

DETROIT

150 West Jefferson Ave.
Suite 2500
Detroit, Michigan 48226
T: +1.313.496.8439
O: +1.313.963.6420
F: +1.313.496.7500

QATAR

Miller Canfield International PLLC -
QFC Branch, Licensed by the
Qatar Financial Centre Authority
(QFC No. 00746)
Al Fardan Towers, 9th Floor, Office
903
PO Box 31316
West Bay Area, Doha, Qatar
O: +974.4410.1583
F: +974.4410.1500

dudek@millercanfield.com

Services

Litigation and Dispute Resolution

Real Estate and Construction
Litigation

Real Estate

Commercial Real Estate Finance
Commercial Real Estate Finance
Workout, Foreclosure and
Litigation

Corporate and Transactions

Financial Services

C&I and Asset-Based Finance
Receiverships, Real Estate
Owned and Loan Portfolio
Acquisitions & Dispositions

International

Qatar

Industries

Construction

Financial Institutions

Education

Wayne State University Law
School, J.D., 1978



Lawrence M. Dudek

Principal

Larry Dudek's practice focuses on commercial real estate litigation, including foreclosure, receiverships and construction claims. With more than 45 years of experience, he is a frequent speaker and presenter on topics such as construction claims, real estate foreclosure and commercial real estate receiver issues for the prestigious American College of Real Estate Lawyers, to which he was inducted as a fellow in 2005.

Larry's strength is his ability to enter a commercial real estate construction project before a dispute has derailed progress, in time to focus not only on resolving the potential dispute but developing a strategy so that the project can be successfully completed and property owners can get what they bargained for. This often involves dealing with a multitude of project participants, including ownership, design professionals, owner reps, construction managers, specialty contractors, and a multitude of commercial and professional liability insurers and sureties.

Larry has also been involved in guiding owners through the challenges posed by contractor default and the strategies and risks in declaring contractor default and contract termination. He has worked with ownership on issues involving resolution of design and construction defects during the construction of the project and devising a strategy to secure the necessary experts to assist the owner in finding a path to completion.

Larry's impact on commercial real estate is evident throughout the City of Detroit, where Miller Canfield is headquartered. He has played a crucial role in advising and representing project participants in the construction of some of Detroit's showcase projects including Comerica Park (home of the Detroit Tigers) and Ford Field (home of the Detroit Lions). He also represented participants in major construction renovation projects for the Renaissance Center GM World Headquarters, Dime

Lawrence M. Dudek

University of Michigan, B.A.,
1975

Bar Admissions

Michigan

Building and 1001 Woodward building.

Representative Matters

Construction Matters

- Represented national construction manager regarding claims in excess of \$70 million involving construction of NFL football stadium.
- Represented joint venture of national construction managers in resolution of claims by trades involving construction of MLB ballpark.
- Represented national construction manager on claims involving high-rise hotel situated within General Motors' world headquarters.
- Represented public utility in defense of action filed by process piping contractor asserting a multitude of claims aggregating \$5 million for claimed added scope and alleged design deficiencies resulting in increased costs, inefficiencies and delays with respect to a compressor project.
- Represented affiliate of public utility in defense of a suit filed by contractor for additional compensation in excess of \$1 million in connection with a contract for steel and equipment erection at generating station site alleging failure to provide material and equipment, complete foundation work and obtain necessary permits in a timely manner.
- Extensive experience in construction lien proceedings, payment and performance bond enforcement, judicial mortgage foreclosure proceedings and post-judgment enforcement of real estate liens and interests.

Secured Lender Matters

- Represented captive finance company of OEM in distressed dealer loans in excess of \$80 million, successfully transitioned ownership of dealership through Bankruptcy Section 363 sale and achieved dismissal of lender liability suit.
- Represented national bank in proceedings to enforce \$13.2 million construction loan mortgage; defense of lender liability claims by borrower and multiple construction lien claims involving a partially completed high-rise luxury condominium project. Client ultimately made note sale of loan documents and was dismissed from the case.
- Represented commercial bank co-lenders in receivership, foreclosure and assignment of sheriff's deeds regarding \$35 million loan secured by real estate mortgage on medical office building facility.
- Represented commercial bank lender for loan enforcement of residential construction loans and defense of lender liability claims. Republic Bank v. Modular One, LLC, 232 Mich.App. 444, 91 NW2d 555 (1998).

