

Theodore Nodell Oral History Interview transcript

MS. CASTELLOE: Good morning. It is Friday, April the 8th, 2022. And today we are interviewing Theodore Nodell, a creditors' attorney in the Eastern District of North Carolina and other districts in North Carolina.

Interviewing Mr. Nodell will be Travis Sasser, Cindy Oliver, Stephanie Butler, the Clerk of Court, and myself, Christine Castelloe, the Chief Deputy Clerk.

So, Travis, do you want to start with the first question?

MR. SASSER: Yes. Tell us a little about your upbringing as a child.

MR. NODELL: Okay. Well, fortunately, it was a good one. I had good parents, a brother and sister, a dog; pretty standard. I grew up in Charlotte. Very ordinary, I think, except there was an incident in high school that I think will play into a theme that will be occurring throughout my little interview here, but kind of entertaining. I went out for track in junior high (middle school today). In, seventh, eighth and ninth grades I ran high hurdles.

I did not score a single point. And, of course, in track, as with most competitive sports, the more points is how your team wins. So, in other words, I was awful.

So, I got to high school and I continued my record for tenth and eleventh grades. I scored no points. My high school was state champions over the years. They were just a powerhouse. So, regardless of that, in track meets

I never contributed a single point. So, my senior year I went out for track as usual. At the beginning of the season, we got new uniforms.

Our team was the Mustangs. The new uniforms were kind of bright green, had horse's hooves on it with these kind of wings attached. So, we made a semicircle and the coach was throwing out different uniform sizes. When he got to me, he reached into another basket and threw something at me. Even in the air I noticed it was a different design and color. So, I caught it and my new jersey had this, like, a horse's head but the horse's eyes were half closed, half asleep or dead, I'm not sure which. Nobody said anything but everyone in the room realized the coach didn't want to waste a new jersey on me. So, first two meets, I ran hurdles and scored the usual, nothing. The third meet was a regional track meet in the Charlotte area. There were teams from Gastonia and all around. Our school was the host team and facility. Lots of people in the crowd, and so I did the hurdles, of course, the usual result. Later, I'm walking around in the track infield watching and encouraging my teammates. I walked by the scorer's table and our coach looked up and saw me. -- Nodell, run in the fifth heat of the 440. Now, that is today 400 meters. So, I knew the fifth heat, I mean, that's the worst of the worst, and each heat has eight or ten runners, so you're way down the line. And I knew the coach as host was just filling in bodies, basically, throwing me in to place

somebody in there for somebody to beat.

So, it comes to the 440, gets down to the fifth heat, which is the last heat. Now, there are eight people, times five, that's 40 people running the 440.

So, I get up the line, get set, bam, the gun goes off and so I'm off running. I know what to do.

In the 440 you want to kind of be on the outside or front, you don't want to get boxed in. So, I knew that, and I got on the back stretch, everything was going fine. Then you start to accelerate and you get in the back curve and you pick it up, so almost full speed when you get around the last bend in making the run to the tape, the finish line. At that point you're sprinting, hopefully, I mean, that's the idea. So, I did all that and I came around, I sensed nobody was near me. So, I saw the finish line tape -- I had never seen the tape from that angle before. So, I was running at it at full speed, and I didn't know what to do. I just remembered a flash watching the Olympics in the hundred-yard dash when you kind of throw yourself into the tape, and just fling your arms out, so that's what I did. I had this premonition the tape would be like a slingshot and throw me back. It actually broke, and so I got through. I was gasping for breath because I really ran as fast as I could. So, I'm walking around. The track meet had stopped and there's a lot of commotion around the scorers' table. Finally, this guy from Garinger High School came up to me and said, well, I just want to let you know that you won. And I thought he meant the fifth heat and maybe he was a runner. I said, well, yeah, he said no, you won the whole track meet but they're putting me in first because your coach did not enter you. Plus, nobody could figure out what team was the dead horses. So, basically, I was disqualified. But I had won the whole track meet. The next week the coach gave me a current jersey and took the old one back. Obviously,

going forward I was the 440 guy. So, I was the fastest one on the mile relay team and we broke the State record at some point in the season. I was in the news, the Charlotte Observer, about five times, not by myself, but with other teammates. And one of the commentaries said this is one of the strongest track teams this school has ever had. It went through some names -- well, I wasn't in their database, nobody had ever heard of me. There was always some distortion of my name. -- the worst was Ned Todell. But it was usually all kinds of crazy stuff -- Ted Bodell -- but people I knew would know who I was, but nobody else would.

So, at any rate, the track team went to NC State for the state championship and we won as expected. The season ended and that was it. But, probably six weeks in that senior year I was the fastest white boy in the State of North Carolina in the 400 meters. At that time, we were just before desegregation. I'd always wanted to compete with everybody, but, at any rate, that was the way it was. Then it was over. Off to jobs, summer school and off to college. And so, the fame lasted about six weeks.

Another amusing incident at that regional meet.

It just so happened there was a school photographer near the finish line. Unknown to anyone he photographed me hitting the tape. On the following Tuesday or Wednesday, the high school newspaper came out and there I was, on the front page. Underneath one of my arms were four friends of mine and you look at it and every one of them had their mouth open. They were so shocked, and I was shocked, the coach was shocked. So, I couldn't blame them. So that was my extraordinary event in my high school days. Unfortunately, at the end of it, it was too late to find a girlfriend because we all graduated, and went off in different directions.

So, I went to Wake Forest. Loved the school. I pledged a fraternity. I really enjoyed it probably a little too much. I don't mean in a party way, I just enjoyed the sports and activities. Another event that sort of leads into the rest of my story. At the end of my -- sophomore year we had elections for the next year. I was Mr. Fraternity. I did all the events, all the social things, and so it was just a question, "Ted, what office do you want?" And so, everybody knew who the new president would be, but we had six or seven additional offices. So, I remember the night of the elections. I said, "God, you pick. I'm just going to let you pick the office for me. So, I put it all in your hands." So, I go down there. The president was elected as expected. So, for every other office I was nominated, went out, came back, somebody else was elected. We got down to the last office which was Flower Man. Flower Man sends the flowers to the girl who's newly pinned. I said, "Guys, that's enough." I don't want to go back and be turned down for Flower Man. So, that was it. I was stunned. But, interestingly, I didn't get upset about it, but it changed my thinking and I started studying. I started caring more about academics. I probably had a C average at that time. During this next year I was in the library one time. My father's family was from a German background, and I enjoyed the history. I was a history major. I was in the stacks, (what they call them) and I was looking in the German History section, I just happened to be looking at a Couple of books and I was only there, like, five minutes. Dean Mullen walks down. He was the Dean and also, he taught German history. So, he walks down in there, and he remembered

me from a class. We had a nice exchange. So, at any rate, he leaves and I left. Well, I got recommended for advanced studies by Dean Mullen because of that one little five-minute exchange. It turned out he was one of the facilitators. So, I was in advanced studies for one course, but it looked great on my transcript. And it turned out it did become important at some point. So, I did pick up my studies. I probably had an A- average the last two years. So that's C to A-, which is pretty significant.

