



Kevin G. Hroblak

Office Managing Partner

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Kevin Hroblak is an accomplished trial lawyer with more than 25 years of experience advising clients on a broad array of business litigation and governance matters. He has represented companies, trustees, creditors, special committees, and directors and officers in connection with investigations and litigation involving director and officer liability claims, mismanagement and business fraud, government and corporate investigations, professional liability insurance claims, auditing and accounting malpractice, and other business-related litigation.

Kevin also represents companies, creditors, and trustees in financial restructurings, bankruptcy proceedings, and related litigation. He litigates and handles appeals in state and federal courts across the country.

Education

- Salisbury University (B.S., *magna cum laude*, 1995)
- University of Baltimore School of Law (J.D., *magna cum laude*, 1998)

Admissions

- District of Columbia
- United States District Court - District of Columbia
- Maryland
- United States District Court - District of Maryland
- New York
- Supreme Court of the United States
- United States Court of Appeals - Fourth Circuit
- United States Court of Appeals - Ninth Circuit
- United States Court of Appeals - Federal Circuit

Professional Affiliations

- Maryland State Bar Association

Services & Industries

- Advice to Directors & Officers
- Appellate
- Bankruptcy & Restructuring
- Bankruptcy Litigation
- Class Actions
- Commercial Litigation
- Corporate Reorganization & Workouts
- Distressed Investments
- Electronic Discovery (e-discovery)
- False Claims Act & Qui Tam Litigation
- Government Investigations, Compliance Issues & Litigation in Health Care
- Insurance Coverage & Recovery
- Litigation
- Official Committees of Unsecured Creditors
- Portfolio Company Operations
- Receiverships & Fiduciaries

- Maryland Bankruptcy Bar Association
- American Bar Association
- American Bankruptcy Institute
- National Association of Bankruptcy Trustees
- National Association of Corporate Directors
- American Bar Association Corporate Governance Task Force
- Judicial Clerk for Hon. Sally D. Adkins, Court of Special Appeals of Maryland (1998-1999)
- Trial Law Institute
- Diversity Law Institute

Awards & Honors

- *Chambers USA*, Bankruptcy/Restructuring, Maryland
- *Benchmark Litigation*, Maryland - Bankruptcy, Commercial, Professional Liability "Local Litigation Star"
- *The Best Lawyers in America*®, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, and Commercial Litigation
- Maryland *Super Lawyers*®, Business Litigation; Rising Stars
- Washington D.C. *Super Lawyers*®, Business Litigation
- AV Preeminent®: Martindale-Hubbell® Peer Review Ratings™
- The National Trial Lawyers, Top 100 Trial Lawyers
- Litigation Counsel of America Fellow

Key Matters

Selected Experience

Corporate Governance, Professional Liability, Trustee Representation, Bankruptcy Litigation, and Special Counsel Services

- Represented the Investigation Special Committee of a domestic energy company focusing on the exploration and production of oil and gas in an investigation of potential claims against directors, officers, and recipients in connection with a \$163 million share repurchase agreement. Representing the trust as assignee of claims against the former CFO.
- Representing a special purpose investment entity in the investigation and pursuit of claims in the Supreme Court for the State of New York, Commercial Division, against a co-investor and venture capital firm, as well as a venture capitalist, arising out of investment fraud scheme.
- Counsel to trusts established in bankruptcy cases of entities focused on the development and production of oil and gas reserves in investigation and pursuit of breach of fiduciary duty claims against former directors and officers of the debtors.
- Counsel to the trustee of assigned company claims of an apparel manufacturer in litigation asserting breaches of fiduciary duty against its former director and officer filed in Los Angeles.
- Counsel to a trustee of a liquidating trust, in the investigation and pursuit of claims against a former officer and directors of an international consulting firm for alleged breach of fiduciary duties. The bankruptcy case was filed in the United States Bankruptcy Court for the Southern District of New York, and the corporate governance lawsuit was filed in Virginia and settled for \$55 million.

