

Paul D. Moak

Partner

Paul Moak focuses his practice on corporate–restructuring matters and complex–commercial litigation, typically arising in commercial–bankruptcy cases. In his practice, Paul represents debtors, secured lenders, creditor committees and equity committees in bankruptcy matters. In addition to handling core bankruptcy matters, he handles a wide variety of post–confirmation litigation matters on behalf of reorganized debtors and litigation trustees, including claims to recover fraudulent conveyances and preferential transfers, claims against officers and directors for breach of fiduciary duties, claims involving auditor liability, and claims for recharacterization and equitable subordination. Paul’s practice also includes representing companies and individuals in defense of bankruptcy–litigation claims.

He has handled bankruptcy cases and related litigation across several industries, including oil and gas, healthcare, mortgage lending and servicing, commercial real estate, aviation, chemical manufacturing and many more.

Paul represents clients in a broad range of commercial litigation matters outside the bankruptcy setting as well, including cases involving contract disputes, fraud, breach of fiduciary duty and disputes between shareholders or owners of closely held companies. With his deep experience representing commercial plaintiffs on a contingency fee basis, Paul understands the importance of evaluating the strengths and weaknesses of a case early on, exploring every alternative to resolve the dispute before entering litigation and giving clients a candid assessment of their likelihood of success at trial.

Representative Experience

- *In re CiCi’s Holdings, Inc.* Represented the owner, operator and franchisor of restaurants with approx. 318



Paul D. Moak

1300 Post Oak Blvd.
Suite 2000
Houston, TX 77056
pmoak@grayreed.com

D: 713.986.7127

T: 713.986.7000

F: 713.986.7100

Practices

Corporate Restructuring &
Bankruptcy

Education

J.D., *magna cum laude*,
University of Houston Law
Center, Order of the Coif;
Houston Law Review (Notes and
Comments Editor) (1995)
B.B.A., *summa cum laude*,
University of Houston, Honors
College Graduate (1992)

Bar Admissions

Texas

Court Admissions

United States District Court,
Southern District of Texas
United States District Court,
Northern District of Texas
United States District Court,
Western District of Texas

locations across 26 states in its bankruptcy proceedings.

- *In re Marshall Broadcasting Group, Inc.* Represented owner and operator of numerous TV stations in its bankruptcy proceedings.
- *In re Southern Foods Group.* Represented DIP Agent in bankruptcy proceedings of Dean Foods and affiliated dairy companies.
- *SH130 Concession Company v. Zachry Construction Corp., et al.* Represented Zachry in defense of fraudulent-transfer and breach-of-fiduciary-duty claims asserted by litigation trust seeking in excess of \$300 million.
- Represented creditor owed in excess of \$1 billion in litigation related to the bankruptcy of Taylor, Bean & Whitaker Mortgage Corp., the largest independent mortgage lender in the United States prior to its bankruptcy.
- *Freddie Mac v. Deloitte.* Represented Freddie Mac in litigation against Deloitte & Touche, asserting \$1.75 billion in damages arising from auditor-liability and negligent-misrepresentation claims.
- *Compton v. Burton.* Represented the liquidating trustee for Buccaneer Energy in claims exceeding \$100 million against former officers and directors for breach of their fiduciary duty.
- *In re Ocala Funding LLC.* Represented Freddie Mac in defense of the debtor's alleged \$800 million fraudulent transfer claim.
- *In re Stearns Lending.* Represented Freddie Mac in bankruptcy proceedings of a mortgage seller-servicer.
- *In re Residential Capital/GMAC.* Represented a large creditor in the ResCap/GMAC bankruptcy proceedings,

including with respect to the debtors' transfer of its loan servicing platform.

- *In re Sherwin Alumina*. Represented Alcoa and Reynolds Metals in bankruptcy of alumina manufacturer and in defense of claims asserted by the debtor relating to environmental obligations at Sherwin's Corpus Christi facility.
- *In re Mirant Energy (MCAR v. Southern Company)*. Represented the post-confirmation litigation trust for Mirant Energy in its \$2 billion lawsuit against the Southern Company for claims arising from Southern's spin-off of Mirant.
- *Pitcher v. Crocker Ventures*. Represented former CEO in litigation against company he founded and its equity sponsor.
- *In re BearingPoint LLC*. Represented BearingPoint's liquidating trustee in post-confirmation litigation matters, including claims against the company's former officers and directors for breach of fiduciary duties, as well as numerous claims against other parties for the recovery of fraudulent and preferential transfers.
- *In re Deep Marine*. Represented creditors' committee in bankruptcy proceedings of the operator of vessels and remotely-operated subsea vehicles used to service offshore oil and gas drilling.
- *In re Seven Seas Petroleum*. Represented the bankruptcy trustee for Seven Seas Petroleum in various litigation matters on behalf of the bankruptcy estate, including claims against the company's former officers and directors for breach of their fiduciary duties.
- *In re Paragon Brands*. Represented the equity committee in bankruptcy of diaper manufacturer, including the assertion of Paragon's claims against its former parent, Weyerhaeuser, arising from Weyerhaeuser's spin-off of

Paragon.

- *In re Drypers Corp.* Represented creditors' committee in bankruptcy of diaper manufacturer.
- *In re Storm Cat Energy.* Represented the prepetition secured lender and debtor-in-possession lender in bankruptcy of gas exploration and production companies.
- *In re Forcenergy.* Represented debtor oil and gas production company.
- *In re Crown Pacific.* Represented debtor timber company.
- *In re TXCO Resources.* Represented prepetition secured lenders and debtor-in-possession lenders in bankruptcy of oil and gas exploration and production companies.
- *In re Sterling Chemicals, Inc.* Served as co-counsel for chemical company debtors.
- *In re Kitty Hawk.* Represented bank group in bankruptcy of domestic air cargo company.

Press Releases

- "Two Corporate Restructuring & Bankruptcy Partners Recognized by Lawdragon," (August 14, 2020)
- "Gray Reed Recognized in the Chambers USA 2020 Legal Directory," (April 27, 2020)

Honors

- Recognized as a leading bankruptcy/restructuring lawyer in Texas by *Chambers & Partners USA*
- Selected by his peers for inclusion in Woodward/White, Inc.'s *The Best Lawyers in America* in the fields of Bankruptcy and Creditor Debtor Rights/Insolvency and

Reorganization Law (2019 – 2021)

- Recognized among *Lawdragon's* 500 Leading Plaintiff Financial Lawyers (2019) and 500 Leading U.S. Bankruptcy & Restructuring Lawyers (2020)
- Named a *Houstonia Magazine* Top Lawyer in Houston (2020)

Organizational Involvement

- State Bar of Texas
- University of Houston Law Foundation Board of Directors
- University of Houston Law Review Board of Directors