Well, I enjoyed college. I wanted to extend it if I could. I was kind of interested in the ministry but not to be a pastor. There was a nondenominational high school ministry called Young Life. So, I was thinking about seminary -- I wanted to go somewhere. Plus, the Vietnam war was going on. I didn't want to go to Vietnam, and I was in ROTC, so I could get delays if I went to graduate school. It was April of my senior year, probably first week of April or so. It's Friday afternoon about 3:30 or 4:00, and I thought, "Well, I'm just going to walk over to the Law School, and just walk in to see how it feels. So, I go over to the building. I've never been in it before. I open the door and there's this huge rotunda. It's a big round room, like imagine the Sistine Chapel, but it was bigger. It was just empty, Friday afternoon four o'clock. So, I stepped inside and looked around. I saw something on a door, like, Admissions, all the way across. As soon as I saw it I took a step. Just as soon as I took that step, a door to the right opens. Somebody is entering. I didn't really look at him. I'm walking toward Admissions. This man is walking across the room. In this big room we came to a complete stop when we ran into each other. It was as if we had practiced it 20 times. It was just

bizarre. And he was kind of startled and he said, "Can I help you?" An older gentleman, coat and tie and white hair, and I said, "Well, yes, sir, I'm interested in looking into admissions." And he said, "for what year?" And he mentioned, like, two or three years out. And I said, "Well, no, this fall." And he said, "Why did you wait so long?" And I said, "Well, I was considering the ministry," and he laughed. So -- I never knew the joke, but he chuckled and said, "Oh, come on." He takes me to Admissions and said, "Sally, fix this guy up. Help him fill out an application and get him scheduled with Dean Corbett. And you're going to have to go get your transcript and bring it down here" and Then he disappeared and I filled out the application. They scheduled me for Dean Corbett, whoever that was, and I did deliver the transcript. I came back a week later, met with Dean Corbett and he picked up on the change in my grades and a couple of other things. Then he said, "Well, I think we'll have a place for you this fall." And I said, "Really?" And I thought, I had friends waiting months to hear. I applied to law school and, in one week, I was accepted and I didn't even go down there to apply. So, there I was at Wake Forest Law School and the man I ran into turned out to be Dean Weathers, the head Dean. And so that's how my career in law started -- something to do on a Friday afternoon. And looking back, if I had been elected to a fraternity office, I would have stayed a C student and never qualified for admission to Law School. Looks like God knew best!

So, I went through law school. During the summers all my friends in law school, were getting jobs in law firms

or getting some sort of internship. I worked at the Hungry Farmer Restaurant in Colorado Springs, Colorado. I loved it. I had a friend out there, and it was incredibly enjoyable. And so that's what I did in the summertime. But also, during law school I was a booking agent for a couple rock bands, which I enjoyed. Let's see, I'm trying to think of what else was going on because I had a lot. Oh, there was a girl at Salem College, and she and I had a couple fashion shows. I got the band and she got the models and arranged the show. That was fun. Did that a couple times. And then we got to the end of law school and, again, I wasn't sure about the army coming up. I came to Raleigh for the Bar exam. I was dating a girl in Raleigh, so I stayed at their house. Her father took me to Memorial Auditorium where the Bar exam was conducted. When we get there, there are all these prospective lawyers, looked like a couple hundred people outside waiting to get in to take the Bar exam. They were all nervous and tense, of course. So, we pull up in front of everybody. I open the door, I get out. I thanked Mr. Wilson, closed the door on my thumb, and he drives off. So, I'm running down the road in front of this crowd of law students with my thumb in the door. I reached down and pulled it out. Mr. Wilson didn't even know it, I mean, he just kept driving. So, I've got this bleeding throbbing thumb, and they open the auditorium doors about that time. Everybody's relaxed now, of course, because the clown had just done his thing. So, I go in there, and I ask, "Anything you can do?" to one of the -- I guess they call them marshals -- no, we don't have any first aid here. So, I had to take the first day with this throbbing bleeding thumb, I wrapped in toilet paper while I'm taking my lifetime Bar exam. But any rate, I passed somehow. So, I got my license, and now it's time to go to the



army. Well, the Vietnam war was over, and so they had too many soldiers. I had to go 90 days to an Army branch school, which was kind of fun, and then all of a sudden, I was out.

MR. SASSER: Ted, would you mind just telling us when you graduated from undergraduate, and when you graduated from law school?

MR. NODELL: Okay. If I could remember. I think law school was about -- let me see, about '71 maybe, I'm not sure. But my former years in high school that was the 60's, and they were very tumultuous times. I mean, this stuff we got going on today was nothing compared to all the movements at that time. Plus, you had this Vietnam war. I don't know for sure-- I think it was about 1972 I'm through with the army. My parents were both in Charlotte, they both were in real estate. I knew lots of people, of course I go to Charlotte to practice law. I went to visit my girlfriend Nan in Raleigh. I stayed at her house with her family. Her father said, well, we use a law firm, Ball, Coley and Smith in downtown Raleigh and just last week one of them was appointed a Superior Court Judge. Why don't you just call them up and see what the possibilities are. And I said, "Well, okay", why not? So, Monday morning I called them and I talked to one of them. He said sure, come on down, said it's right across the street here, and I think it's First Citizens now, I'm not sure, but it's on the corner, and the Mecca is right below it, fourth floor. So, I go up, talk to them; really nice guys. They show me this vacant office, there's a very nice mahogany desk, credenza, two chairs, pictures on the wall, an experienced secretary at the front door. They said, if you just rent it -- we're not looking for an associate, but

if you just want to rent it. And I was thinking, well, they should have some extra business, too, so anyway, let me talk to my dad. So, I called him up and he said, "Well, you could try, and if you go out of business nobody will know, you just come to Charlotte. So, okay. So, I said, "I'll be at the office Monday." So, in that building right over there. The following Monday, I came back. I stayed with a friend of mine. And I show up at nine o'clock, well, what do you do? This is the first time in my life I've ever been in a law office or around lawyers. So, I go back and they show me to my office. I close the door and I'm sitting there and about ten o'clock I get buzzed from the front desk. And Jan, the receptionist, said there's a client here for you. Oh, okay. So, I go out and meet this lady. She comes back and she has some issue I knew about, I mean, enough to advise her, which I did. Which I said, "By the way, who recommended me?" And she said, "Oh, Mr. Gibley," and I said, "Mr. Gibley?" So, she leaves, and I wondered who in the world is Mr. Gibley? So, a month or two later I discovered that three of my classmates had joined with Fred Smith and formed Smith, Debnam, Hibbert and Pahl. So, I ran into Carl Hibbert at some point, and I said, did you ever send me a referral? And he said, "Yeah, I heard you were coming," and I said, "Well, your new name is Gibley." So, I tried to talk him into Smith, Debnam Gibley and Pahl, but they didn't think that was that funny. So, at any rate, that was my start. And this was 1972, '73 because -- the reason I know that, I've got a book I keep on my desk called "Leaves of Gold," and Jan gave it to me for my birthday or something and it's dated 1973. So, that's only reference point.

MR. SASSER: I did double check -- your license was August of '72.

MR. NODELL: Okay. Well, that sounds about right.