- Litigation counsel to a Chapter 7 trustee in a Delaware liquidation of the second-largest national shoe and sporting apparel retailer with litigation of claims in Alabama against the debtors' former officers, directors, and independent accounting and auditing firm. The Wall Street Journal reported that the settlement with the directors "is believed to be among the largest out-of-pocket payments by outside directors following corporate fraud allegations."
- Counsel to the former founder, chief executive officer, and member of the Board of Directors in claims asserted by a Creditors Committee relating to alleged director and officer liability resulting from the operations of a blood laboratory that was investigated and pursued by the government for alleged false claims.
- Counsel to four directors and officers of engineering firm regarding allegations of breach of fiduciary duty and control over a private investment fund.
- Counsel to a trust established for a New York hospital and healthcare system and investigation and pursuit of director and officer liability and professional malpractice claims in New York.
- Counsel to the Unsecured Creditors Committee of an internet marketing technology company in an investigation and claims against directors and officers and noteholders.
- Special Litigation Counsel to the Chapter 7 trustee of a national furniture retailer in a breach of fiduciary duty case against the former chairman of the board relating to alleged loyalty breaches during a Chapter 11 bankruptcy case. Case settled favorably during the multi-week trial prior to the close of trustee's case.
- Counsel to directors from a private equity fund in a suit by a bankruptcy trustee alleging breach of fiduciary duties. Settled favorably for nuisance value.
- Litigation Counsel to a full-service medical center in its Chapter 9 bankruptcy case in Mississippi pursuing claims of officer liability, fraud, professional malpractice, and breach of contract liability claims against former officers and a hospital management company.
- Counsel to Unsecured Creditors Committee for an audio and video equipment manufacturer in an investigation and assertion of claims involving eight-figure fraudulent transfer arising from leveraged buy-out transaction.
- Special Litigation Counsel to a Chapter 11 trustee in several hundred million dollars of fraudulent conveyance and preference litigation arising from operation of mortgage company Ponzi scheme.
- Counsel to a bankruptcy liquidating trust created in the bankruptcy cases of the third-largest title insurance group and its affiliates, in the investigation and pursuit of professional liability claims. Confidential arbitration award entered after three-week trial before the International Institute for conflict Prevention and Resolution (CPR).
- Counsel to the Creditors Committee, Creditors Trustee, and Plan Administrator in liquidation of a national healthcare provider and its affiliates in Kentucky, and litigation involving Medicare false claims, accounting malpractice, director and officer liability, and a criminal and civil investigation by the United States arising from whistleblower claims in Kentucky and New York.
- Counsel to a community hospital in Mississippi in pursuing professional malpractice and breach of contract claims against a national hospital management company relating to the operations and management of the hospital. Significant award obtained in trial.
- Counsel to the liquidating trustee in an investigation and pursuit of claims against officers and members of an aluminum extrusion industrial company and its affiliates in New Jersey.
- Special Counsel to Litigation Trust as a result of an American footwear and apparel brand's reorganization in Delaware and investigated accounting and insider liability claims and prosecuted hundreds of preference and fraudulent transfer claims.
- Special Litigation Counsel to a Litigation Trust in a professional liability action against an accounting firm arising from an international airline's liquidation in New York and Delaware.
- Counsel to a Chapter 7 trustee of a furniture manufacturer and retailer in the investigation and prosecution of director and officer claims in Virginia. This matter was settled very favorably without the need of filing a complaint.
- Counsel to a litigation trustee in the liquidation of an airline industry service company, including professional malpractice, director and officer liability, and preference investigations and litigation.

- Special Litigation counsel to debtors in investigation of claims against insider officers and directors.

Business Litigation, Appellate Practice, and Alternative Dispute Resolution

- Counsel to numerous businesses and individuals in commercial and business contract, tort, and other disputes in various state and federal courts.
- Counsel to companies in criminal indictment by the United States and related government investigations.
- Counsel to a casino owner in a tax dispute.
- Counsel to a senior living facility in defense of a class action brought by resident class.
- Counsel to a national senior living community non-profit in addressing a contract dispute and negotiations.
- Counsel to trusts owning significant coal reserves in West Virginia in breach of lease case against a U.S.-based coal mining company and its affiliate.
- Counsel to investment entity in pursuit of fraud and other claims involving venture capital fund partner's misconduct in connection with investments.
- Counsel to a partner in a nursing home investment venture involving numerous nursing homes, assisted living facilities, and management companies in litigation against other partner.
- Handled appeals in several state courts, federal district courts, the United States Court of Appeals for the Fourth Circuit, the United States District Court for the Ninth Circuit, and the United States Supreme Court.
- Participated in numerous mediations and arbitrations involving business litigation and professional liability matters.

