

John T. Richer

Shareholder

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John Richer is a seasoned business lawyer who has provided advice and counsel to clients in litigation matters for nearly 25 years in state and federal courts and in arbitrations, mediations and informal dispute resolution throughout the United States.

John's practice is focused on commercial and business litigation, including bet the company matters and class action defense. His expertise specifically includes representing business entities and individuals in high stakes antitrust and securities litigation matters, breach of contract, warranty and defective goods litigation, residential and commercial construction disputes and collection matters, and wrongful mortgage foreclosure and lender liability defense. John is also a go-to lawyer in business divorce matters and separation disputes in closely held entities and partnerships and in fiduciary litigation, disputes involving the theft of company trade secrets, breach of non-solicitation contracts by former employees and breach of non-compete clauses in transactions involving the sale of a company's goodwill.

John is likewise a skilled bankruptcy and creditor rights lawyer, having represented clients in chapter 7, 11 and 13 cases in prosecution of their creditor claims, in defense when they are sued by bankruptcy trustees under preference and fraudulent transfer law and in protection of their lien, setoff, recoupment and executory contract rights.

Finally, but no less significantly, John represents numerous automobile dealerships and ownership groups throughout Oklahoma as outside general counsel in providing advice, assisting in compliance matters and in litigation matters involving customers, vendors and lenders.

John's representative experience includes:

- Lead counsel in business divorce litigation resulting in a settlement in excess of $36,000,000 for the interest of a minority member in rural telephone and broadband company who was squeezed out by the

majority members.

- Lead counsel for nationally known frac sand mining contractor in dispute with counterparty in breach of contract and fraud litigation involving alleged damages in excess of $15,000,000 resulting in walk-away settlement and take nothing judgment in favor of client.
- Lead counsel in a business divorce matter involving claims for breach of fiduciary duty, misappropriation of trade secrets and embezzlement resulting in a $1,000,000 judgment in favor of our client plus its costs and attorney's fees incurred.
- Counsel for a Fortune 500 company in pursuit of claims against a Fortune Global 100 company for breach of a gas processing agreement. Our client recovered judgment against the defendant on liability resulting in payment to our client in the amount of $20,000,000.
- Obtained an order compelling arbitration in an action against an automobile dealer under the Oklahoma Consumer Protection Act. *See Patterson v. Don Thornton Cadillace Inc.*, 831 F. Supp.3d 1266 (N.D. Okla.2025).
- Representation of contractor in subcontractor lien dispute resulting in published opinion clarifying the scope of "flow-down" provisions and lien waivers in construction contracts. *See H2K Technologies, Inc. v. WSP USA, Inc., 2021 OK 59, 503 P.3d 1177.*
- Representation of a publicly traded energy client in rate disputes involving fees charged to carriers transporting natural gas liquids on interstate pipelines.
- Co-counsel in adversary case in defense of chapter 11 debtor's attempt to reject midstream energy client's significant gathering and processing agreements in Wyoming.
- Served as lead counsel for several oil and gas companies in defeating claims brought by a Texas County seeking millions of dollars in damages based upon alleged damage to roads. *See In re Wood Group PSN Inc* ., 2018 WL 4760039 (Tex. App. – San Antonio Oct. 3, 2018).
- Served successfully as co-lead counsel in bankruptcy litigation involving the debtor's post-chapter 11 liquidating trustee's objection to the client's $108,000,000 proof of claim based upon the debtor's rejection of the client's gas processing agreement under 11 U.S.C. § 365 of the Bankruptcy Code.
- Obtained a $2.59 million award of actual and punitive damages in bench trial on behalf of client who sued to enforce covenants not to compete and to solicit in the sale of goodwill of business.
- Obtained a $1.7 million jury verdict for a local bank in a commercial loan lender fraud and bad faith case.
- Obtained summary judgment for $1.37 million against Texas manufacturer of frac sand and barite for use in hydraulic fracturing operations on breach of contract claim. *See Muskie Proppant, LLC v. Bella Logistics, LLC*, Case No. 16-CV-580 (W.D. Tex. Dec. 6, 2016).
- Obtained a permanent injunction against one of the largest wholesale nurseries in the United States for violating covenants not to compete and not to solicit in the $160 million sale of a business and its goodwill which was upheld on appeal by the Oklahoma Supreme Court and which established new precedent on the validity, scope and extent of covenants not to compete and solicit in sale of goodwill. *See Berry and Berry Acquisitions v. BFN Operations, LLC*, 2018 OK 27, 416 P.3d 1061.
- Represented nursing home in prosecuting motion to compel arbitration of plaintiff's negligence claims, obtaining reversal of trial court's denial of motion in the Oklahoma Court of Civil Appeals, resulting in published opinion clarifying the scope and extent of arbitration provisions in nursing home agreements.

See Weaver v. Doe, 2016 OK CIV APP 30, 371 P.3d 1170.

