

A. Lee Hogewood III

Partner

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OVERVIEW

Lee Hogewood is a partner in the firm's Litigation practice. He concentrates his practice on complex commercial litigation, with an emphasis on representing creditors in bankruptcy and insolvency proceedings. Lee litigates in all North Carolina state and federal courts, including bankruptcy court and the North Carolina Business Court. He handles a wide variety of business disputes including commercial and corporate contract disputes, real estate disputes and matters involving fraud, misrepresentation and unfair and deceptive trade practices. Lee has also litigated construction and other real estate lien issues. Additionally, Lee has significant experience defending commercial and consumer lenders in litigation in federal, state, and bankruptcy court in a wide variety of lender liability actions. Lee has represented clients before the United States Court of Appeals for the Fourth and Fifth Circuits, the North Carolina Supreme Court, and North Carolina Court of Appeals.

Lee also advises clients regarding the resolution of financial disputes through consensual out of court restructurings. Additionally, he represents purchasers of assets from financially distressed companies, particularly through the Section 363 bankruptcy sale process. In the last five years, the majority of Lee's work has focused on assisting life sciences and healthcare clients acquire assets from distressed pharma companies. Lee served as the chair of the North Carolina Bar Association's Bankruptcy Section from 2009-2010 and continues to be active in the Bankruptcy Section and the North Carolina Bar Association.

ACHIEVEMENTS

- Recognized in the North Carolina Legal 250 for Business Bankruptcy, 2026
- Recognized in *Business North Carolina's* Legal Elite for Bankruptcy, 2026
- Recognized by *Chambers USA* for Bankruptcy/Restructuring in North Carolina, 2012-2026
- Recognized by *The Best Lawyers in America*® in Raleigh, NC
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2008-2027
  - Bet-the-Company Litigation, 2018-2027
  - Commercial Litigation, 2009-2027

- Named to the 2023 Class of Leaders in the Law by *North Carolina Lawyers Weekly*
- Named *"Lawyer of the Year"* by *The Best Lawyers in America*® for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law in Raleigh, 2015
- Named to the North Carolina Super Lawyers list for Creditor Debtor Rights since 2006
- "40 under 40" award from *Triangle Business Journal* for outstanding achievements in both business and community involvement, 2001

PROFESSIONAL / CIVIC ACTIVITIES

- North Carolina Bar Association (Bankruptcy Section Vice Chair, 2008-2009, Chair 2009-2010)
- Wake County Bar Association (Lawyer Support Committee, Co-Chair, 2000-2001; Chair, 2002-2008)
- Wake County Bar Association and 10th Judicial District (Board of Directors, 2006-2007)
- Saint Savior's Center, Inc. (Board of Directors, 2015-2018)
- Christ Church (Stewardship Committee, 2001-2013; Co-Chair 2010- 2013)
- Christ Church Capital Campaign Committee (2001-2002)
- The Raleigh School
  - Board of Directors, 2001-2002
  - Development Committee, Chair, 2001-2002
  - Campus Design Committee, 1999-2000
  - Annual Fund Chair, 2003-2004, 2007-2009
- Wake Enterprises, Inc. (Board of Directors, 1997-2003)

SPEAKING ENGAGEMENTS

- "Banking on the Future: Financial leaders explore what's next for their sector," Invest: Raleigh-Durham Official Virtual Launch Conference Panel, September 2021
- "GM/Successor Liability Sale Issues: What Now?," American Bankruptcy Institute, 22nd Annual Southeast Bankruptcy Workshop Concurrent Panel Discussion, July 2017
- "Negotiating a Section 363 Asset Sale and Financing the Sale Process Before and During the Bankruptcy Proceeding," North Carolina Bar Association, 38th Annual Bankruptcy Institute (2015)
- "Contested Confirmation Battles and Trial" North Carolina Bar Association, 36th Annual Bankruptcy Institute, November 2013