Healthcare

- Counsel to a hospital in claims involving over staffing, physician contracts, revenue cycle management, and other stark and compliance matters.
- Counsel to former CEO, director, and founder of a blood laboratory in claims involving allegations of anti-kickback claims, lack of medical necessity, and false claims.
- Counsel to a full-service hospital and medical center in claims involving over staffing, revenue cycle management, compliance with state and federal healthcare laws, including stark, and hospital accounting irregularities.
- Counsel to national retirement and senior care facilities in governance and risk management representation.
- Counsel to successor to a home health medical care provider in negotiation of criminal and civil resolutions with the Department of Justice involving over billing, lack of medical necessity, and improper coding claims.
- Counsel to a hospital and medical center against management and professionals for mismanagement.

Business Reorganizations, Including Bankruptcy, Creditors' Committee Representation, Chapter 11 Reorganization, Creditors' Rights and Loan Workouts

- Representing a domestic energy company and its affiliates in their Chapter 11 restructuring in the United States Bankruptcy Court for the District of Delaware. The company is one of the largest oil producers in Colorado, focusing on the acquisition, development, and production of oil, natural gas, and natural gas liquids reserves in the Rocky Mountain region, and listed approximately \$1.7 billion of funded debt obligations at the time of filing. In connection with the restructuring, we handled litigation involving the rejection of midstream service agreements and purported covenants running with the land. The company's plan of reorganization contemplates the equitization of approximately \$1.1 billion in unsecured notes and a \$125 million debtor-in-possession financing facility, which includes \$50 million in new funding.
- Representing a private equity fund in the purchase of receivership assets.
- Debtors' Reorganization Counsel for the then world's largest publicly-traded timeshare resort company with over \$1 billion in assets.

- Counsel to Creditors' Committee in Chapter 11 case and subsequently counsel to Chapter 7 Trustee in bankruptcy of a multi-location video rental franchisee.
- Debtors' co-counsel in Chapter 11 reorganization case of a multi-billion-dollar energy company that focused on power generation and natural gas transmission in North America.
- Representation of landlord in various retail bankruptcy cases.
- Out-of-court workouts of multi-location commercial construction equipment rental and sales company, telemarketing company and communications company.
- Counsel to Chapter 7 trustee in a case involving the investigation of fraud and Ponzi scheme claims and liquidation of estates of stock brokerage firm and its principal.
- Counsel to the Chapter 7 trustee of a Maryland-based business credit investment institution in, among other things, an investigation of potential claims against officers and business fraud.
- Counsel to creditors and defendants in claims brought by the trustee for Bernard Madoff.

Investigations

- Represented the independent directors of a telecommunications company in the investigation of tax fraud and embezzlement alleged against the CEO and chairman.
- Counseled the former founder, Chief Executive Officer, and member of the Board of Directors who was the target of several corporate and governmental investigations alleging director and officer liability and Medicare fraud resulting from the operations of a blood lab.
- Counsel to trustee in the investigation of a Ponzi scheme arising from the sale of private bonds.
- Represented the company in a forensic investigation of the Chief Financial Officer relating to accounting irregularities in financial records.
- Counsel in an investigation into a several hundred-million-dollar Ponzi scheme arising from the operation of mortgage company.
- Counsel to a special purpose investment vehicle in the investigation of a co-investor and its then partner for fraud and other misconduct.
- Represented the company interests in an investigation of the former advisors and officers involving qui tam whistleblower complaints alleging Medicare fraud.
- Represented a company in the investigation of then-president and chairperson of the Board arising from allegations of fraud and breach of fiduciary duty.
- Counsel to the Special Committee of independent directors in the investigation of directors and officers relating to a share repurchase program conducted by the publicly traded company.
- Counsel in the investigation and negotiation of an eight-figure fraudulent transfer action arising out of a leveraged buy-out transaction.
- Investigated an international auditing firm, along with certain officers, shareholders, and directors of a public company with respect to accounting irregularities, fraud, and breach of fiduciary duty.
- Represented a regional hospital in investigation of the Chief Executive Officer and Chief Financial Officer for fraud and breach of fiduciary duty.

Thought Leadership

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