

CURRICULUM VITAE - 2011
JAMES S. YODER
WHITE AND WILLIAMS LLP

I. CONTACT INFORMATION:

Firm: White and Williams LLP
Position: Partner
Office Location: 824 N. Market Street
Wilmington, DE 19081
Office Phone: 302.467.4524
Fax: 302.467.4554
Mobile Phone: 302.562.7678
E-mail: yoderj@whiteandwilliams.com

II. PRINCIPAL AREAS OF PRACTICE:

Practice Area #1: Creditors Rights
Practice Area #2: Commercial/Construction Litigation

In private practice since 1988, Jim Yoder most often represents clients in the Bankruptcy Court for the District of Delaware. In addition, Jim is licensed and, has an active regional practice, in Maryland, New Jersey and Pennsylvania, (New York bar application pending). Furthermore Jim represents many clients on a national basis, with current *Pro Hac Vice* Admissions to bankruptcy courts in California, Illinois, Michigan and New York. Also, several White and Williams LLP attorneys are members of the Florida bar or have been recently admitted *Pro Hac Vice*.

Jim represents secured/unsecured creditors and interested parties in a broad range of bankruptcy matters including: claim disputes, executory contract issues, lift stay motions, D&O claims, plan objections, adequate assurance disputes, administrative claims and prosecution/defense of avoidance actions.

The types of clients Jim represents include: municipal governments, community development districts, school districts, and utility companies. Jim represents, large and mid-sized domestic/multinational corporations in varied fields such as construction, aviation, insurance brokerage, commercial landlord/tenant, equipment leasing,

banking/venture capital investment and trade creditors of virtually all kinds. He represents insurers in asbestos mass tort bankruptcy cases and in other bankruptcy matters affecting policy rights. Jim defends former directors and officers of debtors against bankruptcy related claims.

Aside from his creditors rights practice, Jim has varied experience in litigation relating to commercial law, construction law, insurance coverage, professional liability and transportation law, primarily in state and federal courts in Delaware, Maryland, New Jersey and Pennsylvania.

Jim is a Mediator trained under the auspices of the Superior Court of Delaware and on the panel of approved Mediators/Arbitrators for the U.S. Bankruptcy Court for the District of Delaware.

Jim is AV rated by the Martindale-Hubbell peer review rating system.

III. RECENT REPRESENTATIVE MATTERS:

Jim has recently represented creditors and interested parties in large bankruptcy cases (or is doing so currently), including:

- Moved to Enforce terms of previously consummated § 363 Sale Agreement preserving a Florida Community Development District's (generally, "FL-CDD") secured and unsecured creditor status arising from True Up Agreement and Completion Agreement. (*In re Landsource Communities Development*).
- Assisted in preparation of FL-CDD's Proof of Claim in bankruptcy case pending in Southern District of Florida (*In re Mercedes Homes Inc.*).
- Objected to Debtor's Plan to adopt procedures for future residential real property sales to preserve lien rights of FL - Improvement District. (*In re WCI Communities*).
- Objected to proposed § 363 Sale Agreement of substantially all Debtor assets, so that FL-CDD's lien rights continue to run with the land. (*In re Magna Entertainment*).
- Objected to Debtor's First Day Motion to transfer title to residential real property free and clear of liens on behalf of FL - Improvement District (*In re WCI Communities*).
- Resolved a multimillion dollar Rejection Damages Claim on behalf of a utility company.
- Resolved adequate protection objections by multiple Utility Companies in several cases.
- Defended executives of debtor entities against D&O claims in multiple bankruptcy cases.
- Represented the interests of a former executive of a debtor in an involuntary bankruptcy case.
- Defended a mortgage brokerage company against a creditor trustee's claim for breach of a Loan Purchase and Sale Agreement.
- Prevailed in a lift/stay eviction matter on behalf of a commercial landlord.

- Prevailed in several commercial landlord adequate protection/administrative claims.
- Prevailed in a lift stay/administrative expense claims on behalf of a equipment lessors. Often represented same lessor in a subsequent related replevin actions in state court.
- Prevailed in an administrative expense claim against debtor airline company on behalf of refurbished aircraft component supplier.

