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## PRACTICE AREAS

- Bankruptcy and Creditors' Rights
- Commercial Litigation
- Commercial Real Estate
- Finance
- Financial Institutions
- Real Estate
- Real Estate Professional Defense
- Real Estate Transactions
- Trials

## EDUCATION

- J.D., University of Utah, S.J. Quinney College of Law, 2003
- B.S., University of Utah, Speech Communications and Business, 2000

## ADMISSION

- Utah State Bar
- Wyoming State Bar
- US District Court, District of Utah
- U.S. District Court, District of Colorado
- Tenth Circuit Court of Appeals

## ABOUT

Matthew Cox's practice centers on Bankruptcy and Creditor Debtor Rights and Insolvency and Reorganization Law. He represents financial institutions and other lenders in efforts to protect their collateral and loan rights in federal and state courts, including bankruptcy courts. In particular, Matthew defends these lenders and other clients against avoidance, preference, and fraudulent transfer claims made by trustees and receivers. Additionally, he assists creditors in obtaining relief from the bankruptcy automatic stay and prosecuting objections to confirmation.

Matthew defends clients against claims from borrowers or customers related to the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and the Utah Consumer Sales Practice Act; and against claims asserted in bankruptcy court for the return of funds received by creditors. He has represented law firms, hospitals, businesses, and collection agencies in these matters.

Matthew works closely with banks and lenders to help create robust loan and loan modification documents for compliance with federal and state guidelines to forestall litigation. He also works closely with real estate professionals and related parties in negotiating purchase contracts, leases, options, and litigation.

For nearly a decade, Matthew devoted much of his time to defending dozens of trustee preference, fraudulent transfers, and other avoidance actions, with total damages in excess of \$45 million, revolving around the C.W. Mining Bankruptcy case. In addition, he represents well-known national auto lenders in numerous consumer bankruptcy cases each month.

Matthew also maintains a significant practice of assisting the owners of commercial properties in unlawful detainer or eviction proceedings against defaulting tenants.

Matthew is an influential shareholder in the firm, leads its Bankruptcy and Creditors Rights Practice Group, and is a member of the firm's Board of Directors.

## HONORS / AWARDS / UNIQUE RECOGNITION

- Recognized as a Utah Super Lawyer by Super Lawyers Magazine
- Listed in Best Lawyers in America® for Bankruptcy and Creditor Debtor Rights, Insolvency and Reorganization Law
- Recognized as Utah Legal Elite for Bankruptcy/Workout by Utah Business Magazine
- Unique Recognition - Education
- Law School: University of Utah, S.J. Quinney College of Law, 2003

- William H. Leary Scholar
- Note and Comment Editor, Utah Law Review

## **PROFESSIONAL & CIVIC INVOLVEMENT**

- American Bankruptcy Institute
- Utah Bankruptcy Lawyers Forum
- National Association of Chapter 13 Trustees
- Utah Bar Association
- Defense Research Institute
- American Bar Association
- Federal Bar Association
- Ronald McDonald House - Board of Directors, Past Board Chair, Past Legal Counsel; Named 2014 Board Volunteer of the Year

## **REPRESENTATIVE MATTERS**

- Successful defense of lender and recipient of property from a bankrupt mining company in claims asserted by the trustee for actual and constructive fraud and preferential transfer.
- Counsel for commercial landlord in connection with the negotiation, enforcement, and dispute resolution between landlord and tenants, including enforcement through eviction matters.
- Local Counsel for numerous large and small financial institutions and lenders in the protection of their collateral and loan rights in federal and state courts, including bankruptcy.
- Currently managing a portfolio of approximately 30 new files a month, monitoring enforcement and maintenance of those accounts pending payments by the borrowers.
- Counsel for a large national bank in connection with the preparation and review of loan modifications documents and compliance with federal and state guidelines.
- Manager of litigation team currently handling dozens of cases

## **PRESENTATIONS & PUBLICATIONS**

- Author, What You Can Do to Recover a Debt When Your Customer Files Bankruptcy; The New Value Exception to the Preference Statute, firm blog, June 2020