



GARY E. JUBBER

FABIAN & CLENDENIN

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AREAS OF PRACTICE:

- Bankruptcy
- Complex Litigation

PRACTICE SUMMARY

Gary Jubber graduated magna cum laude from Brigham Young University in 1976 with a Bachelor of Arts degree. He attended the J. Reuben Clark Law School and the Graduate School of Management at Brigham Young University, graduating in 1980 with a Juris Doctorate, cum laude, as well as a Masters degree in Business Administration. He was a member of the Brigham Young University Law Review from 1978 to 1980, and served on the Law Review's Board of Editors. He authored the case note: "Double Jeopardy - Government's Right to Appeal a Mid-Trial Dismissal", 1978 BYU Law Review 742.

PROFESSIONAL

- Attorney and Shareholder, Fabian & Clendenin, 1981-Present
- Chairperson, Fabian & Clendenin Bankruptcy Practice Group, 1995-Present
- Director, Fabian & Clendenin Board of Directors, 1991-1993
- 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 (Bkrtcy D.Ut. 1985); In re J.R. Research, 65 B.R. 747 (Bkrtcy. 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 (Bkrtcy. D.Ut. 1988); Billings v. Cinnamon Ridge, Ltd., 92 B.R. 501 (Bkrtcy. 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).

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 Kappi 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
- 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

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.
- 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.