MS. CASTELLOE: So, were you in law school with Judge Small then?

MR. NODELL: No, he didn't go Wake Forest.

MR. SASSER: He did. He went to Duke undergrad.

MR. NODELL: Oh,

MS. CASTELLOE: I can't remember if he finished in the late 60s or early 70s.

MR. NODELL: He was not there when I was there.

MR. SASSER: Did you take bankruptcy in law school

MR. NODELL: No, and I'm leading up to -- bankruptcy was nothing. I mean, I couldn't say that stronger. I did everything starting out. I did criminal, indigent list criminal work, I did a murder trial, I did bank robberies, federal court. There was juvenile court and again there was a list of available attorneys. So, I did juvenile court. I took anything that came in the door. I did two Chapter 10 bankruptcies because that's what it was. This is over two or three years. And just

anything and everything. I didn't do any real estate closings, but I did one domestic case and swore I'd never do it again, and I've kept my promise to myself. And it was very challenging but it was exciting. I think attorneys felt sorry for me. I just showed up and I didn't know anybody.

And there was a tradition in the much smaller Bar. The older attorneys would sort of help the new attorneys. They would send, little cases that they didn't need, so they'd help the new attorney which was kind of cool. And I went to trial lawyers' meetings, I did everything I was supposed to do, but gradually as time progressed, I started representing furniture companies, like, Kimbrell's, Caraleigh Furniture and Terry's Furniture Company. And the reason they needed me, or a lawyer, was the small claims court limit on the amount of money was really low. They had to hire me to go to district court to do repossessions. So, I did a significant volume and I represented all of the furniture companies. Also, I started representing Bank of North Carolina. I'm not sure how that connected, but they were right across the street. The building's been torn down, but they had a branch there and their main office was in another building. But I did a lot of work for them because they were much bigger than the furniture company operations. For a while I represented an African American bank in town and I had a great relationship with the credit manager. She called me up one day and said, "Ted, I'm sorry, I'm going to have to not use you anymore. I have to find another attorney." I said, "Oh, are you dissatisfied?" And she said, "No, you did excellent work. And I said, "Well, what's the problem?" And she said, "Well, you're white." So, okay. We laughed. I said it sounds like racial discrimination to me, and she said it sounds like it to me, too. But she said, "I can't help it. That's what

I've been told to do," and I said, "Well, I understand." But I was really proud of them. I mean, I really liked representing them. Another area that came along, was Mobile Home Financing. It was a big deal during that time. In fact, if you drove from Goldsboro to New Bern, it seemed like there was a mobile home lot every hundred yards. Big national companies, and not even lenders, like General Electric, formed GE Capital and they were financing mobile homes all over. There was Citicorp. BorgWarner which makes auto parts, created BorgWarner Acceptance. It was high interest financing so I'm sure there was a good return. I mean, that must be the attraction, but it was a big deal.

And somehow, I got connected, and so I started representing most of these mobile home lenders.

I'd go to Durham, to Judge Wolfe's court, for a Motion to Lift Stay to repossess a mobile home, and the joke was, well, did you drive over in your tow truck this morning? But that's what I did mostly.

It was a statewide practice. I was just traveling all over the state representing these lenders. It started with replevins, but that just drove them into bankruptcy many times, so it was both,

I would say. About that time, and I'm about to get to bankruptcy, I was doing everything, representing secured creditors.

Bankruptcy was nothing. You could go to any firm and say do you have an attorney who could help in bankruptcy -- no, we don't know anything about bankruptcy. It was just a nothing area, except if you had somebody who wanted to go in

Chapter 10 and get a discharge. That was around -- been around for, probably well, since 1898. So they were used to that. That was bankruptcy. Nobody specialized in bankruptcy, that was unheard of because it was so small.

At any rate, personally life progressed. In the 1980s, I was single. It was like the Roaring 20s for me. I had lots of good friends and we, just had a wonderful time.

Eventually I got married to an incredible lady. We adopted two children from Russia. They were, 7 and 8 each. I purchased and restored a house built in the 1890's in a neighborhood behind the Governor's Mansion. Eventually the neighborhood became a historic district called Historic Oakwood. I tried to start a nondenominational high school organization called Young Life. My attempt was a total hilarious flop. However, eventually and despite my pitiful attempt, Young Life started at Broughton High School. Today it's in all the high schools in Wake County. I learned that the 3000 year old saying "Let go and let God" is still in operation.

However, as time progressed, I had to hire more and more people to help me. The work kept pouring in and especially from these national mobile homes financiers. And then mortgage servicers came on the scene. And up to that time, I enjoyed clients. I'd go out and visit them wherever they were. Once a year we would go over issues and developments. I would teach them about what's going on in bankruptcy, and I had good relationships. And, of course, there were local clients. I maintained those, and it was a wonderful time.

These mortgage servicers are a different deal.

They're national -- high volume, very impersonal.

I didn't really care for it, but there was a lot of it and it kept coming in so of course I didn't say no. At any rate, I kept expanding and expanding. At one point in my career for a few years I had 26 staff people and 4 lawyers working for just Ted Nodell.

UNIDENTIFIED SPEAKER: Oh, gosh. Wow.

MR. NODELL:

Most of the legal assistants had 200 files each. Sarah, Judge Warren's courtroom clerk, worked for us for a while, but they were all good people. But it was insane. About every few years, I should have died and actually, went into the hospital once. It was just madness.

And plus I was raising these kids, I was married, and I had other projects. I owned a railroad passenger car for a little while because I was interested in preservation.

It was parked in Chadbourn. I finally got rid of that. My wife asked me, "How much did you lose when you sold that railroad car?" And I replied, "When the doctor says I've got five days to live, I'll tell you." It was embarrassing.

And, finally, two of the lawyers, became partners. They earned it and plus I needed some more help with the responsibility. But any rate, now, I've just, done it enough and -- I mean, bankruptcy has changed, too. Our clients in the furniture stores are gone.

They didn't need lawyers after they raised the amounts for small claims court, unless there's some unusual litigation.

In fact, at Kimbrell's which is right down the street here, the manager and I we were good friends. But I was good friends with all these people And the Bank of North Carolina people, we would have lunch together and we were -- it just -- the problem is, I liked the work. I liked the secured transactions, I liked the people. But it just got to be too

much. It was just crazy. So, at any rate, that's where I am. And unless -- if you have questions or cross examine me about my personal life, up to a limit, I'll be glad to try to answer that. But at any rate, that's my personal history. Now, you know, when you're

ready, I'll get into what it was like in the early days of bankruptcy. So, any questions, comments, criticisms?

MR. SASSER: Yeah, I mean, maybe we could talk about those Chapter 10's that you filed and your interactions with Judge Moore and the different -- when you first worked -- because obviously this was under -- before the Code in 1979. Tell us a little about that.

MR. NODELL: Okay. Well, that's -- I've got to go to a different page of my notes here. Here is bankruptcy. I'll call it the Judge Moore days.

