



MELISSA S. HAYWARD

ATTORNEY AT LAW

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PRACTICE AREAS

Bankruptcy Reorganizations
Debt Restructuring
Complex Commercial Litigation
Creditors' Rights

BAR ADMISSIONS

Texas

COURT ADMISSIONS

United States Court of Appeals for the Fifth Circuit
United States District Court for the Eastern District of Texas
United States Bankruptcy Court for the Eastern District of Texas
United States District Court for the Northern District of Texas
United States Bankruptcy Court for the Northern District of Texas
United States District Court for the Southern District of Texas
United States Bankruptcy Court for the Southern District of Texas
United States District Court for the Western District of Texas
United States Bankruptcy Court for the Western District of Texas
All Texas State Courts

PROFESSIONAL HISTORY

Hayward PLLC
Founding and Sole Member
Locke Lord Bissell & Liddell LLP,
Associate

EDUCATION

J.D., *cum laude*, Dedman School of Law
Southern Methodist University
B.A., Government and Philosophy
The University of Texas at Austin

PROFESSIONAL AFFILIATION & AWARDS

Pupilage Group Leader, Executive Committee Member, and Master, John C. Ford Inn of Court
Rated AV Preeminent by Martindale-Hubbell Lawyer Ratings

MELISSA S. HAYWARD has extensive experience assisting clients in complex bankruptcy proceedings and commercial litigation. With an AV Preeminent Rating from Martindale-Hubbell, recognized as a Best Lawyer in Dallas by DMagazine, and named a Texas Rising Star and SuperLawyer by Texas Monthly magazine in 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019, Ms. Hayward specializes in complex corporate reorganizations and debt restructurings. Ms. Hayward has represented dozens of commercial debtors in complex Chapter 11 reorganization proceedings throughout Texas, including hospitals, retail operators, shopping centers, hotels, office buildings, construction companies, land developers, restaurants, and a market and tradeshow center.

Ms. Hayward has also represented lenders, mortgage servicers, high profile Forbes 100 companies, internet registrants, Chapter 7 and 11 Trustees, commercial landlords, national football teams, creditors' committees, employees, and various other creditors with respect to a wide variety of bankruptcy and litigation issues. Ms. Hayward has significant experience in prosecuting and defending federal appeals, preference and fraudulent transfer avoidance actions, and fiduciary litigation in federal and state court.

REPRESENTATIVE EXPERIENCE

In re Highland Capital Management Co.; 19-34054 (Bankr. N.D. Tex. 2019)

Local counsel to Debtor-in-Possession.

In re Luke's Locker Incorporated, et. al.; 17-40126-BTR-11 (Bankr. E.D. Tex. 2017)

Confirmed Chapter 11 plan as counsel for debtor-in-possession retailer specializing in running and fitness apparel and footwear with multiple Class A shopping center locations throughout Texas.

In re FPMC Fort Worth Realty Partners, LP; 15-44791-MXM-11 (Bankr. N.D. Tex. 2015)

Counsel for debtor-in-possession owner of the Forest Park Medical Center at Fort Worth facilities. Provided full return to creditors and equity owners through \$117.5 million \$363 auction of hospital to Texas Health Resources.

In re Forest Park Realty Partners III, LP, et. al.; 15-34814-SGJ-11 (Bankr. N.D. Tex. 2015)

Counsel for debtor-in-possession owner of the Forest Park Medical Center at Dallas facilities. Provided full return to creditors and equity owners through \$135 million \$363 sale of hospital to Hospital Corporation of America.

In re WholeLife Properties, LLC; 16-42274-MXM-11 (Bankr. N.D. Tex. 2016)

Counsel for debtor-in-possession owner of Craig Ranch development located in McKinney Texas.

In re Denver Merchandise Mart Inc., et. al.; 11-31615-BJH-11 (Bankr. N.D. Tex. 2011)

Counsel for debtor-in-possession owner of wholesale market and tradeshow center; successfully restructured the debts and obligations through highly contested cram down proceeding and obtained significant affirmation by Fifth Circuit in appeal of bankruptcy court's disallowance of multi-million dollar yield maintenance premium.

In re Midvale Lodging LLC; Case No. 13-40875-BTR-11 (Bank. N.D. Tex. 2013)

Counsel for the Official Committee of Unsecured Creditors of a Best Western hotel in Midvale, Utah; obtained full return to all unsecured creditors through confirmed Chapter 11 Plan of Reorganization.

In re Broadband Specialists, Inc.; Case No. 14-33038-HDH-11 (Bankr. N.D. Tex. 2014)

Counsel for debtor-in-possession underground utility contractor specializing in installing fiber optic cables. Successfully confirmed Chapter 11 plan of reorganization.





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PROFESSIONAL AFFILIATIONS & AWARDS

CONTD.

