

Fabian VanCott



Gary E. Jubber

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Practice Areas:



Bankruptcy & Receivership



Litigation, Trials & Appeals

Biography

Gary E. Jubber has over 30 years of experience in bankruptcy law. He has served as a Panel Trustee in the United States Bankruptcy Court for the District of Utah for over 16 years. He has also represented debtors and debtors-in-possession, secured creditors, and trustees in complex bankruptcy cases, and has been lead attorney in a number of reported cases. In complex cases, he has the option of teaming with attorneys from Fabian VanCott's other practice groups. Gary served on a number of local government committees, including the Third District Court Judicial Nominating Committee and the Murray City Planning and Zoning Commission. Gary attended Brigham Young University's J. Reuben Clark Law School and its Graduate School of Management. He graduated cum laude from law school while also earning an MBA. He also obtained his bachelor's degree from BYU, where he graduated magna cum laude. Gary is licensed to practice in Utah's state and federal courts and the 10th U.S. Circuit Court of Appeals.

Professional

Attorney and Shareholder, Fabian VanCott, 1981-Present

Chairperson, Fabian VanCott Bankruptcy Practice Group, 1995-2010

Director, Fabian VanCott Board of Directors, 1991-1993

Professional (cont.)

Member, Panel of Trustees, United States Bankruptcy Court for District of Utah, 1996-Present

Recognized in The Best Lawyers in America in the field of Bankruptcy and Creditor-Debtor Rights Law

Recognized as "Outstanding" in the field of Bankruptcy Law, Utah Business Magazine, Utah Legal Elite

Recognized in Mountain States Super Lawyers as among the top bankruptcy lawyers in the state of Utah

Rated AV by Martindale Hubbell

Member, 1982-Present; Chairman, 1991-1992; Bankruptcy Section of Utah State Bar Association

Member, ABA Litigation Section Committees on Creditors' Rights Litigation and Commercial and Bankruptcy Litigation

Admitted to Utah State Bar and U.S. District Court, District of Utah, 1980; U.S. Court of Appeals, Tenth Circuit, 1980; Supreme Court of the United States, 1998

Reported decisions include: *In re Jensen Farley Pictures*, 47 B.R. 557 (Bkrcty D.Ut. 1985); *In re J.R. Research*, 65 B.R. 747 (Bkrcty. D.Ut. 1986); *In re Coal-X '76*, 103 B.R. 276 (D.Ut. 1988); 881 F.2d 865 (10th Cir. 1989); *In re Granada, Inc.*, 88 B.R. 369 (Bkrcty. D.Ut. 1988); *Billings v. Cinnamon Ridge, Ltd.*, 92 B.R. 501 (Bkrcty. D.Ut. 1988), 103 B.R. 276 (D.Ut. 1988); 881 F.2d 865 (10th Cir. 1989); *In re West Side Property Associates (Federal Certification)*, 2000 UT 85, 407 Ut. Adv. Rpts. 9 (Ut. 2000).

Representative Projects

Gary Jubber acted as the Chapter 11 Trustee in a large case involving disputed ownership of a domain name worth several million dollars. After a lengthy trial involving competing Chapter 11 plans, Mr. Jubber was able to confirm a Chapter 11 plan that resulted in full payment, plus interest, to all priority and unsecured creditors. The plan contemplated continued prosecution of an Adversary Proceeding regarding the ownership of the domain name. The trial of the Adversary Proceeding took approximately twenty days and is presently under advisement.

Mr. Jubber represented a construction and excavation company in successfully reorganizing in Chapter 11. The case was filed on the eve of a threatened foreclosure of a gravel pit which was a principal asset of the Debtor. Mr. Jubber was able to obtain court approval for the sale of the gravel pit which paid a number of creditors, including the secured creditor threatening foreclosure, and then confirm a successful plan which saved the company.

Appointed as the trustee of the bankruptcy estate for a company that had assembled and sold computer inventory and components, with a large shareholder derivative claim against the debtor's principal and related entities, Mr. Jubber was able to successfully negotiate the sale of the claim, as well as the inventory, at a price that allowed a 100% distribution to all creditors of the estate, plus interest, and also made a significant distribution to shareholders.

Representative Projects

Mr. Jubber was lead counsel for a manufacturer of plastic products, as well as thermoformer of plastic roll stock. Prior to filing for bankruptcy, the former management had relinquished control of the company and several actions had been filed threatening the company's ability to remain in business. Mr. Jubber was able to successfully negotiate cash collateral agreements with the company's secured creditors. He was also able to formulate a plan of reorganization which provided for some payment to unsecured creditors, and still sufficiently reduced the debtor's liabilities to attract new investment capital. The plan of reorganization was confirmed, and the debtor successfully reorganized.

Granada was a real estate syndication firm which acted as a general partner in approximately 80 limited partnerships. Shortly after it filed for Chapter 11 relief in February, 1987, a Chapter 11 trustee was appointed. Mr. Jubber acted as lead counsel for the trustee. The case was a tangled web of partnerships and affiliated entities. Partnership assets had been commingled and records had not been properly maintained. The principal shareholder and president went to prison for his misconduct. Certain partnerships were consolidated with the estate. A plan of reorganization was confirmed enabling the trustee to liquidate the estate and pay a significant distribution to unsecured creditors. The case involved prosecuting numerous preference and fraudulent conveyance adversary proceedings as well as a host of other contested matters.

Education

J.D., Cum Laude, J. Reuben Clark Law School, Brigham Young University, April, 1980;

Board of Editors, B.Y.U. Law Review

MBA, Graduate School of Management, Brigham Young University, April, 1980; Beta Gamma Sigma; Recipient of Kemper Foundation Scholarship

B.A., Magna Cum Laude, Brigham Young University, August, 1976; Phi Kappa Phi; Phi Alpha Theta; Dean's List

Publications & Presentations

Author, Case Note - "Government's Right to Appeal a Midtrial Dismissal," 1978 B.Y.U. Law Review 742

Community Service

Member, Murray City Planning & Zoning Commission, 1992-1996; Vice-Chairman, 1994; Chairman, 1995

Vice-Chairman, West Valley City Business License Hearing Board, 1985-1990

Community Service

Member, Utah State Textbook Commission and Course of Study Committee, 1985-1989

Instructor, Salt Lake Community College, Salt Lake City, Utah, 1989. Taught business law to undergraduate students

Faculty Member, University of Phoenix, Utah Division, 1986. Taught business law courses to MBA students