Again, bankruptcy was nothing and I need to kind of set the stage here. The bankruptcy was just a non-issue, as I've mentioned. But at any rate, I'm from Charlotte. When you go to the big city, you go to Atlanta. And there was Underground Atlanta which was a really cool place at the time. So I came across this seminar in Atlanta called Southeastern Bankruptcy Seminar. I had done two Chapter 10s, I'd be interested in attending. So, I'm not sure if the seminar was the first or second time, but any rate, I go down there. In the lobby I met a guy from North Carolina, Frank Allen. We kind of hit it off. Frank introduced me to his wife who was nursing a baby right in front of me and I didn't -- I mean, where do you look? Anyway, that's the reason I remember it so much, but she was great, very nice. And the other incident I remember was a bulletin board of messages and I went by it, I knew there was no message for me, but I was just curious. One said "Judge Wolfe, you left your hankie at the girlie show last night and we brought it -- it's at the front desk." There's no name. I knew I liked these guys -- Judge Wolfe's from North Carolina and I think Buzzy Stubbs was behind it. I didn't know him at the



time, but that would be something he would do. But at any rate, I don't know if I actually met Judge Wolfe. I don't think I did. I met Frank, probably somebody else. But, again, bankruptcy was brand new and what happened next was about this same time.

Two significant events converged which changed everything. The first was that the new Bankruptcy Code came out. Well, nobody was paying attention to this new Bankruptcy Code. I don't think that the bankers or any creditors saw it coming. They just saw bankruptcy. Of course, everybody knows what straight bankruptcy is, it's no big deal. So, all of a sudden, this Bankruptcy Code came out and there was this Chapter 13. The purpose was clearly stated as a fresh start but the idea that you could alter a written contract between two parties, including the right of foreclosure was shocking. The lender puts up the money to buy the mobile home, or the house, or the car, and then to say you can't repossess it, a federal restraining order, because -- even though they're five months behind -- was just incomprehensible.

MR. SASSER: Because under the Act of 1898, a secured creditor could choose not to participate in a wage earner plan.

MR. NODELL: Well, I didn't even know that. But I -- again, it was just nothing. In fact, there was a bar in Greenville, the Chapter Ten Lounge. The second significant event was that the State Bar lifted the ban on advertising for lawyers. That was huge. So, all of a sudden -- Stop Foreclosure

billboards, Stop Repossessions, etc. And the big player was Frank Allen. He was in Tarboro advertising in Raleigh. And so he was, the big deal in the Eastern District there, at least, from my experience from representing these mobile home lenders, and furniture stores, and Bank of North Carolina. This advertising was just shocking to the community of lenders. It was also interesting because when we get to a case before the Fourth Circuit Court of Appeals, I think the Justices, initially, felt the same way. I can't tell you the shockwaves from these new unexpected proceedings with its restraining order etc.

Well, at any rate, of course, it got rolling and other attorneys, started coming up, but there for a while it was just Frank Allen and Ted Nodell, that was most of bankruptcy litigation in Chapter 13 in the Eastern District. Especially, the creditors' attorneys were behind.

So at that point, Judge Moore was the Judge.

He had been the Judge under Chapter 10 bankruptcy Proceedings. He was in Wilson, North Carolina and that's where court was. Wilson was the home base for the Eastern District. I'd go over there, again, I was going to other districts, too, but there's more action with mobile homes in the Eastern District, just the nature of the business.

I'm trying to remember the details, but interestingly, the courtroom, the bankruptcy court, was in a -- probably, an old bank building, a gray bank building. I think it's across the street from the county courthouse.

So, there's a regular courtroom, and there were not many people there. I think Steve Beaman was around then. I'm pretty sure he was, and Frank Allen and I and maybe some other people, I didn't know, but they weren't involved with Chapter 13. Well, Judge Moore would hold

court for those. During the court proceedings Judge Moore would announce, let's take a break. So, everybody came back in his office, and he would smoke a cigarette.

So, we're sitting around chatting with him and each other and he's smoking a cigarette.

Then he would say, "All right, let's get back."

So, we'd go back in. He comes back in; court reopens and we'd continue. It didn't take long because there wasn't much to it, I mean, there wasn't much volume, I should say. So, that was my initial experience, at least in the Eastern District in court, and Judge Moore was a great guy. He was ex-army general. He had that sort of commanding aura about him, but he was interesting and interested. So, he really was a great Judge. And so that went on for a while. I'll just kind of meander along here. In the Eastern District in the Judge Moore days, I got to know Buzzy Stubbs because he was a Chapter 13 Trustee. Back then, you had to attend the Meeting of Creditors to find out your clients' treatment under the proposed plan. There was no alternative means of accessing it. So, I was going to the Meetings of Creditors more than I was going to court. I was going to New Bern and Wilmington and wherever, and would announce to Mr. Stubbs or Mr. Howard whom I represented such as Citicorp Finance for example. And then what is the proposed treatment? So, I would report that treatment to the client. That was my job. And I would travel all over going to Meetings of Creditors. Eventually, of course, creditors could access a website and anybody anywhere could look it up. But for a long time that wasn't the case. That was important because can you imagine if you didn't know -- you're a lender and you don't know what your treatment is. It gets confirmed and you're stuck with it. And it could be a cramdown that you didn't -- you didn't even know what a cramdown was. There could be some twist

in it and just all kinds of possibilities. So, it was really important that they know -- the only way to go is either be there or send a Ted Nodell type to be there and represent them. And of course, some debtors didn't pay, so the Motions to Lift Stay and back to Wilson.

In those early days, there was a lot of activity because the creditors were bombarding Peggy Deans the Clerk of Court and also Buzzy Stubbs' office -- what do we do? They had received some notice in the mail. And so, at some point Peggy Deans and I decide to have a creditors' workshop and to invite all these people. I don't recall if Buzzy was involved with that or not. I think it was mostly Peggy and I but, again, I could be wrong. I don't recall who actually sent out the notices. It could be the trustees, or it could be the Clerk's office, but Peggy helped a lot and she arranged the place to have it.

There were probably three or four of these creditors' workshops over a period of time. One workshop was at a barbecue restaurant in Wilson, and it's still there. It's kind of a truck stop looking place, and that was a lot of fun because attendees had a good lunch, and then very impactful instruction. They were all well attended. At the first one there was, probably a hundred people there. They're all creditors and they're trying to figure it -- mostly secured creditors, and they want to know what to do. And so, there's Peggy, Judge Moore had a presentation, followed by, probably Buzzy Stubbs about how the Trustee's office operates. And then here's a creditor's attorney. Well, I come on, they're on the edge of their seats. So, what do we do now? So I'd go through their rights, what you can do, what you can't do. I was the explainer, and I just happened to be a little bit ahead of the pack. I believe Judge Leonard attended the last workshop. I'm sure you can dig that up -- but he was there the last one, but Judge

Moore was there for the first two or three. Obviously, it was very successful because it did educate. You had all the players there in the room so the creditors could learn and understand the mechanics of Chapter 13. The other event that evolved that I'm sure you're interested in is our little bankruptcy seminar. And so we talked about -- actually, I should start -- I wasn't there, but Judge Moore and Buzzy were discussing about maybe an annual seminar to educate lawyers and staff. I got involved fairly early because I often saw Buzzy at the Meeting of Creditors and court. We became friends and we had some history together from Charlotte. So Buzzy and Judge Moore really came up with the idea and the concept of an annual seminar for attorneys and staff. I had several meetings or lunch with Buzzy about the seminar. My main contribution is that I came up with the name; The Eastern Bankruptcy Institute.

