



## **Stephen A. Studer**

Partner

Offices: South Bend / Mishawaka, Chicago

[ssuder@kdlegal.com](mailto:ssuder@kdlegal.com)

p: 574-277-1207

f: 574-277-1201

m: 574-286-5445

Stephen Studer regularly advises financial institutions, corporate, health care, government, and commercial real estate clients in connection with their legal requirements.

Mr. Studer has extensive experience in advising buyers, sellers, lenders, lessors and lessees and developers. Stephen also advises on the development and financing of wind and solar energy projects. Much of his current practice involves representing commercial real estate and developer clients in connection with negotiations, acquisition, land use and zoning issues, and other development related matters, including properties that may have environmental issues. Mr. Studer has also helped form, and continues to advise, government entities such as regional water and sewer districts, conservancy districts, and economic development entities and helped form and currently is counsel to the Northern Indiana Regional Development Authority.

He regularly advises, counsels, and represents corporate, real estate, health care and government clients on strategic business issues, development opportunities, corporate governance, and general business issues. In addition, Mr. Studer has represented clients in connection with permitting, compliance and enforcement issues with numerous federal and state agencies.

His prior experience includes acting as in-house counsel with major multi-national corporations and as a partner with several prominent firms in private practice. In addition, Mr. Studer has been an Adjunct Professor for the University of Notre Dame Law School where he taught a Commercial Real Estate Development & Financing course and serves as an Adjunct Professor of Law for the Notre Dame Fitzgerald Institute of Real Estate. Mr. Studer previously served as the firm's Executive Partner of the North Central Indiana Regional Office for 15 years. Additionally, he has served on the firm's Executive Committee, as Department Chair for Corporate & Transactional Services, and as its Marketing Partner.

### **Education**

- J.D., Loyola University Chicago School of Law, Chicago, Illinois, 1976
- A.B. in Government and International Relations, University of Notre Dame, Notre Dame, Indiana, 1973

### **Bar & Court Admissions**

- Indiana, 1992
- Illinois, 1976
- Michigan, 1992
- U.S. District Court for the Northern District of Indiana, 1992
- U.S. Supreme Court, 1980



- U.S. Court of Appeals 7th Circuit, 1979
- U.S. District Court for the Northern District of Illinois, 1976
- U.S. Court of Appeals 6th Circuit, 1993
- U.S. District Court for the Western District of Michigan, 1993

### Certifications

- Legal Lean Sigma® White Belt

### Practices

- Real Estate Services
- Business Services
- Economic Development
- Environmental
- Municipal and Governmental Law
- Data Privacy and Cybersecurity
- Higher Education

### Industries

- Real Estate
- Government
- Financial Services
- Health Care
- Education and School Law

### Representative Experience

- Representing developer of \$200 million plus residential and commercial development, including land use, TIF and bond work
- Represented client in connection with large annexation (50 acres) into City of Mishawaka, including handling numerous public meetings and hearings
- Represented national company in connection with land use, zoning, and subsequent development issues in connection with \$120 million student housing project
- Represented local university in connection with large scale hydroelectric facility
- Represented developer of Scottsdale multi-family housing project and subsequent sale
- Represented multi-building graduate housing project developer, including long-term ground lease and subsequent

sale of same

- Lead lawyer in connection with \$12 Million sale of multi-state business to publicly-traded Australian company
- Represented client in connection with the purchase, financing and conversion of a 100,000 square foot former shopping center into new multi-specialty medical office complex
- Successfully represented client in controversial rezoning of property to permit the construction of an automobile shredder
- Negotiated federal Consent Decree resulting in approximately \$2 million in reduced remediation costs and civil penalties, including taking the matter to the U.S. Court of Appeals for the Seventh Circuit and the U.S. Supreme Court
- Successfully represented property owner in obtaining state and federal permits in connection with relocation and renovation of a native trout stream in connection with the construction of a championship golf course
- Represented city in connection with the demolition of 57 buildings and over two million square feet of abandoned buildings, including negotiation of first of its kind prospective purchaser agreement with the U.S. EPA, all demolition contracts, real estate work and other related matters
- Represented municipality in U.S. EPA matters and demolition contracts in connection with demolition of historic brownfield site, including numerous buildings resulting in clearing nearly 80 acres of property to make ready for redevelopment
- Filed first appeal under Indiana's Excess Liability Fund Act on behalf of Arizona company with Indiana operation, resulting in granting of Motion for Judgment on the pleadings in the client's favor, including successful appeal to Indiana Court of Appeals
- Negotiated Consent Decree with U.S. EPA, Region V, for client accused of improper labeling under FIFRA, resulting in fines being reduced by two-thirds
- Successfully obtained tri-partite agreement with U.S. Army Corps of Engineers, The Nature Conservancy and an Illinois municipality, whereby the client was able to expand his business by filling in a mitigated wetland in exchange for purchasing native Illinois prairie grasses in a neighboring community and donating them to The Nature Conservancy
- Successfully represented Indiana city in connection with a case of first impression in defeating plaintiffs' claim of a riparian "right to a view" and inverse condemnation claims when city installed a pedestrian bridge in connection with city riverfront redevelopment project, including successful appeal to Indiana Court of Appeals
- Was a principal lawyer in connection with the sale of a U.S. financial institution for \$425 million in cash to a Japanese bank, the largest transaction of its kind at the time
- Was a principal lawyer in negotiating the sale of a bank holding company to another bank holding company for \$275 million