Named a "2012 Outstanding Attorney under 40" by the Cardozo Society of the Jewish Federation of Greater Dallas

2009 Recipient of the Housing Crisis Center's Jean Shepherd Award as Pro-Bono Volunteer Attorney of the Year

Former Director, Chair of the Human Resources Committee, Member of the Executive Committee, Housing Crisis Center

Member, Dallas Bar Association, Bankruptcy & Commercial Law Section

Member, Dallas Association of Young Lawyers

Member, American Bankruptcy Institute

Member, Turnaround Management Association

Member, International Women's Insolvency & Restructuring Confederation

Member, Attorneys Serving the Community

Former Vice-President, DFW Association of Young Bankruptcy Lawyers

Former Articles Editor of SMU Law Review

ARTICLES AND PRESENTATIONS

Bankruptcy 101 for Non-Bankruptcy Attorneys presented to the Women in Law Section of the Dallas Bar Association on October 22, 2020

Ethics-Learned from Getting Burned: Hot Topics in Employment and Compensation Issues presented to the Bankruptcy and Commercial Law Section of the Dallas Bar Association on August 12, 2020

Under the Knife-Dissecting Health Care Bankruptcies, paper and panel speaker presented at the Northern District of Texas Bankruptcy Bench-Bar Conference on June 8, 2018

Panel Speaker, Healthcare Restructuring Panel presented to the Turnaround Management Association on March 24, 2016 and May 17, 2018

The Most Controversial Bankruptcy Cases of All Time presented to The Honorable John C. Ford American Inn of Court on November 14, 2016

Facilitator and Small Group Leader, International Insolvency Seminar hosted by the Center for American and International Law on June 10, 2016 and on June 8, 2015

A Man Hears What He Wants to Hear and Disregards the Rest: What Pop Music Song Lyrics Can Teach Us About Bankruptcy Ethics presented to The Honorable John C. Ford American Inn of Court on October 13, 2015

Social Media: Friend or Foe? presented to The Honorable John C. Ford American Inn of Court on October 15, 2013

Deconstructing Bankruptcy: Blueprints for Title 11 of the United States Code presented to the Construction Law Section of the Dallas Bar Association on February 2, 2017 and on August 2, 2012

Playing the Hand You're Dealt (52 Lessons That Lawyers, Even Bankruptcy Lawyers, Can Learn at the Poker Table) presented to the Bankruptcy Section of the Dallas Bar Association on August 4, 2010

REPRESENTATIVE EXPERIENCE CONTD.

In re Continental Common, Inc.; Case No 10-37542-HDH-11 (Bankr. N.D. Tex.)

Counsel for debtor-in-possession owner of 31 story skyscraper located in downtown New Orleans. Successfully confirmed Chapter 11 plan of reorganization.

In re The Shops at Prestonwood, LP; Case No. 11-32209-HDH-11 (Bankr. E.D. Tex.)

Counsel to debtor-in-possession residential land developer. Successfully confirmed Chapter 11 plan of reorganization.

1701 Commerce, LLC; Case No 12-41728-DML-11 (Bankr. N.D. Tex.)

Counsel to hotel operator in Chapter 11 proceeding of Sheraton hotel in downtown Fort Worth.

In re MRI Beltline Industrial, LP; Case No 11-36037-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession apartment complex. Successfully confirmed Chapter 11 plan of reorganization.

In re Sayle Village Apartments, LP; Case No. 11-37022-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession apartment complex. Successfully confirmed Chapter 11 plan of reorganization.

In re MRI Rosegate Investment Fund LP; Case No. 11-37134-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession apartment complex. Successfully confirmed Chapter 11 plan of reorganization.

In re ABCLD Holdings LLC; Case No. 11-34969-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession real estate holding company. Successfully confirmed prepackaged Chapter 11 plan.

In re Funnel Science Internet Marketing LLC; Case No. 14-42120-BTR-7 (Bankr. E.D. Tex.)

Counsel to alleged debtor internet marketing firm in involuntary bankruptcy proceeding. Obtained dismissal of involuntary proceeding and judgment against petitioning creditors for fees and costs.

In re Brook Mays Music Co.; Case No. 06-32186-SGJ-7_(Bankr. N.D. Tex)

Represented Chapter 7 Trustee in bankruptcy of major retail operation and recovered significant funds for creditors through pursuit of more than one hundred preference and fraudulent transfer avoidance actions.

In re Mulligan Mint Inc.; Case No. 13-34728-SGJ-11 (Bankr. N.D. Tex.)

Represented official committee of unsecured creditors in chapter 11 proceeding of currency mint.

OTHER NOTABLE REPRESENTATIONS

Ongoing representation of national mortgage servicer in defense of adversary proceedings brought by Chapter 13 debtors

Represented large file hosting service in Chapter 11 proceeding filed by judgment debtor.

Represented multinational technology and services conglomerate in defense of \$200 million avoidance action related to off shore power plant purchase transaction.

Represented international automotive lender in Chapter 11 reorganization proceeding filed by auto dealership.

Represented national football team in bankruptcy proceeding filed by former player.

Represented various secured lenders in obtaining relief from automatic stay and assistance with foreclosure of collateral.

NOTEWORTHY COURT DECISIONS

Campbell v. Countrywide Home Loans, Inc., 545 F.3d 348 (5th Cir. 2008)

loan servicer did not violate automatic stay when it filed proof of claim asserting right to increased post-petition mortgage payments under loan documents

In re Denver Merch. Mart, Inc., 740 F.3d 1052 (5th Cir. 2014)

acceleration of note due to borrower's default by nonpayment did not trigger obligation to pay prepayment consideration

In re Trevino, 535 B.R. 110 (Bankr. S.D. Tex. 2015)

dismissal of substantial claims on 12(b)(6) motion against mortgage servicer

In re Brook Mays Music Co., 418 B.R. 623 (Bankr. N.D. Tex. 2009)

payments made to vendor during preference period were not made in the ordinary course of business

In re Mounce, 2009 WL 2767134 (W.D. Tex. Aug. 26, 2009)

Obtained significant reversal of bankruptcy court's certification of a consumer class action against national mortgage lender and dismissal of proceeding for lack of jurisdiction