



# HALL ESTILL

ATTORNEYS AT LAW

John T. Richer

## Shareholder

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John Richer is an experienced and accomplished business lawyer who has successfully represented clients in numerous litigation matters in state and federal courts throughout Oklahoma and the United States, as well as in arbitrations, mediations and in informal dispute resolution.

John's experience includes almost every kind of commercial and business litigation with emphasis on bankruptcy, including the rights of creditors in chapter 7 and 11 cases, prosecution of creditor claims filed in the bankruptcy case, defense of avoidance actions under preference and fraudulent transfer law and protection of lien, setoff and recoupment rights and executory contracts subject to rejection or assumption.

In addition, John also has extensive experience and expertise litigating commercial disputes involving defective goods, breach of contract and warranty claims under the Uniform Commercial Code, construction disputes involving oil and gas and mechanic's and materialman's liens, and litigating business disputes in closely held businesses and partnerships. No less significantly, John has an expansive practice focused on consumer protection law involving the Telephone Consumer Protection Act (TCPA), the Fair Debt Collection Practices Act (FDCPA), the Fair Credit Reporting Act (FCRA), the Truth-in-Lending Act (TILA), the Real Estate Settlement Procedures Act (RESPA) and other consumer protection and lender liability laws, as well as representing clients in compliance and litigation matters and class action lawsuits filed by consumers against Hall Estill clients under these laws. Finally, John has developed an appellate practice involving all areas of the law, having successfully prosecuted and defended appeals on behalf of Hall Estill clients in both federal and state courts at the highest level, resulting in several published opinions that have created new legal precedents.

John's representative experience includes:

- 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.

- 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).
- Achieved countless favorable settlements and dismissals for corporate clients sued by bankruptcy trustees for preferential and fraudulent transfers.
- 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); *Wagoner County Rural Water Dist. No. 2 v. Grand River Dam Auth.*, 241 P.3d 1132 (Okla. Civ. App. 2010); *Artese 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 frequent speaker regarding bankruptcy, foreclosure and collection issues, and devotes time to assisting individuals in need of chapter 7 bankruptcy matters on a pro bono basis through Hall Estill's partnership with Legal Aid Services of Oklahoma. In his free time, John is actively involved with family and church and serves on the Resource Board of the Community Service Council of Tulsa, a not-for-profit dedicated to improving the lives of Tulsa citizens.