Lawrence M. Dudek

- Represented lenders (principally life insurers and commercial banks) in large number of commercial real estate loan workouts, foreclosures, deed in lieu transactions, receivership sales and related real estate proceedings.
- Represented equipment financier in foreclosure and repossession of equipment owned by substantial road building company.
- Represented multiple asset based lenders in enforcement of security interests in state court, federal court, and bankruptcy proceeding as well as out-of-court agreements for surrender of assets.
- Represented commercial lenders in working with criminal authorities to prosecute auto dealers for fraudulent transactions involving borrowings.

Other Matters

- Counsel for landlord in proceeding to enforce administrative expense claim in bankruptcy proceeding of automotive supplier. In re Plastech Engineered Products, Inc., et al, Debtors, 2009 Bankr. Lexis 932 (Bkrtcy. E.D. Mich 2009) (counsel for International Products Warehouse, L.L.C.)
- Represented forwarder of retail repossession accounts in defense of purported class action filed by competing repossession agent. Badeen v. PAR Inc., 2014 W: 268068 (Mich. S.Ct 2014)
- Achieved a multimillion dollar settlement of a highly contentious claim for breach of a letter of intent between two parties which had an ongoing business relationship. This was accomplished through effective use of a mediated process.
- Represented national consumer products company in defense of claims by bankruptcy trustee of a corrugated box company arising out of fraudulent scheme involving factoring of invoices. In re United Container LLC; E.S. Bankest LLC v. United Florida Beverage, LLC, 284 B.R. 162 (Bkrtcy S.D. Fla 2002)
- Represented purchaser of industrial tank cleaning operation in resolving dispute over prior tax sale of property.
- Represented international manufacturer of laminate flooring in defense of claims asserted by bankruptcy trustee for recovery of amounts in excess of \$100 million based upon investment in retail flooring operation of debtor and breach of fiduciary duty and conflict of interest allegations.
- Represented owner of insurance agency in successful defense of claim by former owner to set aside stock sale based upon alleged duress and undue influence.
- Represented sports agency in obtaining dismissal of suit for commissions on NBA signings to compel matter submission to arbitration. Kim J. Grillier v. CSMG Sports, Ltd. et al, 2009 WL 1689601 (E.D. Mich 2009)
- Represented automotive supplier in defense of commission claims by former salesman.

Reported and Published Decisions

Badeen v. PAR, Inc., 496 Mich 75, 853 NW2d 303 (2014)

In Re Plastech Engineered Products, Inc., et al., Debtors, 2009 Bankr. Lexis 932 (Bkrtcy E.D. Mich 2009) (counsel for landlord, International Products Warehouse, LLC)

Kim J. Grillier v CSMG Sports, Ltd., et al., 2009 W.L. 1689601 (E.D. Mich 2009)

Lawrence M. Dudek

In Re United Container, LLC; E.S. Bankest, LLC v United Florida Beverage, LLC., 284 B.R. 162 (Bkrtcy S.D. Fla 2002)

Crown Life Insurance Company v Hicks, 1994 U.S. Dist Lexis 5562 (E.D. Mich 1994)

Federal Deposit Ins. Corp. v Hershiser Signature Properties, 777 F. Supp. 539 (E.D. Mich 1992)

Southern Floridabanc, S.A. v Feldman, 703 F. Supp. 627 (E.D. Mich 1989)

Republic Bank v Modular One LLC, 232 Mich. App. 444, 91 NW2d 555 (1998)

Faber-Plast GmbH v Kleinert, 997 F. Supp. 846 (E.D. Mich 1998)

