



Partner

Kevin W. Barrett

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Kevin Barrett concentrates his practice in Chapter 11 reorganizations and bankruptcies. Having earned his stripes in the bankruptcy groups of large New York law firms, Kevin has more than 20 years of deep and varied experience with reorganizations and bankruptcies.

He has represented debtors, both large and small, in a wide variety of industries, including coal, automotive, retail, and healthcare. Kevin has also represented banks and other financial institutions in negotiating workouts, providing debtor in possession financing, and navigating bankruptcy and other insolvency cases in a wide variety of industries including coal, oil and gas, home building, hotel, and airport services. He has represented asset purchasers in bankruptcy cases in industries as diverse as energy and restaurants. He has represented creditors' committees and unsecured creditors, stockholders, lessors, regulatory agencies, and virtually every other type of interested party in bankruptcy cases. And Kevin has represented both plaintiffs and defendants in bankruptcy- and insolvency-related litigation, including fraudulent transfer, lender liability, and receivership actions.

Of particular note, Kevin has overseen the firm's ground-breaking representation of the West Virginia Department of Environmental Protection and various other state agencies in the recent wave of Chapter 11 cases in the coal industry and other industries. He also represented the Trustee of the Yellowstone Club Liquidating Trust in seeking to collect more than \$520 million in unpaid judgments against former billionaire.

Due to the high-profile nature of his cases, major news outlets including the *New York Times*, *Wall Street Journal*, *Los Angeles Times*, and *Forbes*, regularly cover Kevin's matters.

Clerkships

Law Clerk Intern, Hon. Roy G. Harper, US District Court for the Eastern District of Missouri (1985)

Government Service / Previous Employment

Business and Government Affairs Associate, Anheuser-Busch, Inc.

Teacher, Rye City School District, Rye, New York

Teacher, New York City Board of Education, New York, New York

Practice Areas

Banking & Financial Services

Bankruptcy & Business Reorganization

Business & Finance

Cannabis Law

Commercial Litigation

Energy - Mining

Energy - Oil & Gas

Environmental

Education

J.D., Washington University School of Law, 1987, *cum laude*, W.L. Hadley Griffin Scholar, Managing Editor, *Washington University Law Quarterly*, Award for Best Student Note

M.B.A., Washington University Olin Business School, 1986, Beta Gamma Sigma, William S. Krebs Accounting Award

B.A., University of Colorado, 1982

Admissions

New York

West Virginia

US Court of Appeals for the Second Circuit

US Court of Appeals for the Sixth Circuit

US Court of Appeals for the Ninth Circuit

US District Court, Eastern District of New York

US District Court, Northern District of New York
US District Court, Southern District of New York
US District Court, Eastern District of Michigan
US District Court, Northern District of West Virginia
US District Court, Southern District of West Virginia

Case Studies

Yellowstone Club Liquidating Trust v. Blixseth

Representative Matters

- Represented the State of West Virginia in all the major coal company bankruptcy cases throughout the country since 2012, including *Patriot Coal* and *Alpha Natural Resources* that resulted in nearly \$400 million in funding for environmental reclamation in West Virginia
- Represented the Liquidating Trustee of the Yellowstone Mountain Club in the District of Montana and throughout the country in obtaining and enforcing \$520 million in judgments, including a \$386 million fraudulent transfer judgment, against the club's founder and others
- Represented the debtors in the Chapter 11 bankruptcy cases of Texaco, MCorp, Best Products, Primary Health Systems, F&N Construction, and Royal Automotive
- Represented Riverstone Credit Partners in the *Blackjewel* Chapter 11 case in the Southern District of West Virginia
- Represented the banks and bank groups in the *Federated Department Stores*, *NVR/Ryan Homes*, and *Pandick Press* bankruptcy cases
- Represent the Creditors Committee in the *Timberline Four Seasons Resort* Chapter 11 cases in the Eastern District of Pennsylvania
- Represented Premier Bank in the *Emerald Grande* and *Corwin Place* bankruptcy cases in the Northern District of West Virginia
- Represented the West Virginia Department of Environmental Protection in the out-of-court restructurings of Alpha Natural Resources and Contura Energy
- Represent the West Virginia State Tax Department in defending against \$5 million refund claims arising out of the *Patriot Coal* bankruptcy cases in the Eastern Districts of Missouri and Virginia
- Represented Royal Automotive Company in its successful sale of its dealership on the forty-third day of its Chapter 11 cases
- Represented the equity holders in the *Revco* Chapter 11 case

