 11 limited partnership cases pending in the Northern District of Texas. After successfully litigating our objection to claims filed by the general partner and entities he controlled, and objecting to a proposed sale of the Debtors' assets, we located a competing bidder, whose winning bid was large enough to fund a plan we prepared that paid creditors in full and returned significant capital to the limited partners.
- **Archdiocese of Portland in Oregon**
Sussman Shank served as lead counsel to the Archdiocese of Portland. We developed and implemented a strategy that considered the interplay of First Amendment religious rights, charitable trust, and bankruptcy law in proposing and confirming a reorganization plan that resulted in the settlement and payment of over 250 known clergy sex abuse claims, provided a trust for the liquidation and payment of future abuse claims, and preserved the assets and operations of 124 parishes and 3 Catholic high schools.
- **Society of Jesus, Oregon Province**
The Society of Jesus, Oregon Province was the first Chapter 11 bankruptcy case filed by a Roman Catholic religious order in the

United States. Relying on our experience from the Archdiocese of Portland case, and facing new issues relevant only to a religious order, we were able to implement a strategy for resolving and paying over 500 clergy sex abuse claims through the use of insurance coverage and other assets. This resulted in a plan that was overwhelmingly accepted by all creditors, which included \$119 million in contributions from the debtor's insurers and allowed the province to continue its mission throughout Alaska, Idaho, Montana, Oregon, and Washington.

- Major Creditor in Highly Litigious Individual Chapter 11 Case
Represented an out-of-state creditor with multi-million dollar claims against the chapter 11 Debtor, and against whom the Debtor asserted claims in excess of \$200 million. We joined with the creditors committee to propose and confirm a liquidating plan under which we obtained a comprehensive release of claims against our client, an injunction against the Debtor, and an allowed claim in favor of our client for \$3.2 million. After the plan was confirmed, we obtained two contempt orders against the Debtor. We prevailed on summary judgment to deny the Debtor his bankruptcy discharge and obtained a \$3.2 million judgment. All five of the Debtor's appeals were resolved by the District Court in our client's favor.
- Representative Matters
 - Bridgetown Trucking, Inc. v Acatech Solutions, Inc. 197 F.Supp.3d 1248 (D. Or. 2016)
 - Munson v. Gradient Resources, Inc., 2014 U.S. Dist. LEXIS 61186 (D. Or. April 29, 2014)
 - Bethesda Slavic Church v. AG Financial Services, Inc., 2012 U.S. Dist. LEXIS 50358 (W.D. Wash. April 12, 2012)
 - Church v. Onewest Bank FSB, 2011 U.S. Dist. LEXIS 63635 (D. Or. June 15, 2011)
 - In re Orchards Village Investments, LLC, 405 BR 341 (Bankr. D. Or. 2009)
 - Tort Claimants Committee v. Roman Catholic Archbishop of Portland in Oregon, dba Archdiocese of Portland, 345 BR 686 (Bankr. D. Or. 2006)
 - Tort Claimants Committee v. Roman Catholic Archbishop of Portland in Oregon, dba Archdiocese of Portland, 325 BR 342 (Bankr. D. Or. 2005)
 - Tort Claimants Committee v. Roman Catholic Archbishop of Portland in Oregon, dba Archdiocese of Portland, 325 BR 368 (Bankr. D. Or. 2005)
 - Stein v. Peter, 2002 U.S. Dist. LEXIS 27329 (D. Or. 2002)

- Stringer v. John Mitchell, Trustee, 261 BR 680 (Bankr. D. Or. 2001)
- Boulder Fruit Express, et al. v. John A. Mesing, et al., 1998 U.S. Dist. LEXIS 22887 (CD Cal 1998)

PUBLICATIONS

International Factoring Association Factoring Industry Legal Compendium for Factoring Industry

- Chapter on Oregon Law

Oregon State Bar Continuing Legal Education

- Running the Rapids
 - "Bankruptcy Issues for Insider Evildoers"
- Bankruptcy Law
 - "Bankruptcy Litigation," Co-author,
 - Supplement, Cumulative Supplement
- Foreclosing Security Interests
 - "A Primer Representing Secured Creditors in Bankruptcy Proceedings," Supplement,
 - Cumulative Supplement
- Debtor-Creditor Ethics (and More)
 - "Ethics of Negotiation"
- Family & Juvenile Law Section - Spring Conference
 - "Bankruptcy Code Changes Affecting Family Law"

Oregon Law Institute

- "The Secured Creditor in Bankruptcy," Co-author
- "Working with U.C.C. Article 9", Supplement

Oregon State Bar Debtor/Creditor Newsletter

- "Gilbert Sussman's Simple Truths," Co-author, (Reprinted in the *Commercial Law Bulletin*) Published by the Commercial Law League of America
- "Demoted by Probate" Lien article

Ohio Northern Law Review, 5 Ohio No. Law R 687

- "The Death Penalty and Guilty Pleas: Ohio Rule 11(c)(3)-A
- Constitutional Answer to a Capital Defendant's Dilemma"

Articles

- [What should I do now? Business and Planning Considerations During the Crisis](#)

SPEAKING ENGAGEMENTS

- Oregon State Bar 2021 - Let's Make a Deal: Asset Purchases in Bankruptcy, Strategies, Procedure, and Benefits
- Mackrell Webinar May 2020 - "The Hot Topic - Bankruptcy & Insolvency, the wave to come," Panel Member
Federal Bar Association 2020 February Lunch - Even when you win, you lose: Threatening bankruptcy as a means of settling civil litigation
- International Factoring Association - "Tips, Traps, and Opportunities for DIP Factoring in Chapter 11"
- Mackrell International 2018 Annual General Meeting - Legalization of Cannabis, Panel Member
National Diocesan Attorneys Association Annual Meeting
Chapter 11 Forum, New Orleans, LA
- Northwest Bankruptcy Institute - Seattle Washington
Oregon Association of Defense Council - Bankruptcy Tools for Non-Bankruptcy Litigators
Oregon State Bar Debtor-Creditor Section - Old Dogs and New Tricks - the Saga of Lender Liability Pratfalls
- The University of Toledo College of Law - The Catholic Archdiocese in Chapter 11: Causes, Controversies, and Legal Challenges
- U.S. District Court of Oregon Historical Society - Bankruptcy in the Cathedral

ORGANIZATIONS

Professional Organizations

- Oregon State Bar Association
 - Debtor/Creditor Section
 - Business Litigation Section
- Washington State Bar Association
- Multnomah County Bar Association
- American Bankruptcy Institute
- American Bar Association

Civic Organizations



- City of Lake Oswego Oregon Transportation Advisory Board ("TAB"), Member (2016).
 - TAB is an eight-member citizen advisory body appointed by the City Council for a three-year term to oversee the City's Neighborhood Traffic Management Program and to provide service concerning the City's Transportation System Plan.
- Lake Oswego Fire Department - Community Emergency Response Team (CERT)
- Multnomah Athletic Club
- Tualatin Country Club