

Hampton Foushee

Principal



T (617) 248-4032
hfoushee@choate.com

Practice Areas

Finance & Restructuring

Education

New York University School of Law
J.D. (2014) *cum laude*

Harvard College
A.B. (2009)

Admissions

New York
Massachusetts

U.S. District Court, Southern District of New York
U.S. District Court, District of Massachusetts

Hampton Foushee advises on all aspects of bankruptcy matters, distressed workouts and liability management exercises, including complex restructuring negotiations, forbearances, debtor-in-possession financings, Section 363 sales, secured party sales, and bankruptcy litigation. He regularly represents financial institutions, insurance companies, borrowers, and other interested parties in transactions and disputes involving distressed parties – both in-court and out-of-court.

Hampton's clients include Bank of America, B. Riley Financial, Canadian Imperial Bank of Commerce, Citizens Bank, Callodine Commercial Finance, Gordon Brothers, Liberty Mutual Insurance Company, PNC Bank, Second Avenue Capital Partners, and Wells Fargo.

Representative Engagements

- B. Riley as Second Lien Agent in retailer Conn's Inc. chapter 11 case in the Southern District of Texas.
- 1903P Loan Agent, LLC (an affiliate of Gordon Brothers Group) as FILO Documentation Agent in a \$153 million first in, last out exit financing facility to national fabric and crafts retailer Jo-Ann Stores, LLC in company's second bankruptcy.
- Bank of America as Administrative Agent for two DIP Financing arrangements totaling in excess of \$3.4 billion provided to Rite Aid Corporation in its chapter 11 case in the District of New Jersey.
- Citizens Bank as Prepetition ABL Agent of \$450 million revolving credit facility in chapter 11 bankruptcy of Yellow Corporation in the District of Delaware.
- B. Riley in connection with \$70 million debtor-in-possession loan to cryptocurrency miner Core Scientific, Inc.
- Insurance company in numerous bankruptcy cases in connection with collateral, surety and premium disputes, as well as tort and other liabilities. Notable cases include Boy Scouts of America, Mallinckrodt, Kattera, and Cambrian Coal.
- Construction lenders in multiple workout negotiations (and related litigation) involving stalled or insolvent construction projects involving loans exceeding \$100 million.
- Secured lenders in multiple out-of-court workouts, forbearances, and related negotiations.
- Numerous lenders in intercreditor workout negotiations involving syndicated credit facilities and liability management transactions, both in and out of bankruptcy.

- Holder of majority in principal amount of notes issued by mortgage origination company Stearns Holdings in connection with its chapter 11 case.
- Official committee of unsecured creditors in extensive litigation related to chapter 11 cases of land developer and six entities, successfully subordinating claim of senior secured creditor under Bankruptcy Code § 510(b).
- Official committee of unsecured creditors in chapter 11 bankruptcy of Energy Future Holdings.

Recognition

- *Best Lawyers in America: "Ones to Watch"* (2025)