- “Attacking the Secured Lender: New Ideas for an Old Strategy – Yellowstone and Beyond…,” American Bankruptcy Institute, 31st Annual Midwestern Bankruptcy Institute Panel Discussion, September 2011
- “Evidence Demonstration: Using Experts at Trial,” American Bankruptcy Institute, 35th Annual Judge Alexander L. Paskay Seminar on Bankruptcy Law and Practice, March 2011
- “TOUSA and Clawback Claims,” American Bankruptcy Institute, 15th Annual Southeast Bankruptcy Workshop Concurrent Panel Discussion, July 2010
- “Banking Regulations,” North Carolina Bar Association, 32nd Annual Bankruptcy Institute, November 2009
- “Automatic Stay Issues,” North Carolina Bar Association, Bankruptcy for the Non-Bankruptcy Attorney, September 2009
- "Current Issues in Chapter 11," Panel Presentation, Eastern Bankruptcy Institute (EBI), May 30, 2008
- "The Automatic Stay - Exceptions, Corrections and Deceptions - What's New Under 362?" North Carolina Bar Association 29th Annual Bankruptcy Institute, Speaker, November 2006
- "Automatic Stay," North Carolina Bar Association, Bankruptcy for the Non-Bankruptcy Attorney CLE, Speaker, September 2006
- "Protecting Clients with Interests in the Tobacco Transition Payment Program," North Carolina Bar Association CLE, Speaker, September 2005
- "Hot Topics in Commercial Leases," 2004 Annual North Carolina Bar Association Bankruptcy Section Meeting, November 2004

EDUCATION

- J.D., Wake Forest University School of Law, 1990 *(cum laude, Wake Forest Law Review, Managing Editor)*
- A.B., Harvard College, 1987 *(cum laude)*

ADMISSIONS

- Bar of North Carolina
- Supreme Court of the United States
- United States Bankruptcy Court for the Eastern District of North Carolina
- United States Bankruptcy Court for the Middle District of North Carolina
- United States Bankruptcy Court for the Western District of North Carolina
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Fourth Circuit

- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Western District of North Carolina

THOUGHT LEADERSHIP *POWERED BY HUB*

- January 2026, January 2026 Accolades
- January 2025, 13th Annual "Under the Wire" CLE Webinar
- 6 April 2023, March 2023 Accolades
- February 2022, Tenth Annual "Under the Wire" CLE Webinar
- 7 July 2020, Preparing for the Next Hanjin: The Unique Challenges and Ripple Effects of Maritime Insolvency and Restructuring
- 13 April 2020, COVID-19: Impact of the CARES Act on Subchapter V Reorganizations under the Bankruptcy Code
- 29 March 2020, COVID-19: North Carolina Executive Order 121 - Stay At Home Order and Strategic Directions for North Carolina
- 24 October 2018, Distressed Solutions: Representing Non-US Entities in US Bankruptcy Cases
- 7 July 2017, Fisker's Reach: Liquidating Trustee May Pursue Overseas Fraudulent Transfers as Unjust Enrichment
- 6 July 2017, Bankruptcy Court Finds that Foreign Transactions May be Subject to U.S. Fraudulent Transfer Laws

OTHER PUBLICATIONS

- “Ancillary and Other Cross Border Cases -- Chapter 15 of the United States Bankruptcy Code,” *North Carolina Bankruptcy Practice Manual (7th ed.)* (2017)
- “Ancillary and Other Cross Border Cases -- Chapter 15 of the United States Bankruptcy Code,” *North Carolina Bankruptcy Practice Manual (6th ed.)* (2007)
- “The First Chapter 11 Symposium,” co-author with Lacy H. Reaves, *North Carolina Bar Association*, 1996
- “Bankruptcy's Effect on Foreclosure,” Wake Forest CLE Publication, *Real Property Manual*, 1992
- “Fighting Chance Before Sunset,” *Comment, Chapter 12 in the Eastern District, 24 Wake Forest Law Review 687,* 1989

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 1 August 2023, K&L Gates Assists Sentiss Pharma in Acquisition of Akorn AG Switzerland
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 10 February 2023, K&L Gates Successfully Recovers Breakup Fee for Italian Pharmaceutical Company in Delaware Chapter 11 Case
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 29 March 2022, K&L Gates Broadens Corporate Practice With Raleigh Partner Addition
- 29 September 2021, K&L Gates Expands Finance Practice With Raleigh Partner Addition
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 10 August 2021, K&L Gates Enhances Public Companies Practice With Raleigh Partner Addition
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 9 June 2015, K&L Gates Adds Leading National Commercial Disputes Partner in U.S.
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

OTHER MEDIA MENTIONS

- Mentioned, "Former Drug Co. Akorn Gets OK For $18.5M Ch. 7 Settlement," *Law360*, 24 July 2026

AREAS OF FOCUS

- Commercial Disputes
- Distressed Real Estate
- Financial Institutions Special Situations

- Real Estate Litigation
- Restructuring and Insolvency

INDUSTRIES

- Banking
- Financial Services
- Healthcare
- Investment Transactions
- Life Sciences
- Private Credit