- Represented the Cline Group in its acquisition of assets out of the *Enron* bankruptcy case in the Southern District of New York
- Represented the West Virginia Department of Environmental Protection in the *Freedom Industries* bankruptcy case in the Southern District of West Virginia
- Represented the West Virginia Offices of the Insurance Commissioner in the *WP Steel* and *Patriot Coal* bankruptcy cases
- Represented the West Virginia State Tax Department in ground-breaking litigation to recover sales taxes from two money center banks
- Represented the liquidating trustee of *Refco* in litigation against a major New York law firm
- Defended two major hedge funds in an arbitration with Bank of America arising out of a debt restructuring of a major home builder

News & Insights

Bailey Glasser Lawyers Named to 2021 Best Lawyers
08.20.2020

Bailey Glasser Files Motion to Dismiss Suit Challenging West Virginia's Bonding System
08.14.2020

WVDEP Files Lawsuit Against and Obtains Special Receiver over ERP Environmental Fund
03.30.2020

GenCanna Bankruptcy Impacts Legal Landscape for the Cannabis & Hemp Industry
02.07.2020

Bailey Glasser Representing Riverstone Credit Partners In MDC Energy Settlement
02.06.2020

Timberline Resort Sold for \$2.2 Million
01.06.2020

Bailey Glasser Representing Riverstone Credit Partners In MDC Energy Bankruptcy Case
11.15.2019

Bailey Glasser Attorney Kevin Barrett Shares Insights At Bankruptcy Seminar
08.29.2019

\$3 Million Settlement To End Blixseth Saga
01.19.2018

Kevin Barrett Quoted in New York Times Article - Why Companies Like Toys 'R' Us Love to Go Bust in Richmond, VA
11.16.2017

WVDEP and Alpha Natural Resources Reach \$15 Million Settlement
11.30.2016

Reorganized Alpha Overstated Cash Flow By \$100 Million; WVDEP Sues For Fraud
11.21.2016

Blixseth Ordered To Pay Resort Creditors \$286 Million
10.06.2016

Kevin Barrett Quoted on Case Against Tim Blixseth In LA Times Article
07.27.2016

Dominion Post: There's A Lot Of Light At End Of Coal Shaft If You Look At It Right
07.02.2016

West Virginia Subpoenas Alpha Natural Resource Lenders Over Reclamation Issues
04.29.2016

Judge Wants Blixseth to Reveal Fate of Diverted Cash
04.22.2016

West Virginia Regulator Says Alpha Natural Asset Sale May Jeopardize Cleanup
04.22.2016

Sanctioned Attorney Says Counterclaim Was 'Mistake'
02.29.2016

United States and West Virginia DEP Both Object to Alpha Sale
02.23.2016

Former Developer Blixseth Tries to Get Out of Jail for Christmas
12.22.2015

West Virginia Department of Environmental Protection and Alpha Natural Resources Reach Agreement Related to Self-Bonded Mine Reclamation Obligations
12.08.2015

Judge Approves Freedom Bankruptcy Settlement
10.08.2015

Bailey Glasser Attorneys Help DEP Negotiate A Better Deal in Patriot Bankruptcy
10.07.2015

Attorney Works to Ensure Freedom Bankruptcy Results in Site Clean-up
07.20.2015

Yellowstone Club Founder Tim Blixseth Files New Release Request
07.16.2015

Bankruptcy Court Issues Important Environmental Enforcement Decision in Awarding \$2.7 Million to West Virginia DEP
11.20.2014

Court Upholds Investor Settlement In Fraud Case
11.19.2014

Community and Professional Activities

American Bankruptcy Institute

National Association of Attorneys General

New York State Bar Association