- Successfully defended a state agency in the United States Supreme Court in a water rights case. *See Wagoner County Rural Water District No. 2 v. Grand River Dam Authority*, 562 U.S. 1200, 131 S.Ct. 1045 (2011).
- Obtained summary judgment for $1.4 million on open account and breach of contract claims litigation against one of the largest private retail nurseries in Oklahoma.
- Obtained a favorable ruling clarifying the scope and effect of an arbitration clause in a commercial sales contract. *See Saint Francis Home Medical Equip., LLC v. Sunrise Medical HHG, Inc.*, 2009 WL 2461327 (N.D. Okla. Aug. 10, 2009).
- Successfully defended against tortious interference and fraud claims involving contracts worth millions of dollars to a national gaming machine manufacturer.
- Successfully obtained the appointment of receivers in numerous collection matters involving collateralized assets with a combined value of more than $40 million.
- Recovered over $7 million in real and personal property assets for the federal receiver of numerous failed banks in Oklahoma. *See FDIC v. Arbuckle Adventures, LLC*, 2013 WL 5329925 (E.D. Okla. Sept. 23, 2013); *FDIC v. Garrett*, 2012 WL 5845233 (E.D. Okla. Nov. 19, 2013); *Southern Rock, Inc., v. Summers, et. al.*, 2012 WL 5896564 (E.D. Okla. Nov. 21, 2012).
- Obtained summary judgment on behalf of a solid waste recycling company in a negligence lawsuit involving millions of dollars in claimed damages. *See Lamb v. The Scotts Miracle-Gro Co.*, 2007 WL 1959288 (E.D. Okla. July 2, 2007).
- Argued or briefed appeals in the United States Supreme Court and the U.S. Courts of Appeals for the Fifth and Tenth Circuits and most Oklahoma courts of appeals. Notable opinions in appeals handled by Mr. Richer include: *Wagoner County Rural Water Dist. No. 2 v. Grand River Dam Auth.*, 577 F.3d 1255 (10th Cir. 2009); W*agoner County Rural Water Dist. No. 2 v. Grand River Dam Auth.*, 241 P.3d 1132 (Okla. Civ. App. 2010); *Ardese v. DCT, Inc., 280 Fed. Appx. 691* (10th Cir. May 29, 2008).
- Obtained a published opinion in a bankruptcy trustee avoidance lawsuit involving the interpretation of Oklahoma recording statutes. *See In re Harrison*, 503 B.R. 835 (Bankr. N.D. Okla. 2013).

John has an AV Preeminent peer review rating through Martindale-Hubbell, having been recognized by both the bench and the bar for practicing law with the highest level of ethical standards and competence.

John is a public speaker on bankruptcy, foreclosure and collection issues and serves on the Board of Directors and Finance Committee for Meals on Wheels of Metro Tulsa, a not-for-profit dedicated to providing nutritious meals, wellness checks and caring conduct for Tulsa's elderly population.

Practices

Banking & Financial Services

Bankruptcy, Restructuring & Creditor's Rights

- Commercial Collection
- Creditor, Debtor, Trustee, and Committee Representation

- Defense of Preference and Fraudulent Transfer Claims
- Distressed Business Planning
- Foreclosure
- Fraud and Forensic Financial Investigation
- Receivership
- Restructuring, Turnarounds and Debt Workouts

Litigation

- Alternative Dispute Resolution (ADR)
- Antitrust
- Appellate
- Class Action Defense
- Complex Commercial Issues
- Construction
- Securities Regulation & Compliance

Real Estate

- Homeowner / Condominium Associations

Education

- University of Kansas School of Law (J.D., 2002)
- University of Tulsa (B.A. in History and International Studies, *cum laude*, 1995)

Admissions

- Oklahoma (2002)
- Texas (2009)
- United States Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the Northern District of Oklahoma
- U.S. District Court for the Western District of Oklahoma
- U.S. District Court for the Eastern District of Oklahoma
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Eastern District of Arkansas
- U.S. District Court for the Western District of Arkansas

Experience

- 2002 - Present Hall Estill
- 2001 - 2002 Law Clerk to the Honorable James A. Pusateri, Chief Judge, United States Bankruptcy Court for the District of Kansas

Honors & Awards

- Recognized by Best Lawyers in America in Bankruptcy & Creditor-Debtor Rights/Insolvency & Reorganization Law, Litigation-Bankruptcy
- Recognized as a Rising Star in Oklahoma by Super Lawyers in Civil Litigation Defense
- Recognized as a Super Lawyer in Oklahoma in Civil Litigation Defense
- Recognized as a Local Litigation Star by Benchmark Litigation

Community & Professional Involvement

- Member, Board of Directors and Finance Committee, Meals on Wheels of Metro Tulsa
- Former President, Board of Directors and Executive Committee Member, Community Service Council (CSC) of Tulsa (2008-2022)
- Member, Leadership Tulsa, Class 46
- Volunteer, University of Tulsa College of Law Board of Advocates
- Member, Federalist Society
- Oklahoma Bar Association
- Texas Bar Association
- American Bankruptcy Institute

Articles & Presentations

- Speaker, National Business Institute, "Foreclosure - How Bankruptcy Changes the Landscape." - August 2014
- Speaker, National Business Institute, "Bankruptcy Litigation Procedure and Nuances." November 2012
- Speaker, National Business Institute, "Dischargeability Actions." November 2012
- Speaker: National Business Institute, "Consumer Bankruptcy: The Basics of Chapter 7 and 13." - March 2010
- Author: "Comment, When Controlling Shareholders Squeeze Out Minority Shareholders by Reverse Stock Split in Close Corporations - A Proposal For Kansas Courts," 50 U. Kan. L. Rev. 545 (2002).