REPRESENTATIVE EXPERIENCE

- Represented Nuseed, a Sacramento, California-based global agriculture innovator enabling the transformation of select crops into renewable and traceable sources of lower-carbon energy and plant-based nutrition, in connection with a “private” free and clear sale transaction under Bankruptcy Code Section 363 with Yield10 Bioscience, Inc. (OTCMKTS: YTENO). Yield10 Bioscience, Inc. is a Massachusetts-headquartered agricultural bioscience company that is using its differentiated trait gene discovery platform to develop improved Camelina varieties for the production of proprietary seed products. Yield10 filed for bankruptcy protection in December 2024, simultaneously seeking approval for a sale to Nuseed of substantially all of Yield10's assets, including intellectual property and seed materials. The court approved the sale the first week of January 2025 and the sale closed the following week. *In re: Yield10 Bioscience, Inc.,* 24-12752-MFW (Delaware).
- Represented a biotechnology company in the 363 sale auction and acquisition of NM 136, an in-development therapy with likely application as a next-generation weight loss injectable medication. *In re: 9 Meters Biopharma., Inc.* 23-10992-5-PMW (EDNC).
- Represented a pharmaceutical company as the successful bidder on a commercialized topical skin treatment sold by one of the debtors in *In re: Novan, Inc.*, et al., 23-10937-LSS (Delaware).
- Represented Chiesi Farmaceutici S.p.A., a family-controlled global pharmaceutical company, as the stalking horse bidder for the assets of an antibody medication in the Chapter 11 case of a biotechnology company. *In re: PhaseBio Pharmaceuticals, Inc.,* 22020995-LSS (Delaware).
- Advised Sentiss AG in connection with its bid for and acquisition of the Swiss operations and certain other assets of Illinois-headquartered Akorn AG, a generic pharmaceuticals manufacturer, in a Chapter 7 auction. India-headquartered Sentiss Group is a niche pharmaceutical company. *In Re: Akorn Holding Company, LLC, et al.*, 23-10253-KBO (Delaware).

- Represented a predominantly Black community in litigation with adjacent town after decades of refusal to annex; town settled by annexing the community several months after suit was filed. *Walnut Tree Community Association, et al. v. Town of Walnut Cove*, Case no. 17-CVS-614 (NC Superior Court, Stokes County, 2017).
- Represented plaintiff in connection with assertion of claims regarding conditions of confinement. While the claims were rejected by the trial court and United States Court of Appeals for the Fourth Circuit, *Matherly v. Andrews*, 859 F.3d 264 (4th Cir. 2017), many of the practices complained of were improved or discontinued during the course of the litigation. Pro Bono matter.
- Represented Samaritan Housing Foundation, Inc. in the Chapter 11 case of *In Re: Sears Farm, LLC*, Case No. 18-00986-5-SWH, and in an adversary proceeding styled *Samaritan Housing Foundation, Inc v. Sears Farm, LLC,* Case No. 18-00021-5-SWH, pending in the Eastern District of North Carolina. Samaritan and Sears Farm asserted various claims against one another related to a bond financing and retirement community. After two mediations, the parties reached a global settlement obtaining rezoning approval, resulting in a confirmed, consensual Chapter 11 plan, approximate matter value of US$77 million.
- Represented Samaritan Housing Foundation in North Carolina Business Court case captioned *Sears Farm LLC v. Samaritan Housing Foundation, Inc*, 2023 CVS 9526 (Wake) (settled).
- Representation of national retailer in connection with lease rejection issues in ToysRUS Chapter 11 case. *ToysRUS Chapter 11*, Case No. 17-34665 (EDVA).
- Represented Frontier State Bank in achieving a consensual plan of reorganization of multiple secured loans and resolution of multiple pending lender liability actions in Oklahoma federal court and North Carolina Bankruptcy Court; represented Frontier State Bank in foreclosure of collateral upon post-confirmation default by debtor and obtaining dismissal of post-foreclosure litigation initiated by debtor and guarantor. *In re: River Landing Center, LLC*, Case No. 17-01144 (EDNC 2017); *River Landing Center, LLC, et al. v. Frontier State Bank*, AP Case No. 19-00176 (EDNC).
- Represented corporate and individual defendants on claims in excess of US$15 million arising under the terms of a real estate development agreement. *W&W Partners, Inc., et al. v. Ferrell Land Company, LLC, et al.*, Case No. 2017-CVS-9998 (North Carolina Business Court). Successful rulings include: (i) denial of plaintiffs' request for preliminary injunction [2018 WL 2561697, at *1 (NC Super. Mar. 08, 2018); (ii) dismissal of claims for piercing the corporate veil and unfair and deceptive trade practices [2018 WL 2339464, at *1 (NC Super. May 22, 2018)]; (iii) summary judgment on plaintiff's claim for constructive trust [2019 WL 3368417, at *2 (NC Super. July 25, 2019)]; and (iv) grant of defendant's motion for fees under Chapter 75 [2019 WL 8108276, at *1 (NC Super. Dec. 06, 2019)].
- Represented secured creditor in negotiating a consensual plan resulting in full payment through a structured sale process; established district-wide precedent regarding the proper forms of discovery to be used in contested matters. *In re: Job P. Wyatt & Sons' Company*, Case No. 11-02664 [2011 WL 5909534, at *2 (Bankr. EDNC July 14, 2011)].
- Defended Dolven Enterprises, Ryan Graven, and GFY defendants in connection with claims for breach of fiduciary duty, misappropriation of trade secrets, unfair and deceptive trade practices. *Global Textile Alliance, Inc. v. TDI Worldwide, LLC, et al.*, Case No. 17-CVS-7304 (North Carolina Business Court). Successful