Representative published opinions in which Mr. Studer appeared as counsel of record include:

- *U.S. v. Rueth Development Co.*, 189 F. Supp.2d 874 (N.D. Ind., 2001); 335 F.3d 598 (7th Cir. 2003); 540 U.S. 1050, 124 S.Ct. 835, 157 L. Ed. 2d 699 (U.S. Supreme Ct., cert. denied, 2003)

- *Center Townhouse Corp. v. City of Mishawaka*, 882 N.E. 2d 762 (Ind. Ct. App. 2008)
- *Indiana Dept. of Environmental Management v. Twin Eagle LLC*, 798 N.E.2d 839 (Ind. Supreme Ct. 2003)
- *Indiana Dept. of Environmental Management v. Adapto, Inc.*, 717 N.E. 2d 646 (Ind. Ct. App. 1999)

### Professional Associations

- Adjunct Professor, Fitzgerald Institute for Real Estate
- Member, Indiana Association of Cities and Towns
- Member, St. Joseph County Bar Association
- Member, Indiana State Bar Association
- Member, National Resources, Energy, and Environmental Law, and Health Law Sections, American Bar Association
- Member, Michigan State Bar Association

### Awards & Recognitions

- Best Lawyers In America®, Real Estate Law, 2013-2024
- Best Lawyers In America®, Environmental Law, 2009-2024
- Indiana Super Lawyers, Real Estate, 2006, 2010-2023
- Indiana Bar Foundation (Life Fellow)
- Notre Dame Scholar

### Seminars & Presentations

- Speaker, "A Primer on the READI Program and the American Rescue Plan Act," 64th Association of Indiana Counties Annual Conference, September 21, 2022
- Guest Panelist, Certified Commercial Investment Member (CCIM) Institute Seminar, "Commercial Real Estate," South Bend, Indiana
- Faculty member, Planning & Zoning, Indiana Continuing Legal Education Foundation
- Speaker, "Bridging Economic Development and Environmental Protection," Indiana Brownfields Conference
- Chair, "Advanced Environmental Law," Indiana Continuing Legal Education Forum
- Faculty member, "Annual Real Estate Institute," Indiana Continuing Legal Education Forum
- Co-chair, "Advanced Environmental Law," Indiana Continuing Legal Education Forum
- Faculty member, "Advanced Environmental Law," Indiana Continuing Legal Education Forum
- Presenter, "Recent Developments in Wetland Law," Illinois Association of Aggregate Producers 33rd Annual Convention
- Speaker, Environmental Workshop, Old Kent Bank, Kalamazoo, Michigan

- Speaker, "What You Need to Know About Wetlands Regulations," Joint Seminar with J.F. New & Associates, University of Notre Dame
- Panelist, "Mishawaka River Center," Indiana Planning Association Conference
- Speaker, "Environmental Law for Bankers: Covering Your Assets," 1st Source Bank
- Faculty member, "Major Land Use Laws in Indiana," National Business Institute, Inc.
- Speaker, "Brownfields," Manufacturers' Education Council, 8th Annual Business & Industry's Environmental Symposium, Cincinnati, Ohio
- Speaker, "Wetland Regulations," Central Indiana Technical & Environmental Societies, Annual Environmental Symposium, Greenwood, Indiana
- Speaker, "Brownfields," CLE International Conference, Indianapolis and Chicago
- Speaker, "Sports Turf: Is Your Field Safe from Legal Liability?" and "Gold Turf: Spikeless Shoes and Other Potential Liabilities," Midwest Regional Turf Foundation Conference, Indianapolis
- Speaker, St. Mary's College, Notre Dame, Indiana
- Speaker, "Legislative & Legal Update on Environmental and Land Use Issues," Indiana Society of Professional Land Surveyors Annual Convention
- Faculty member, "Major Land-Use Laws in Indiana," National Business Institute, Inc., Programs
- Faculty member, "Boundary Law in Indiana," National Business Institute, Inc.
- Faculty member, "Real Estate," Indiana Continuing Legal Education Forum
- Speaker, Notre Dame Environmental Law Society
- Faculty member, "Advanced Real Estate Law in Indiana," National Business Institute, Inc.
- Speaker, "Site Assessment Process," Michiana Area Construction Industry Advancement Fund

## Publications

- Co-author, "Helping Indiana Cities and Towns Pursue Brownfield Cleanups"
- Author, "Wetlands and Recent Case Law: Twin Eagle and Other Recent Decisions"
- Co-author, "Indiana Court Prohibits IDEM Regulation of Wetlands Not Subject to Federal Jurisdiction"
- Author, "Major Clean Water Act Decision by U.S. Supreme Court"
- Author, "The 2001 Tulloch Rule: New and Revised"
- Author, "Environmental Site Assessments: Get a Good Attorney, Too," Indiana Business Magazine
- Author and Speaker, "Environmental Law for Bankers," prepared for and presented to KeyBank National Association
- Co-Author, "Environmental Site Assessments: An Integrated Approach," Environmental Site Assessment Conference, National Ground Water Association