Holland & Hart

PRACTICES

Bankruptcy and Restructuring
Real Estate
Finance

INDUSTRIES

Energy and Resources
Mining
Oil and Gas
Renewable Energy and Storage
Technology
Conventional Power

EDUCATION

University of Denver, J.D., 1999
University of Denver Law Review

University of Arizona, B.A., 1995

BAR ADMISSIONS

Colorado
Arizona

COURT ADMISSIONS

U.S. District Court, Colorado
U.S. District Court, Arizona
U.S. District Court, E.D. Michigan
U.S. Tenth Circuit Court of Appeals
U.S. Supreme Court

Matt Ochs

Partner

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Matt provides strategic advice to creditors, distressed asset purchasers, and parties to commercial transactions, with an emphasis on renewable energy, oil & gas, real estate, mining, and technology.

Bankruptcy, Receivership, and Insolvency: Matt assists clients in bankruptcy cases throughout the United States (including Delaware, Texas, and New Jersey), with a focus on creditor rights and Section 363 asset purchases. He also represents company and asset receivers, and purchasers of receivership assets in cases across the Mountain West. He regularly advises clients on insolvency issues in commercial transactions, including risk mitigation strategies and contractual protections. He clerked on the U.S. Bankruptcy Courts for the Districts of Colorado and Utah, and the Colorado Court of Appeals. He also serves as Co-Chair of the ABA's Subcommittee on Business Bankruptcy Transactions. Matt currently serves as leader of Holland & Hart's Bankruptcy and Restructuring team.

Renewable Energy and Real Estate: Matt assists energy clients with a wide range of real property issues and related transactional matters, emphasizing acquisition, leasing, and easements, and energy development, storage, and purchasing involving wind, solar, and geothermal power generation projects in Arizona and across the Mountain West. He also guides developers through insolvency issues and opportunities in the energy sector, including real estate purchases out of bankruptcy and distressed transactions.

Opinions: Matt is a member of the firm's Opinion Committee and regularly provides debt financing and substantive non-consolidation opinions.

In-House Experience: Matt was formerly in-house counsel with a multinational software services company, emphasizing corporate matters, contracts, licensing, and real estate leasing in the U.S. and Europe.

EXPERIENCE

Bankruptcy, Receivership, and Insolvency

- Secured and unsecured creditors
- Section 363 and distressed sale transactions

- Insolvency and risk mitigation strategies
- Contractual protections and remedies
- Special purpose entities
- Bankruptcy litigation
- Local counsel
- Court appointed company and asset receiver representation
- Receivership asset purchases
- Appointment of receivers on behalf of secured lenders
- Receivership litigation

Real Estate, Energy, and Infrastructure

- Real estate purchase and sale agreements
- Due diligence
- Title analysis and policies for utility-scale energy projects
- Energy development, storage, and purchasing
- Leases, easements, and ancillary agreements
- Financing
- Quiet title actions

Power and Extractive Industries

- Power purchase agreements
- Gathering and transportation services agreements
- Forward contracts
- Exploration, production, well & equipment lien issues
- FERC regulated and intrastate pipeline issues
- Mining projects

Opinion Practice

- Debt financing opinions
- Non-consolidation opinions

CLIENT RESULTS

Bankruptcy, Receivership, and Insolvency

Active representation of creditors in chapter 11 cases throughout the United States, including Delaware, Texas, New Jersey, Colorado, Michigan, and Arizona.

Lead and local counsel to stalking horse purchasers and bidders in Section 363 asset sales throughout the United States.

Co-counsel and special counsel to debtors in complex chapter 11 cases filed in Delaware.

Lead and local counsel to producers, operators, and midstream oil and gas companies in complex chapter 11 cases throughout the United States.

Lead and local counsel to international gold and other precious metals mining companies in chapter 11 cases throughout the United States, including reclamation claims and protection of joint venture interests.

Lead and local counsel to purchasers of manufacturing and intellectual property receivership assets.

Co-lead counsel to company and special district receivers in Nevada and Colorado.

Counsel to wide range of technology and software services companies in connection with developing and implementing Section 363(n) and other intellectual property licensing protections.

Defense of creditors in avoidance actions (preference and fraudulent transfer) in chapter 11 and 7 cases throughout the United States.

Co-lead counsel to liquidating trustee of international cycling and fitness company in the prosecution of preference and fraudulent transfer proceedings, and claims objections.

Co-lead counsel in bankruptcy appeals to the Tenth Circuit Bankruptcy Appellate Panel, the United States District Court for Colorado, and the Tenth Circuit Court of Appeals.

Counsel to the Southern California Public Power Authority (SCPPA) in the negotiation of special purpose entity and insolvency provisions in power purchase agreements.

Renewable Energy and Real Estate

Arizona real estate and bankruptcy transactions counsel to the developer of the SunZia Transmission Line Project; a 550-mile long bi-directional line spanning New Mexico and Arizona.

Arizona and Colorado real estate counsel to renewable energy companies focused on utility-scale solar, wind, and storage solutions, including negotiating and drafting ground leases, transmission easements, and other site control documents.

Arizona and Colorado counsel to private lenders and law firms in connection with land acquisition and construction financing.

Lender counsel for private trust in financing of 400+ acre horizontal construction in connection with residential development in Nevada.

Real estate and finance counsel in connection with structuring and negotiating revolving, term, and construction credit facilities for real estate acquisition and development projects across the Mountain West.

Borrower counsel for private developer in connection with structuring and negotiating Freddie Mac refinancing of 300+ unit apartment complex in Nevada, including related debt financing opinions.

Borrower counsel for real estate investment and management company in connection with debt financing and non-consolidation opinions on Freddie Mac refinancing of 500+ unit apartment complex in Colorado.

Colorado counsel to international private equity fund with over $1 billion in investments in mixed-use and multifamily projects in Colorado.

Local counsel to borrowers in connection with issuance of debt financing and non-consolidation opinions in real estate and commercial transactions.

RECOGNITION

- *The Best Lawyers in America®*, Real Estate Law, 2021-2026; Litigation - Bankruptcy, 2021-2026; Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2021-2026
- *Chambers USA*, Bankruptcy/Restructuring, 2022-2025

PROFESSIONAL AND CIVIC AFFILIATIONS

- Co-Chair, American Bar Association Subcommittee on Business Bankruptcy Transactions
- Member, American Bar Association Business Law Section Legal Opinions Committee
- Member, Commercial Receivers Association
- Member, Turnaround Management Association
- Former Co-Chair, Bankruptcy Subsection of Business Law Section, Colorado Bar Association
- Bar Fellow, Colorado Bar Foundation