So, we had the first one. It was at Wrightsville Beach at the Holiday Inn. And we sent out notices to all the attorneys that had in any way been involved with bankruptcy. We didn't know how many would come, if anybody. And my second and major contribution to the Eastern Bankruptcy Institute was that I insisted we have a band on Friday night. Well, Judge Moore wasn't very keen on that idea and I understand. In the military you don't mix and mingle, but he relented, or he didn't -- but at any rate, I got a band, and it became a tradition. And the first Friday night, for some reason I remember this scene vividly -- we're all in our 20's and early 30's, the clerk's office staff, the legal assistants, attorneys and staff, we were there. We'd all been in class all day, and there was this band, and a great band stand. I can just see the scene, and most people were dancing. And those that weren't dancing were kind of on the peripheral. It was just a wonderful evening. And so, it became a tradition. And as far as I know, it's the only seminar ever

in the country, a legal professional seminar, even the CPAs or doctors or lawyers that had a band as part of the program.

UNIDENTIFIED SPEAKER: I never thought about that.

MR. NODELL: Yeah.

UNIDENTIFIED SPEAKER: It just seems normal to me.

MR. NODELL: But it's totally abnormal. And when you think about what's a band got to do with professional seminars. But what it did, though, is it just brought relationships to a new level. I was a speaker, of course, during the program because I had experience which others had not accumulated it at that time. Everything was new. For example, if a debtor has a mortgage, and it's behind in payments, the new code requires the loan become current within a reasonable time. Well, what is a reasonable time? Nobody knew until Judge Moore ruled on it. And I forgot what his ruling was, it might have been 18 months. But that ruling became the standard district wide. Well, that was new, nobody knew that, until he ruled. And there are all these little issues like that because the Code was new and not precise. Another development was that when a creditor violated the stay, the Judges, had to really burn the creditor, so word would get out that this is very serious. You don't repossess a vehicle when the owner is in bankruptcy. So, that happened a few times. Now attorneys are getting clients who are asking about this Chapter 13 and so the work everywhere, at all levels just, increased dramatically. John Orcutt came along and he brought advertising to a new level. He just really exploded it, and so there was much more awareness, at least in this part of the Eastern

District. Even riding down Interstate 95 at one time there's a sign on the side of the road, a friend of mine, "Stop foreclosures, stop bankruptcy, Call Brent Adams," and gave his telephone number in Dunn.

Well, he doesn't do much bankruptcy, but he saw the opportunity.

In Wilmington there was a group, in New Bern, in Fayetteville there were these pockets of attorneys that came to do bankruptcy work.

MR. SASSER: Ted, before you move on -- sorry to interrupt you. When we talk about, like, 1978, '79, '80, you mention Frank Allen on the debtor's side. Can you name a few other of the creditor's attorneys?

MR. NODELL: Creditors? Not that early. I mean, I didn't know of any. They eventually came but, I was the only game, initially but not for long. I It didn't take long for other lawyers to realize the opportunity. I don't remember anybody else doing it. Also, it takes time and seminars to learn about this fairly intricate area of law.

There could have been others, but in the very early days with Judge Moore in Wilson, I don't recall anyone I'm sure there were some there. Maybe Ed Harper but again I just don't recall. The bankruptcy court moved from downtown to a building, and maybe even Judge Moore might have owned the building.

There was a courtroom in the front and there were offices in the back. And I'm trying to remember, who was there at that time because that was the next level. I do remember Bob Fuller in Goldsboro because we had a case. The issue was in a Motion to Lift Stay and as a ruling or a work out, is the secured creditor entitled to an

award of attorneys' fees? Of course, Bob's position, no, if you're underwater there's no equity there. And Judge Moore ruled, yes, regardless of that we award attorney fees. And he had a reason, and he explained it, but well that was a new issue.

But I just remember Bob being there, and there were others at that time when you get to the second building.

I just don't remember, it all kind of merges together. At the final building at the mall, you have more and more people involved. I remember Randy Doub was a Chapter 7 Trustee, so he was around, but that was in New Bern. But as far as creditor's attorney, I'm not saying they weren't there, I just don't remember anybody. Certainly not to the volume that I had, and only because of dumb luck because I went to that bankruptcy seminar in Atlanta and learned it before anybody else did. Reminds me of the track story in high school. I think you're seeing a pattern here.

At any rate, bankruptcy expanded and expanded. These national lenders referred more and more cases.

I was driving 40,000 miles a year and I was hiring more people to help me and it just, went on and on and on. Oh, this is kind of a follow up. I just made a note of this. Judge Wolfe who presided in the Middle District, started an annual seminar, I think a couple of years after ours. Dick Hudson in Durham was intimately involved.

So they had their Middle District seminar and I went to that, too, because I practiced in the Middle District.

And gradually over the years, though, I noticed Judge Wolfe would come to ours in the Eastern District. Either I or Buzzy asked him the question was,

"Judge Wolfe, why do you come to the Eastern District seminar?"



And I remember exactly what he said, and I'm not going to quote him exactly because he's ex-military, Marine, landed at Iwo Jima. He basically said the Eastern District is more fun than the Middle District, and it was true. I agreed with him because I went to both.

UNIDENTIFIED SPEAKER: Because there was a band.

MR. NODELL: There was a band, but it's more -- it's more than that. The Bar in the Middle District is just a little more formal for some reason. It's just part of their culture, and the farther west in the Middle District they seemed more formal. But nice people. Oh, back to the band which you mentioned. The band, this is sort of another interesting aspect. Eventually, we were at the Blockade Runner in North Myrtle Beach, in fact, most of our time --

MS. OLIVER: You were at Wrightsville Beach -- Blockade Runner?

MR. NODELL: No, no, I'm sorry, no, I misspoke -- the one in North --

MS. OLIVER: Oh, the Beach Cove?

MR. NODELL: Beach Cove. Thank you. You're right. Thank you for correcting me.

For years Judge Small, you may recall, played the harmonica. So, he would get with the band on occasion and play his harmonica. I don't know if he sang or not, but I distinctly remember him playing the harmonica with the band.

And he obviously enjoyed performing.

Well, when he retired, I had organized a retirement dinner for him at a restaurant near William Peace College. A nice turnout. We all had dinner with him and toasted him. Well, my wife is an artist, and I had arranged with Norma Wygand to find a photo of Judge Small playing the harmonica with the band at our EBI, Norma found one, and so she sent it to me. My wife painted it, had it nicely framed, had it all wrapped up and after most everybody had gone, we presented it to him. And he opened it up, he says, "Oh, my God" he loved it and because it meant -- just that memory of being at the EBI playing his harmonica and the band was so -- I mean, obviously, meant much more than I anticipated. And I know now, I've actually been to, his house a couple times, and his current home in a retirement community. The painting is always hung on the wall in a very prominent place. I know it's there because it meant so much to him. But that was part of that culture we had in the Eastern District which I believe was very unique.

