



Erika R. Barnes

Title: Member

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Erika Barnes is a member of the firm's Creditors' Rights and Bankruptcy Service Group and the Business Litigation Service Group. Erika represents creditors and franchisors in bankruptcy cases nationwide. She also has experience representing creditors' committees and Chapter 11 trustees. Erika handles complex commercial litigation matters in state and federal courts. She frequently represents lenders and special servicers in commercial foreclosures and mortgage litigation. Erika is certified as a specialist in Business Bankruptcy by the American Board of Certification.

Reported Decisions

- *Johnson Assocs. Corp. v. HL Operating Corp., dba Hartmann*, 680 F.3d 713 (6th Cir. May 23, 2012), affirming 2010 U.S. Dist. LEXIS 126751 (M.D. Tenn. November 30, 2010)
- *KFC Corp. v. Wagstaff Minnesota, Inc. (In re Wagstaff Minnesota, Inc.)*, 2012 U.S. Dist. LEXIS 372 (D. Minn. January 3, 2012), reversing bankruptcy court decision
- *In re Kazi Foods of Michigan, Inc.*, 473 B.R. 887 (Bankr. E.D. Mich. August 4, 2011)
- *T&L Invs., LLC v. Bayview Small Business Funding, LLC*, 2011 U.S. Dist. LEXIS 10552 (M.D. Tenn. February 2, 2011)
- *Nat'l City Bank v. Breeden*, 2009 U.S. Dist. LEXIS 132038 (W.D. Ky. October 29, 2009)

Recent Assignments

- Assisted secured creditor with Chapter 11 bankruptcy representation and recovery on loan secured by major downtown Nashville hotel
- Represented national restaurant franchisors in Chapter 11 bankruptcy of franchisee involving more than 120 franchise locations
- Represented secured creditors and loan servicers in receiverships and foreclosures of apartment complexes,

- hotels, retail space and other commercial property
- Represented the Official Committee of Unsecured Creditors for the Jockey's Guild, Inc. Chapter 11 bankruptcy
 - Represented the liquidating trustee for the Lightyear Holdings, Inc., et al. Chapter 11 bankruptcy
 - Successfully litigated trial and appeal of breach of contract claim
 - Represented major equipment finance companies in bankruptcy and collection matters

Recent News, Articles & Speaking Engagements

- "Tarnished Arches: A Survey of Franchise Bankruptcy Issues," Nashville Bar Association CLE, April 10, 2017
- "To License or not to License? Debt Holders and Purchasers Who Hire Licensed Debt Collectors or Attorneys Not Required to Obtain Own Debt Collection License from the State of Tennessee.," Stites & Harbison Client Alert, April 29, 2015
- "The Servicemembers Civil Relief Act: What it means for creditors? rights," Stites & Harbison Client Alert, July 3, 2013
- "Procedural arguments may carry the day, but only if timely raised," Stites & Harbison Client Alert, February 20, 2013
- "Bootcamp: Foreclosure and Loan Workout Procedures," National Business Institute, September 2011
- "Tennessee foreclosure statutes: Lenders, take note," Stites & Harbison, PLLC, Client Alert, June 18, 2010
- "The Law and Practice of Foreclosure," 29th Annual Conference on Legal Issues for Financial Institutions, University of Kentucky College of Law, Lexington, Ky., September 2009
- "What to do When a Construction Project Goes Bad," Lorman Education Services, Louisville, Ky., February 26, 2008
- "Bank Garnishments - Do Your Duty!," Kentucky Banker Magazine, October 2007
- "In-Depth Title Insurance Principles," National Business Institute, June 2007

More Than Stites & Harbison

Erika is a member of the board of directors of the American Board of Certification, an organization that certifies attorneys as specialists in business bankruptcy, consumer bankruptcy and creditors' rights law. She is Chair of the Tennessee Bar Association Bankruptcy Section Executive Council and is a graduate of the 2011 Nashville Emerging Leaders Class. Erika also actively participates in the Lawyers' Association for Women.

Before Stites & Harbison

During law school, Erika worked as a legal intern for Caterpillar Financial Services Corporation. She was a French translator for ITI Worldwide in Cookeville, Tenn., from 1999 to 2000.

Professional Accolades

Martindale-Hubbell[®] AV-Preeminent[®] Peer Review Rated

Best Lawyers in America[®], Bankruptcy and Creditor-Debtor Rights / Insolvency and Reorganization Law (2018)

Mid-South Super Lawyers[®], Rising Star (2012-17)

National Association of Trial Advocacy, NITA Advocate

Board Certified - Business Bankruptcy Law- American Board of Certification.

Education

Vanderbilt University Law School

J.D., 2004

Dean's List; Carl J. Ruskowski Clinical Legal Education Award; Vanderbilt Scholastic Excellence Awards in Federal Income Tax and Regulation of Financial Institutions; *Vanderbilt Journal of Entertainment Law and Practice*, Notes Editor; Moot Court Board

Tennessee Technological University

M.B.A., 2001

Tennessee Technological University

B.S., *magna cum laude*, World Cultures and Business, 2000

Tennessee Technological University

B.A., *magna cum laude*, Foreign Language, French, 2000

Admissions

- Kentucky
- Tennessee
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 8th Circuit
- U.S. District Court for the Middle District of Tennessee
- U.S. District Court for the Western District of Tennessee
- U.S. District Court for the Eastern District of Tennessee
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan

Service Areas

- Bankruptcy
- Creditors' Rights & Bankruptcy
- Creditors' Rights, Out-of-Court Workouts & Commercial Litigation
- Litigation & Appeals
- Business Litigation
- Financial Services Litigation
- Real Estate & Land Use Litigation
- Franchise & Distribution
- Loan Servicing (Special)

Memberships

- American Bar Association
- Kentucky Bar Association
- American Bankruptcy Institute
- Nashville Bar Association
- Tennessee Bar Association, Bankruptcy Section Executive Council, Chair
- Turnaround Management Association
- Lawyers' Association for Women - Nashville, Marion Griffin Chapter
- International Women's Insolvency & Restructuring Confederation
- American Board of Certification, Board of Directors

Industry Experience

- Banking / Financial Services
- Financing
- Consumer Products / Food / Beverage

Firm Leadership

Nashville Office Recruiting Committee, member