Executone Business Systems Corp. v IPC Communications, Inc., 177 Mich App 660 (1989)

Honors

The Fellows of the Michigan State Bar Foundation

Fellow, American College of Real Estate Lawyers

Midwest Real Estate Journal Hall of Fame, Class of 2022

Best Lawyers in America, Bankruptcy Litigation, 2023-present; Commercial Litigation, 2022-present; Construction Litigation and Real Estate Litigation, 2012-present; 2017 Detroit Real Estate Litigation Lawyer of the Year

C. Robert Wartell Distinguished Service Award, State Bar of Michigan Real Property Section, 2014

Michigan Super Lawyers, Real Estate, 2006-present

DBusiness Magazine, Top Lawyers, 2011-present:

Construction Litigation

Construction and Real Estate Law

Leading Lawyers, Commercial Litigation, Construction Law, Real Estate Law: Commercial, 2014–present

Professional Activities

American Bar Association, Creditors' Rights Committee of Business Law Section; Forum on Construction Industry

State Bar of Michigan

Land Title Standards Committee, Chair, 2017-2019; Vice-Chair, 2015-2017

Real Property Law Section, Chair, 2003-04; Chair-elect, 2002-03; Vice-chair, 2001-02; Secretary, 2000-01; Council Member, 1997-present

Chairman, Continuing Legal Education Committee, 1997-2000

Chairman, Special Committee on Construction Law, 1993-97

Lawrence M. Dudek

Federal Bar Association, Bankruptcy Section

American College of Real Estate Lawyers (ACREL)

Oakland County Bar Association

Detroit Metropolitan Bar Association, Debtor-Creditor Committee

Civic, Cultural & Social Activities

Detroit Future City, Former Board Member

Speeches

"Defaults, Security, and Bankruptcy," American Law Institute Continuing Legal Education Webinar, May 2020 & September 2021

"Bankruptcy: Representing the Landlord and Tenant," ISBA Commercial Banking, Collections and Bankruptcy Section, March 8, 2019

"AIA, the Next Decade: Key Revisions in the 2017 Suite of Contracts," American College of Real Estate Lawyers Annual Meeting, October 19-22, 2017

"Under Construction: A Nuts and Bolts Update for Construction Industry Leaders," Miller Canfield, Troy and Grand Rapids, Michigan, October 16th and 23rd, 2013

"Hot Topics in Landlord-Tenant Law," Miller Canfield Webinar, June 20, 2013

"Commercial Lease Defaults and the Remedies of Landlords, Tenants, and Lenders," Institute of Continuing Legal Education, Plymouth, Michigan, May 3, 2012

"The Troubled Real Estate Project – Opinions & Answers," Co-sponsored by ICLE and State Bar of Michigan Real Property Law Section, November 19, 2009

"Tis Better to Receive – The Use of a Receiver in Managing Distressed Real Estate," American College of Real Estate Lawyers, October 30, 2009

"Commercial Real Estate Defaults and Workouts," ALI ABA, April 28, 2009

"Handling Commercial Real Estate Defaults: Workouts," ABA Teleconference, January 22, 2008

"The Landlord's Pre and Post Petition Claims," American College of Real Estate Lawyers, Spring 2008

"Homeward Bound 2007-2008. Current Issues in Construction Law," Co-sponsored by ICLE and State Bar of Michigan Real Property Law Section, February 2008

Lawrence M. Dudek

"Bankruptcy Sale and Lease Issues – Mastering the Maze," ICLE/Real Property Law Section, November 2007

"Receivership From a Legal Perspective," Lorman Education Services on Foreclosure and Repossession in Michigan, October 24, 2007

"When the Bubble Bursts: How Does the Real Estate Attorney Plan for a Downturn in the Economy," Real Property Law Section, State Bar of Michigan, May 2001

"Michigan Foreclosure and Repossession", National Business Institute, January 2001, October 2002, November 2003

"Commercial Loan Litigation, Legal Defenses, and Lender Liability," ICLE Commercial Lending Institute, October 1998