Let's see if there's anything else here.

UNIDENTIFIED SPEAKER: That's a great story.

MR. NODELL: And, of course, he might have sold it at a flea market the next week, but he says he cherishes it. Okay. I think that's it as far as I can remember, unless you guys have some questions. Let me go through all of this now.

MS. CASTELLOE: Well, I will tell you that your name came up in one of our other interviews when we interviewed Mr.

Billy Brewer.

MR. NODELL: Yes.

MS. CASTELLOE: He told us a very entertaining story about a mattress.

MR. NODELL: Yes.

MS. CASTELLOE: And I didn't know if you had any entertaining stories about your interactions with other attorneys.

MR. NODELL: Well, I thank you for mentioning Billy Brewer because, yes, he was on the scene pretty quickly, and a great guy, but we had some dogfights, but we'd walk out together. And one of them was -- he was right, there was a couple times. There's that mattress story. I don't know why it got so intense about a repossession of furniture, including a mattress. Judge Small said, "Mr. Nodell, what is your client going to do with a used repossessed mattress?" And I just said, without thinking, "We're going to dump it off in Mr. Brewer's front yard." Well, Judge Small didn't know I was joking, and he said, "Well, let me know if that happens" And then I had a case with Frank Allen involving one of the furniture stores -- I think it was Kimbrell's. Someone came in and bought a bunch of furniture -- one of the attractions was it could be delivered that afternoon. So, he bought a TV, maybe a sofa and bed, whatever. The items were delivered that afternoon. He executed an installment contract to

finance his purchase. Within a few days he files Chapter 13. Frank Allen was the attorney. Of course, Kimbrell's goes berserk. And so, we had this big hearing and this guy, takes the stand. I'm doing my job which should be a slam dunk to show his bad faith getting his new tv knowing he was about to file bankruptcy. I'm trying to be pretty aggressive with him. "Well, sir, when did you think about filing bankruptcy? When did you know about Chapter 13?"

And he said, "Well, I got my furniture that afternoon.

That evening I was laying in my new bed watching my new TV and Frank Allen's ad came on. And I said, 'Yeah, that's for me,' and so I went and met with Mr. Allen, I filed Chapter 13 bankruptcy." He testified he had never heard of chapter 13 prior to seeing Franks ad on his new TV. Well that was the end of my case. We had a few others like that with different terms.

But, yeah, Billy Brewer was certainly one of the main players and, you know, then -- I'm trying to think of some others. In Wilmington there's a great bar down there and, you know, Jimmy Carter was down there and some others. In New Bern -- but I had so many -- one of my favorite bars is the Asheville Bar. They're just good people and the same in Charlotte and Statesville, all of this was happening at the same time.

MR. SASSER: Do you think that the statewide nature where you were not only going to all three districts but different divisions within the district, do you think that kind of helped you to have some perspective about different practices and --

MR. NODELL: Oh, no question. Because

interestingly the Eastern District had its culture with which we're familiar with (which was Judge Wolfe's favorite). The Middle District was more formal but great people. And the Western was sort of a nice combination.

They were more like the Eastern but different. I mean, it's kind of hard to explain but, yeah, it certainly gave me perspective about the differences and, you know, it was the same law and sometimes the same issue would come up and different Judges in different districts. Sometimes they ruled similarly, sometimes they didn't. There was a debtor's attorney in Shelby, Max Gardner who became pretty nationally renowned. He was very aggressive about suing these mortgage servicers. Some probably deserved it because they were doing some questionable practices. We had some major fights but we liked each other. In fact, he had a bankruptcy boot camp for debtor's attorneys on how to sue mortgage servicers. Well, you can imagine how that went over with these mortgage servicers. The last time I saw him, I'll never forget this scene. I was in Shelby in bankruptcy court. I had one case and he was sitting in the jury box along with some other attorneys. I was sitting behind Steve Tate, the Trustee. I had my little case, did my motion and I got up to leave and I looked at Max and he looked at me. We both nodded with a little smile and I walked out. Well, I don't know if I will ever see Max again, but you know, there was all these relationships, just like in the Eastern District, they were important. And relationships with clients, most of whom, were really good. But, yeah, there were differences.

MR. SASSER: Lets talk about your Fourth Circuit Court of Appeals Cases now. So, Belanger or Belanger-

MR. NODELL: I don't recall the exact pleading posture. In court Debtor's counsel John Orcutt reported the debtor had a mobile home loan financed I think with GreenPoint Credit. In the Chapter 7 he had proposed that the debt be discharged, but the mobile home remain in the Debtor's possession as long as he continued to make his payments. Well, that was just incredibly offensive to my client, and most of the lending community. So, we had a hearing before Judge Small. I noticed that John kept calling him Mr. Bellinger (sic), and I kept calling him Mr. Belanger (sic), and Judge Small kept calling him Bellinger (Johns pronunciation) (sic). So, I knew I was in trouble as the case progressed. Well, at any rate, Judge Small ruled in the Debtor's favor. One could file a Chapter 7 and discharge the secured debt and as long he or she made timely payments the Debtor could keep possession of the collateral. So, my client said appeal to District Court. So I did. Well, it was affirmed. Then we appealed to the Fourth Circuit Court of Appeals. What happened next is an amazing story so I want to make sure I report accurately What I'm about to tell you is probably the only story people are going to remember out of this interview.

So here it is: For background, Randy Doub once told me "I don't know if you've been in an automobile accident or you have seen one, but, you need a big heavy car for protection." So, I bought this

heavy Mercedes sedan, used of course. The word new car is not in my realm of thinking. So, I got this used Mercedes with a diesel engine. And it was a tank. I'd be riding down the road and I felt very safe.

The hearing at the Fourth Circuit Court of Appeal was scheduled. I called John and I said, "Look, let's just go up together and I'll drive."

He agreed and I picked John up in front of his office the afternoon prior. We drive up to Richmond and first we go to find the courthouse to make sure we know where it is. Then we find our hotel which is nearby. We have dinner and then we go back to our rooms to prepare for the big case the next morning. I'd never been to the Fourth Circuit Court of Appeals before, so it was a new experience for me. I think the Court opened at 9:30. I met John, we had our breakfast, whatever, coffee, and I drive us to the courthouse.

The courthouse building looked like a long two story dormitory. It was kind of just window after window. The court entrance was around the corner at the far end facing a wooded area. The parking lot ran along the side of the building. We arrived early. There were very few cars as we pulled up. I knew where the entrance door was, so I drove the Mercedes and I backed into a parking space at the very end, closest to the entrance to the courtroom. So, we're getting our stuff together and we noticed the first three windows at the corner were open. We could hear coffee clinking and we could hear people talking. We thought that must be the Justices' lounge. It's about nine o'clock but the interesting part I distinctly remember was there were no screens on the windows. They were open and there's a slight breeze. And so John and I walk around to the door around the edge of the building. Near the entrance on the lawn was this huge statue. It was what you would expect in Richmond.

