

## Matthew D. Lee

### Partner

[mdlee@foley.com](mailto:mdlee@foley.com)

Madison

608.258.4203



Matthew D. Lee is an experienced bankruptcy, restructuring, and real estate and business litigation attorney. He is a partner and a member of the firm's Bankruptcy & Business Reorganizations and Business Litigation & Dispute Resolution Practices. Matt is based in the firm's Madison, Wisconsin office and has practice experience nationwide.

Matt represents Chapter 11 debtors, secured and unsecured creditors, official committees of unsecured creditors, chapter 7 trustees and other estate fiduciaries, and defendants in avoidance actions. In addition to his bankruptcy experience, Matt counsels clients in out-of-court restructurings, workouts, assignments for the benefits of creditors including those filed under Chapter 128 of the Wisconsin Statutes, and other insolvency matters.

His real estate litigation practice encompasses eminent domain proceedings, land use and zoning disputes, foreclosure litigation, lease disputes and eviction actions, and other disputes involving real property interests. His business litigation practice encompasses, among other areas, construction disputes, and commercial contract disputes. He also counsels his clients before a dispute or insolvency arises on the issues of litigation avoidance, loss mitigation, and risk management.

## Representative Experience

### Representative Bankruptcy Experience

- Represented a Madison-based developer and distributor of dietary supplements in its chapter 11 bankruptcy case in the U.S. Bankruptcy Court for the Western District of Wisconsin, achieving the successful reorganization of the debtor
- Represented chapter 11 debtors in the U.S. Bankruptcy Courts for the District of Delaware and the Central District of California

- Represented the official committee of unsecured creditors of a manufacturer of powersports apparel and aftermarket parts and its affiliates in the U.S. Bankruptcy Court for the District of Delaware
- Represented the official committee of unsecured creditors of a Kentucky-based coal company and its affiliates in the U.S. Bankruptcy Court for the Eastern District of Kentucky
- Represented the official committee of unsecured creditors of a Kentucky and West Virginia-based coal company in the U.S. Bankruptcy Court for the Eastern District of Kentucky
- Represented the official committee of unsecured creditors of an Ohio and West Virginia-based coal company in the U.S. Bankruptcy Court for the Southern District of Ohio
- Represented the first priority secured lender of a chapter 13 debtor in an adversary proceeding to cram down the secured lender's lien in the U.S. Bankruptcy Court for the Western District of Wisconsin, winning a judgment in favor of the lender following a trial
- Represented a nationwide restaurant franchisor in the chapter 11 cases of two of its franchisees in the U.S. Bankruptcy Court for the Western District of Wisconsin

### **Representative Litigation Experience**

- Represented a Madison-area home products manufacturer against breach of contract and private nuisance claims, securing a judgment following trial and an award of attorneys' fees under the fee-shifting provision in the parties' contract
- Represented condemnors and landowners in eminent domain matters, both in pre-condemnation negotiations and in condemnation appeals
- Represented the owner and operator of a Southeastern Wisconsin dairy farm in a breach of contract and negligence case
- Represented a Wisconsin-based manufacturer in a nationwide class action, defeating class certification and obtaining dismissal of the case on the merits
- Represented secured creditors in complicated commercial foreclosure and Article 9 proceedings

### **Awards and Recognition**

- Named an "Up & Coming Lawyer" by the Wisconsin *Law Journal* (2012)
- Selected for inclusion in *Wisconsin Super Lawyers – Rising Stars®* lists in the areas of bankruptcy & creditor/debtor rights and business litigation (2009, 2010, 2014 to 2016)

### **Affiliations**

- American Bankruptcy Institute
- Turnaround Management Association
- Bankruptcy, Insolvency, and Creditors' Rights section of the State Bar of Wisconsin

### **Presentations and Publications**

Matt has presented on bankruptcy-related topics, including the standards for discharging equitable claims, successor liability principles, preference litigation strategies, and the treatment of non-compete agreements

under the Bankruptcy Code. His publications include:

- Author, “Not The Pro Bono You’re Looking For,” *Bankruptcy Law360*, December 22, 2015
- Co-author, “US v. Apex Oil: Will High Court Revisit Ohio v. Kovacs?” *Bankruptcy Law360*, June 30, 2010
- Co-author, “Dealing with Insolvent and Bankrupt Distributors,” chapter 7, *Product Distribution Law Guide*, updated annually
- Co-author, “Condemnation,” chapter 19, *Wisconsin Law of Damages*, updated annually
- Co-author, *The Law of Eminent Domain: Condemnation*, chapter on Wisconsin law, published by the American Bar Association, updated periodically
- Co-author, “Third Circuit Expands Insider Exposure,” *American Bankruptcy Institute Journal*, April 2009

## Sectors

- [Manufacturing](#)
- [Sustainability & Product Stewardship](#)

## Practice Areas

- [Bankruptcy & Business Reorganizations](#)
- [Business Litigation & Dispute Resolution](#)
- [Creditor Committee Representation](#)
- [Financial Institutions](#)
- [Litigation](#)

## Education

- University of Alabama School of Law (J.D., magna cum laude, 2006)
  - Lead Articles Editor, *Journal of the Legal Profession*
- University of Notre Dame (B.S., magna cum laude, 2002)

## Admissions

- Wisconsin
- U.S. District Court for the Western and Eastern Districts of Wisconsin
- Seventh Circuit Court of Appeals
- Member of the State Bar of Wisconsin and the Seventh Circuit Bar Association