Jim represents or has recently represented multiple defendants in preferential transfer/fraudulent conveyance avoidance actions related to the following Bankruptcy cases:

- *DBSI* – 11 clients
- *EXDS* – 8 clients
- *Factory 2 U* – 7 clients
- *Fleming Companies* – 8 clients
- *GenTek* – 6 clients
- *Hayes Lemmerz* – 35 clients
- *IT Group* – 45 clients
- *Linens Hold./LNT Serv.* – 11 clients
- *MDIP* – 15 clients
- *Oakwood Homes* 14 clients
- *Old Ladder* – 11 clients
- *SemGroup* – 8 clients
- *TWTR/Tweeter OPCO* – 8 clients
- *WCI Communities* – 7 clients

As to non-bankruptcy matters, Jim has recently:

- Defended a mortgage brokerage company against a secondary lender's claim for breach of a loan purchase and sale agreement.
- Defended a raceway facility from a premises liability claim by a motorsport race participant.
- Defended a steel fabrication/erection contractor in a complex construction claim.
- Defended a motor vehicle insurance coverage claim arising from the unauthorized use of an employer provided rental car.
- Defended a property condition assessment company from a professional responsibility claim by an anchor tenant of a strip mall shopping center.
- Defended a surety broker in a professional responsibility claim by a construction contractor.

- Provided insurance coverage opinions to insurers arising from construction defect claims against residential community/condominium developers.
- Instituted a replevin action against pleasure craft lessee in default on behalf of bank holding purchase money security interest.
- Defended an insurance coverage claim by an automobile dealer for catastrophic water damage sustained during a roof renovation project.

IV. PRIOR EMPLOYMENT:

Prior to joining White and Williams LLP, Jim was the Managing Director of the law firm of Tighe, Cottrell & Logan, P.A. in Wilmington, DE. He also served as a judicial law clerk to the Honorable George Farrell, III, Superior Court of New Jersey, Salem County.

Jim is a former adjunct faculty member at the University of Delaware Paralegal Certification Program.

V. PUBLICATIONS:

- Basic Bankruptcy: Law and Practice, Sections I-IV, Sterling Education Services, LLC, 2001
- Liquidation under Bankruptcy Code Chapter 7, Half Moon, LLC, 2001
- Cutting Edge Bankruptcy Issues, Sections IV-VI, Sterling Education Services, LLC, 2002
- Preferences and Fraudulent Conveyances, Sterling Education Services, LLC, 2005
- Collection Law from Start to Finish: Collecting the Judgment, National Business Institute, 2006
- Collection Law from Start to Finish: Bankruptcy Reform, National Business Institute, 2006
- Collection Law from Start to Finish: Avoiding Ethical Tangles in Collections, National Business Institute, 2006
- Inside the Minds: Understanding the Legal Issues Behind Executory Contracts in Bankruptcy, Aspatore Books, 2006
- Legal Ethics: Identifying and Avoiding Conflicts of Interest, National Business Institute, 2007
- How to Successfully Collect Judgments,- Bankruptcy Issues Affecting Collection Law, National Business Institute, 2007
- Preferential Transfer Avoidance Actions, White and Williams LLP, Financial Restructuring and Bankruptcy News Alert, 2010

VI. SPEAKING ENGAGEMENTS:

- Speaker and Panelist, Basic Bankruptcy: Law and Practice Sterling Education Services, LLC, 2001
- Speaker and Panelist, Bankruptcy for Paralegals, Half Moon, LLC, 2001

- Speaker and Panelist, Cutting Edge Bankruptcy Issues, Sterling Education Services, LLC, 2002
- Speaker and Panelist, Preferences and Fraudulent Conveyances, Sterling Education Services, LLC, 2005
- Speaker and Panelist, Collection Law from Start to Finish, National Business Institute, 2006
- Speaker and Panelist, Legal Ethics: National Business Institute, 2007

VII. EDUCATION:

- University of Delaware, BAAS, 1983
- Widener University School of Law, JD, 1986

VIII. BAR/COURT ADMISSIONS:

- Delaware, Federal District Court for the District of Delaware
- New Jersey, Federal District Court for the District of New Jersey
- Pennsylvania, Federal District Court for the Eastern District of Pennsylvania
- Maryland, Federal District Court for the District of Maryland
- Federal Third Circuit Court of Appeals

IX. MEMBERSHIPS:

- American Bar Association
- American Bankruptcy Institute
- Delaware State Bar Association
- Past Member of the Board of Trustees for Congregation Beth Emeth in Wilmington, DE.

X. HOURLY RATE

- \$415