There was this large pedestal, either marble or granite.  
It was about five or six feet high and  
probably three or four feet on each side, so it was a huge  
It had a name on it, I'm sure,  
and at the top was a statue of a civil war  
soldier. We just assumed it was Robert E. Lee because we were in  
Richmond. So we just referred to it, as Robert E. Lee.  
So, we enter the building. We walk down the hall,  
find the courtroom, go in and it appeared we were  
second in line on the docket. John and I are sitting there waiting  
for our case. To the lender this was an incredibly important issue. So,  
at any rate, that's what we're there for.  
John and I sit down and the first case must have been  
a local federal prosecutor. He had some question  
and they took care of him very quickly. So, they called  
Bellanger, our case. And I was the Appellant so,  
I walked up and there's this little stand. The Judges were  
sitting up unusually high. There were three of them all in a row.  
Usually there's one judge but, you know, there was space for three so  
they were kind of lined up shoulder to shoulder and all older men. I didn't  
know any of them. And so I go up to the stand. I'm Ted Nodell from  
North Carolina. I'm representing Green Point Credit, we're the Appellant.  
And one of them said, "Mr. Nodell, thank you for coming. We've  
read your brief. We're familiar with your position, you may be  
seated." So, I turn around and look at John and I'm thinking,  
Cracker Barrel or IHOP? And so John kind of  
saunters up with a bunch of books and notes.  
And I was sitting off to his right, behind him and all relaxed now. So John  
said the same thing, "I'm John Orcutt, I represent the debtor, the Appellee  
and, does the court have any questions?" There's silence, and all of a



sudden it's like a dam burst. They started brutalizing him with questions -  
- interrupting each other asking intense questions -- I'm in  
shock and I can't imagine what John is going through.

It was really surreal and a little nerve wracking.

So, I'm sitting there off to his right and just  
watching all of this happening. John has, I know this is  
being recorded so I've got to say this carefully, but visually, he's got  
this little stand, he's got the Bankruptcy Code in front of him because he  
refers to it. He's got his notes and to the right, which I could see, he was  
holding a big thick Colliers.

They were very aggressive. This has been going on for five or ten minutes,  
John was trying to respond. He had Colliers and he had it resting on his  
right arm. It was open about midway through the book, the back of  
it was on his arm to hold it up so he could see and hold it  
up the pages. His right hand fingers were at the top of the  
book to hold the pages in place while he read. Does that make sense to  
you visually? I mean, I know you can see it, but you think somebody  
listening knows?

MS. CASTELLOE: He's cradling it, like a baby.

MR. NODELL: Right. That's the right term. He was  
cradling the book. Thank you. And he was sweating profusely. I was,  
too. John would look down and quote something, look up,  
get to the next page and look down, look up. Well, I'm sitting  
there and his glasses slide down his nose. When you go  
home tonight, get a large book, get in front of a mirror, hold it open  
with one hand and try to touch your nose with a  
finger. There's only one finger available, and that's what he  
did. So, he's holding up his glasses up with his middle

finger while simultaneously reading from Colliers. I'm sitting there, watching this unbelievable scene. Several times John would start reading and, push his glasses up and give the Justices the finger. So, that went on, and I'm, oh my God. So, it felt like it lasted an hour, but I'm sure it's ten or fifteen minutes. But it was brutal. At any rate, that was the last case. Court adjourned. Well, I mean, I got out of there. I didn't want to be hit by a ricochet or something out in the hall. The Justices just seemed angry about the whole thing. So, I got my stuff. I ran down the hall and got into my car. Obviously, we're going to leave in a hurry, so I turned it on. And it's sitting there idling, and I didn't realize it but there's not much breeze blowing so there is this nasty, dark, gray brownish, smoke coming out the tailpipe. And it's kind of drifting around to the front yard at the door of the courthouse. What is taking John so long? Well, he had a lot of stuff to get together but he was taking a long time. So, I looked back and there's this thick brownish cloud engulfing the statue, it just settled and it looked like a dense cloud in the Great Smokey Mountains, but the color was not beautiful white snowy but impenetrable nasty dark brown grey. So I'm sitting there idling. Where is John? Well, all of a sudden, he comes out of the cloud, and it looked like a World War I infantry gas attack. He runs to the car. His face looked like they beat him up, I said what happened? He said, "I ran into Robert E. Lee at full speed." He yells "Floor it!" And so, I knew what he meant. He's thinking we are going to lay rubber and fishtail out of there. That's what would normally happen. But that's not the way it works with a diesel engine. I did floor it, but a diesel engine with that kind of weight has to build up torque before it moves, and then it moves out smartly, but it's got to

get that torque up. So, I'm sitting there with this big 8-cylinder diesel engine blasting away and I look in my rearview mirror in horror. The nasty brown exhaust smoke was shooting dead center into the window of the Justices' lounge! It looked like a water cannon police use on rioters to dispense crowds. Finally, we take off and I glanced back and saw there was so much smoke in the lounge it was coming out the 2 adjacent windows.

So, I bolt out of there as fast as I could.

I came to the end of the building, there's a road where we came in, and there's a stop sign. Well, up to that time, I was totally innocent in everything I did. I put it in neutral, I roared the engine a couple times to put fog around my license plate, I turned right. It turned out the road was a one lane road.

Unbelievably the road was an entry ramp onto I-95 South.

So, I'm going 50 miles an hour, I'm getting out of there as fast as I can.

Well, too late, I realize there's a speed bump just before the ramp, and it was not just a speed bump. In the language of golf fairway construction they use swales which divert water. It's kind of an oversized speed bumps. So, I hit that baby. I had my seatbelt on, but John didn't. I don't think the car actually left the ground, but it was an unbelievable jolt.

John shot up off the seat into the ceiling.

There was this jolt with the propulsion of shooting him up and gravity pulling him down. He was weightless for a couple of seconds. He was just up inside looking down at me. And then, of course, it all quickly ended and he comes crashing back into his seat.

And meanwhile I'm flying. I fortunately made the curve and I'm on I-95 South. I'm looking for helicopters.

I'm looking for highway patrol or, you know, whatever, and I'm making sure I'm under the speed limit. John's over there moaning, he's just in another world. Poor guy. Actually, I said do

you want me to stop at a hospital? And uh, uh, uh -- I don't know what he said. But I kept going and after about 20 minutes, I realized we're probably out of danger of being arrested and taken into custody. So, I start relaxing. John's out of it. And the last thing I remember is, I just had this -- it was 10:30 in the morning and I had this strange compulsion. I've got to exit to a 7-Eleven or a Kangaroo or something. I just want a cigar and a Colt 45 malt lager. I never had that compulsion before or since. I never drink and drive, but I just -- I didn't care, but I didn't know where to stop. There was no exit that said 7-Eleven or cigars and Colt 45, so I just kept going. So, we get back, I dropped John off, he was a mess. He didn't remember anything that happened. Of course, inhaling those nasty diesel fumes at the foot of Robert E. Lee caused confusion and total amnesia.