"Commercial Lending in Michigan," National Business Institute, July 2002

"Effective Mortgage Foreclosure Techniques in Michigan" (NBI), April 2004

"Commercial Real Estate Workouts" (Lorman), March 2004

"Non-consensual Real Property Liens," Real Property Law Section, State Bar of Michigan, March 1998

"Getting Paid in the Construction Industry," Sponsored by the Construction Association of Michigan, 1994-98

"Construction Development," Real Property Law Section, State Bar of Michigan, January 1996

"Advanced Collections in Bankruptcy," National Business Institute, September 1994

"Michigan Mortgage and Land Contract Foreclosures, ICLE," June 1994 and June 1997

"A Real Estate Lawyer's Guide through the Maze of Non-consensual Liens," Real Property Law Section, State Bar of Michigan, October 1993

"Remedies of Lenders and Landowners," Real Property Law Section, State Bar of Michigan, December 1990

"Construction Law," ICLE, November 1989, October 1983, and March 1997

"Representing the Corporation when Customers or Suppliers Goes into Bankruptcy," Business Law Section of the State Bar of Michigan, April 2002

Instructor for Bankruptcy Trial Advocacy Workshop presented by the Federal Bar Association, Detroit Chapter, Bankruptcy Section, March 1994

Lawrence M. Dudek

Publications

Construction

"AIA, The Next Decade: Key Revisions in the 2017 Suite of Contracts (Part 1)," *The Practical Real Estate Lawyer*, January 2018

Case Comment, "Right of Contractor to Receive Payment of Interest Earned on Cash Bond," *Michigan Real Property Review*, Winter 2002

Case Comment, "Application of 90-Day Requirement for Recording a Claim of Lien" *Michigan Real Property Review*, Spring 2002

"Construction Rights and Remedies," *Michigan Bar Journal*, November 2001

"Enforceability of the 'Pay-if-Paid' Provision in a Construction Contract," *Michigan Real Property Review*, Summer 1996

Mortgage Foreclosure and Receivership

"Strategic Use of a Real Estate Receiver or Bankruptcy as an Alternative to Foreclosure," *Michigan Business Law Journal*, Spring 2010

"Dealing with the Distressed Real Estate Project," *Michigan Real Property Review*, Winter 2006

"Mortgage Foreclosure and Related Remedies under Michigan Law," *Michigan Real Property Review*, Winter 2003

Case Comment, "Mergers Resulting from Use of Deed in Lieu of Foreclosure," *Michigan Real Property Review*, Spring 2002

"The Uses of a Real Property Receivership," *Michigan Real Property Review*, Summer 1994

Bankruptcy

"Commercial Lease Defaults and Bankruptcy," *American Law Institute Continuing Legal Education, The Practical Real Estate Lawyer*, January 2022

"The Landlord's Pre and Post Petition Claims when the Tenant Files for Bankruptcy," *35 Michigan Real Property Review* 184 (2008)

Lawrence M. Dudek

"What Every Lawyer Should Know about Business Insolvency Proceedings," *Laches*, Oakland County Bar Association, July 1997

"Remedies of the Subcontractor or Supplier when the Owner or General Contractor Files for Bankruptcy," *Michigan Real Property Review*, Summer 1992

Liens and Security Interests

"Building an Effective Workout Strategy for Contractor Clients" (Co-author), *Journal of Corporate Renewal*, March 2015

"Judgment Liens: A Problem for the Real Estate Industry," *Michigan Real Property Review*, Spring 2011

"Construction Liens," *Michigan Bar Journal*, December 2003

"Recovery of Interest or Finance Charges in Construction Lien Foreclosure Actions," *Michigan Real Property Review*, Summer 1987

Other

Case Comment, "Enforceability of Oral License for the Use of Real Property," *Michigan Real Property Review*, Winter 2002

"The Role of Insurance," *Litigating the Commercial Case*, (ICLE 1992)

Articles

Amendment to Illinois Mechanics Lien Act Authorizes Bonding Over of Mechanics Liens Claims