rulings include: (i) denial of plaintiff's motion for preliminary injunction [2017 WL 5641185, at *1 (NC Super. Nov. 21, 2017)]; (ii) partial grant of motion to dismiss for lack of jurisdiction over the GFY Defendants [2018 WL 5985083, at *1 (NC Super. Nov. 14, 2018)]; (iii) grant of Defendants' Motion to Compel [2019 WL 8109485, at *1 (NC Super. Feb. 26, 2019)]. *Global Textile Alliance v. TDI Worldwide, et al.*

- Represented international client pursuing acquisition of specific assets, including a specialized vessel valued at nearly US$400 million through a Chapter plan process. *In re: Emas Chiyoda Subsea Limited, et al., Case* No. 17-31146 (SD Tex).
- Represented incumbent junior lender in connection with post-petition debtor in possession (DIP) financing, stalking horse bid process, section 363 sale, and in connection with disputes with other constituents resulting in successful free and clear sale to third party buyer resulting in full payment of all secured debt and distribution to unsecured creditors. *In re: Xtreme Power, et al.,*, Case no. 14-10096 (WD Tex).
- Represented successful competing bidder in a Chapter 11 Section 363 free and clear sale and auction of substantially all debtor's assets, including the certificate of need (CON) required to operate an assisted living facility. *In re: AA Holdings-Winston-Salem, LLC*, Case No. 17-31083 (WDNC).
- Represented a financial institution before the North Carolina Supreme Court, obtaining reversal of a unanimous panel of the North Carolina Court of Appeals on an issue of first impression regarding the sufficiency of a stamped endorsement to transfer a note secured by real estate. *In re: Foreclosure of Bass*, 738 S.E.2d 173 (2013).
- Represented junior lienholder and bidder for communications technology assets in connection with sale free and clear of liens under Section 363 of the Bankruptcy Code. *In re: Xtera Communications, Inc., et al*., Case No. 16-12577 (D.Del).
- Represented senior secured lender in connection with appeal of bankruptcy court's order permitting post-petition DIP financing and priming lien in an ongoing residential construction project, obtaining a stay pending appeal, and reversal of the lower court decision *SunTrust Bank v. Den-Mark Const.*, Inc., 406 B.R.683 (EDNC 2009).
- *In re: Surf City Investments*, Case No 11-01398 (EDNC). Represented senior secured creditor in multimillion-dollar credit secured by wet and dry storage marina and beach front hotel property in connection with the "roll up" of multiple related borrowers; defended lender liability claims asserted as adversary proceedings in bankruptcy court; obtained appointment of trustee and thereafter negotiated global settlement and liquidating plan, including the auction of individual dry dock slips.
- Represented senior secured creditor in single asset real estate Chapter 11 establishing district precedent regarding the "reasonable possibility of being confirmed" standard under the Section 362(d)(3) 90-day plan filing requirement in single asset cases. *In re: Carolina Commons Dev. Grp., LP*, No. 09-11230-8-JRL, 2010 WL 1965895, at *1 (Bankr. EDNC May 17, 2010).
- Represented a financial institution in connection with a multimillion-dollar construction contractor workout, successfully collecting millions of dollars in disputed construction claims on behalf of a secured creditor.

- Represented manufacturer in connection with Chapter 11 proceeding of airline in connection with resolution of multiple pending executory contract assumptions, rejections, and extensions.
- Represented competing bidder for the assets of A123 Systems under Section 363 through diligence, submission of qualified bid, and two-day auction process. *In re: A123 Systems Inc.,* et al., Case No. 12-12859 (KJC) (D.Del.).