The next day I told my secretary, "Just let me know, we'll get a fax that says 'Reversed', just bring it to me," probably coming in this afternoon or tomorrow. So, nothing happened. Waited a week or two and, okay, well, just waiting for the Opinion and nothing happened. A week, month, months go by, no Opinion. And I mean it just seemed an inordinately long time, and you could probably look at the date of the filed Opinion and when I argued it. It seemed to me almost a year. I had forgotten about it. So, finally, it comes out and, of course, it affirmed Judge Small and that was the end of the case. But in reviewing the situation, why did it take so long? I mean, that was an unusually long time and, again, it could have been three months or so, but it certainly wasn't two or three weeks, and it certainly wasn't the next day. I later discovered that inhaling toxic diesel fumes, if it doesn't kill you, causes amnesia. I speculate I gassed them

(accidentally, of course) The entire court proceeding was just blanked out of the Justices' minds as if it never happened.

Someone put the file aside, and some clerk found it one day, did a review, wrote a little Opinion, and sent it out. That's what I think happened. So, at any rate, nobody was arrested. Naturally, John never remembered any of this and I had gassed the Fourth Circuit Court of Appeals and got away with no prison.

There was another Fourth circuit court of appeals case, and the only reason I didn't bring this up is because Mr. Sasser was on the other side. I took on an individual client which I never do. He had sold a house to Travis' client. My guy moved to New Mexico, and he was expecting his monthly payments, to help fund his retirement. Well, the purchaser quit paying and filed bankruptcy, and so there's an issue -- I don't even remember the issue, it seemed pretty insignificant to me.

We have an associate, Lien To and I thought this would be a good experience for her. So, she did the Response and the Brief.

The hearing was before Judge Warren. I don't even remember which courthouse or if Travis was there or Cort. But anyway, we argued it out and Lien presented the case. I made a couple comments, and Judge Warren ruled in favor of my client, the holder of the note and the mortgage. So, Travis appealed to District Court and Judge Flanagan, I think ruled and she affirmed the bankruptcy court, but she added a little twist to it. And, again, I don't remember, I really thought it was a nothing issue. Also, Lien was doing all the work so I didn't pay much attention to it. But then Travis appeals to the Fourth Circuit Court of Appeals. So, okay, here we go. Fortunately, different Justices and they had

forgotten me by then. And so, I go up there, and I had asked John Logan to appear. I thought he would be beneficial. He filed a Friend of the Court Brief in favor of my client's position. He would be more knowledgeable and certainly more authoritative since he was the one actually administering the case. Cort was representing Travis' firm. Cort couldn't get there in time for dinner, but John Logan and his wife and I went out to dinner the night before. A nice dinner, I'll never forget. I got fried fish and the fish came on a plate. It had eyes because the head was there. So, I had to eat him while he was looking at me. I was sitting there on these benches with no backs for support. I'd had back surgery many years ago, and I had to be careful with back spasms. That's why I have this little back pad here just in case. I had a very nice dinner with John and his wife, but I knew, sitting was tightening my back muscles. Well, next morning we go to court, Cort's there, I meet his wife, wonderful lady and we chatted before court. There are two or three cases before us, and then the worst. So, I'm sitting there and I feel my lower back tightening. We're waiting for our case to be called. Oh, my gosh, I can see me lying out on the floor, stop court to get an ambulance. I know what all happens. I get up and I sneak out into the hallway. Well, this time I had planned ahead, and I had in my pocket a hydrocodone, which is a very powerful opiate. I ran down to the water machine and swallowed my hydrocodone. Come on, baby, kick in, kick in. So, I go back and I stand outside the door and I think the Court even took a break, I'm not sure. Coincidentally, I see Cort's wife in the back, and she's reading something. It looks like a Bible. I was concerned she would get Cort some spiritual advantage. So, I go back to her. What was her name?

MR. SASSER: Katrina.

MR. NODELL: Katrina. Yeah, I mean, she's great.

And I say, "Can you pray for me?" She said, "Oh, sure." Well, then I had Cort spiritually neutralized. So, I go back stand in the hallway. They called maybe one more case ahead of us, and ours is coming. I said, "Come on, hydrocodone, come on." Finally, I can feel it coming. It's not intoxication, it's just kind of a goofy relaxing feeling, at least for me. So, I'm very respectful of those, but I had one, it was working, thank goodness. We go in there and we argue the case. I argue 15 minutes. Interestingly, this was my strategy -- I knew Cort is younger, he wouldn't know about streams of income, but the Justices probably do because they're more my age.

I wanted some empathy. Well, I think the analogy connected with at least one or two of the Justices. Also, towards the end of my little 15 minutes, there was a distinction between the District Court and Judge Warren's Opinion. One of the Justices said, "Well, Mr. Nodell, which between the two Opinions -- which do you think was the correct one?"

First of all, why would a Justice be asking one of the lawyers his opinion, that kind of threw me.

But at any rate, I said, I believe the Bankruptcy Judge got it right. So, John came on. Did a great job presenting the mechanics of it. Then Cort came up, and they asked him a lot of good questions. He was prepared, and so we left. And so, we're just waiting for the Opinion to come down.

Well, a few days -- maybe within a couple weeks, the Opinion came out, and it affirmed my client, the mortgage holder's position, on that issue. The Opinion even quoted my statement, the Bankruptcy Judge got it right.

So, okay. Well, that's the end of it. Soon I get a call from a news reporter. I don't recall which -- maybe Lawyers Weekly. So, I said, "Well, here's my take on it, but you need to call Mr. Cort Walker and the Trustee for their input. And so that was it. Well, the next week in Lawyers Weekly on the front page, not the headlines but on the front page was this case. And Theodore Nodell was the only name mentioned.

And then later this national consumer law publication arrived at our office reporting our case and again I was the only attorney mentioned. And so Travis was right, it was a big issue. I didn't get it. And the irony is, Lien did all the work. So, my only contribution was a haphazard 15-minute presentation under the influence of hydrocodone and I get all the credit. That's just how life is. Sometimes you do something good you get no credit, and sometimes you do nothing and you get all the credit. But anyway, that was my final and last Fourth Circuit Court Appeals case, and in that case, it went my way.

Any other -- something I missed or any other topics or curiosity or corrections?

MS. CASTELLOE: We've been going for an hour and a half

MR. NODELL: Really?

MS.CASTELLOE: Yeah. Hard to believe, isn't it?



MR.NODELL: No wonder I'm so hungry.

MS. CASTELLOE: And do you have any other main questions on yours that we didn't get to, Travis?

MR. SASSER: I'm very happy with how this went. This was great. I feel like you answered a lot of my questions.

MS. OLIVER: Yeah, that was a great road map of your career.

MS. CASTELLOE: And, especially, the origin of the name of the Eastern Bankruptcy Institute.

MR. NODELL: Well, here's an interesting sideline. At that time, the North Carolina Bar Association wanted to incorporate our bankruptcy seminars under its organization. We declined as did the Middle District. We just weren't interested. That didn't go over too well. So later, the Bar Association developed their annual bankruptcy seminar. Guess what the name is? The North Carolina Bar Association Bankruptcy Institute. They just took our name. I mean, "Institute" is a very unusual word especially for a two-day seminar.

MS. CASTELLOE: Imitation is the sincerest form of flattery.

MR. NODELL: I guess so.

MS. OLIVER: Well, that was great. Thank you so

much.

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