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Eric J. Breithaupt

Title: Member

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As a Member of the firm, Eric's practice focuses on general civil litigation with an emphasis on business related bankruptcy and commercial cases. Eric has extensive experience in litigation involving health care issues, secured transactions, corporate governance, trade secrets and accounting fraud, as well as recently assisting a start-up manufacturing entity in its intellectual property and patent needs. He is a member of the Creditors' Rights & Bankruptcy Service Group and the Business Litigation Service Group in the Atlanta office.

CAPABILITIES

Practice Areas

- Bankruptcy
- Business Litigation
- Creditors' Rights & Bankruptcy
- Creditors' Rights, Out-of-Court Workouts & Commercial Litigation
- Litigation & Appeals

RECENT ASSIGNMENTS

- During 2017, collected over \$12,470,000 for clients in disputed or litigated commercial and real estate matters.
- Served as lead counsel in the successful mediation of a former Chief Financial Officer alleged to have engaged in a RICO scheme.
- Served as lead counsel in obtaining a dismissal of an internationally known movie producer from a case alleging securities fraud.
- Lead counsel to a major secured creditor in a franchise finance matter involving competing plans of reorganization as to a regional restaurant chain
- Served as lead creditor's counsel in a contested involuntary bankruptcy of a 100-year old shipyard in an effort to recover a \$45 million claim which eventually resulted in a confirmed Chapter 11 plan
- Acted as a principal member of the litigation team for a bankruptcy trustee of a failed nationally known retailer. Through aggressive litigation of fraud, accounting malpractice and breach of fiduciary claims, the case was resolved on terms reported by the *Wall Street Journal*.

BAR ADMISSIONS

- Alabama
- Georgia
- Tennessee
- U.S. Court of Appeals for the 11th Circuit
- U.S. District Court for the Middle District of Alabama
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Northern District of Alabama
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Southern District of Alabama
- U.S. Tax Court

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Bankruptcy Discharge Trumps PACA, But Does It Really? *Stites & Harbison, PLLC*. Stites & Harbison Client Alert, September 7, 2022
- Collecting a Judgment
Webinar, July 8, 2020
- Asset Recovery Orders/Replevin Overview & Local Rules
Webinar, June 30, 2020
- Proofs of Claim and Adequate Protection
Webinar, June 19, 2020
- Hot Bankruptcy Decisions of 2019
Webinar, June 10, 2020
- New Bankruptcy Law May Increase Small Business Filings *with Erika R. Barnes and Brian R. Pollock* Stites & Harbison Client Alert, February 18, 2020

- Debt Traps, Easy Filing Rules Fuel Georgia's High Bankruptcy Rate
American Bankruptcy Institute Bankruptcy Headlines, November 26, 2019
- Debt traps, easy filing rules fuel Georgia's high bankruptcy rate
by Willoughby Mariano, *Atlanta Journal-Constitution*, November 25, 2019
- Mary Beth Mantiply v. Patricia Horne: A Case Study *Stites & Harbison, PLLC*. Stites & Harbison Client Alert, December 7, 2017
- Supreme Court Reins In the Evolving Process of "Structured Dismissals" *Stites & Harbison, PLLC*. Stites & Harbison, PLLC Legal Update, April 5, 2017
- Counsel Beware: The Eleventh Circuit Expands the Liability of Creditor's Lawyers under the FDCPA *Stites & Harbison, PLLC*. Stites & Harbison Legal Update, April 27, 2016
- A Proposed Solution to Georgia's Broken Garnishment Statutes
Commentary, *Daily Report*, October 9, 2015
- Discharge of debts: The potential unintended consequences of issuing a Form 1099-C *Stites & Harbison, PLLC*. Stites & Harbison, PLLC, Client Alert, October 7, 2015
- Passing Constitutional Muster after Strickland v. Alexander *Stites & Harbison, PLLC*. Stites & Harbison, PLLC, Client Alert, September 15, 2015
- Protecting the Lender: Strategies for Extending Credit to Health Care Providers *Stites & Harbison, PLLC*. Stites & Harbison Client Alert, July 21, 2014
- Welcome to the linguistic neighborhood: Defalcation after Bullock v. Bankchampaign, N.A. *Stites & Harbison, PLLC*. Stites & Harbison Client Alert, May 20, 2013

MEMBERSHIPS

- Alabama State Bar Association
- American Bankruptcy Institute
- American Bar Association , Health Law Section
- Tennessee Bar Association
- State Bar of Georgia

EDUCATION

University of Alabama School of Law J.D. 1986

- *Law & Psychology Review*, Assistant Editor

University of South Alabama B.A. 1983

- Omicron Delta Kappa, Honorary Member

MORE THAN STITES & HARBISON

An avid cook and cyclist, Mr. Breithaupt is a native of Alabama having relocated to Atlanta in 2012. Mr. Breithaupt continues to maintain a significant practice in Alabama.

ACCOLADES

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law; Litigation - Bankruptcy (2010-23)
- *Birmingham Magazine*, "Top Attorney" for Bankruptcy Law (2009)