

# Bankruptcy & Creditors' Rights

Our bankruptcy and creditors' rights group provides nationwide transactional and litigation services to financially troubled entities, secured lenders, trustees, receivers, unsecured creditors, official creditor and equity securityholder committees, landlords, buyers and sellers of assets, lessors, lessees, investors and insurers, among others, in the following settings:

- Chapter 11 reorganization cases
- Chapter 7 liquidation cases
- Out-of-court loan restructurings and "work-outs"
- Asset recovery and foreclosure
- Debtor/creditor litigation in federal and state courts
- Receiverships and assignments for the benefit of creditors
- Dissolutions and winding-up of business entities

We combine decades of legal experience, a relentless commitment to excellence and a profound concern for clients so that we may best attack even the most intractable problems.

## Our Background

### *Chapter 11 cases:*

- Participated in the successful confirmed plans of reorganization for businesses in the following industries: retail store chains; chain of franchised restaurants; commercial transportation, including rail and motor carriers; hardware stores; apartment complexes; industrial manufacturing; and hospitality
- Participated in the sale of substantially all of the debtor's assets in the following industries: industrial production; apartment complexes; motor carriers; retail sales chains; strip mall owners; golf courses; healthcare; railways; communications; and steel and foundries
- Obtained critical vendor status for clients
- Handled requests for treatment of public utility claims on behalf of creditors
- Handled assumption and rejection of commercial leases and executory contracts
- Handled cases related to protection of intellectual property licensed to the debtor

## PROFESSIONALS

Mark R. Wenzel  
Partner

Michael G. Cortina  
Partner

Eric M. Fogel  
Partner

Brandt N. Hardy  
Partner

Madalyn S. Kinsey  
Partner

Martha Reddy Lehman  
Partner

Daniel S. Peters  
Partner

## Bankruptcy & Creditors' Rights

- Negotiated use of cash collateral with protections for secured lenders
- Represented Chapter 11 trustees in the following industries: communication satellites; grain elevators; and professional sports
- Represented high net worth individuals in confirming chapter 11 cases
- Represented commercial liquidator in obtaining authority to conduct going out of business sales
- Represented insurers and government entities in connection with mass tort cases

### *Secured lender representation:*

- Filed and litigated motions to sequester cash collateral or terms and conditions of cash collateral use
- Sold claims to parties interested in purchasing assets at sales
- Filed and litigated motions for relief from stay and for adequate protection
- Filed and litigated objections to the dischargeability of claims and denial of discharge
- Litigation of valuation and surcharge issues

### *Chapter 7 cases:*

- Represented sub-landlord in connection with lease rejection issues
- Represented Chapter 7 trustee where the debtor operated in the following industries: home mortgages; financial services; wedding apparel; agriculture; vending machines; and manufacturing/industrial

### *Other bankruptcy cases of interest:*

- Represented farmers in both Chapter 11 and Chapter 12 cases
- Represented creditors filing involuntary petition to prevent dissipation of assets
- Litigated motions to send two party disputes back to state court under Bankruptcy Code's abstention doctrine
- Prosecuted and defended preference and voidable transfer (f/k/a fraudulent transfer) cases
- File claims and handle claims litigation

### *Other insolvency work:*

- Represent state court receivers
- Commercial foreclosures, including deeds in lieu of foreclosure
- Commercial workouts, including forbearance agreements

- Assignments for the benefit of creditors
- Article 9 sales
- Post-judgment collection
- Pre-judgment remedies

## Experience

Represented a Large Unsecured Creditor in Claims Against a Debtor for Breach of Contract, Delay, Recoupment and Liquidated Damages

Successfully Represented a Large Financial Institution in Bankruptcy Court

Prosecuted and Defended an Energy Company in Competing \$1.2 Million Claims

## Firm News

Congratulations to the Amundsen Davis Attorneys Included on the 2024 Indiana Super Lawyers and Rising Stars Lists  
Firm News, February 28, 2024

Amundsen Davis Named in the 2024 Edition of Best Law Firms®  
Firm News, November 2, 2023

91 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2024 in America  
Firm News, August 17, 2023

Congratulations to the Amundsen Davis Attorneys Included on the 2023 Indiana Super Lawyers and Rising Stars Lists  
Firm News, *Amundsen Davis*, February 28, 2023

Mike Cortina Appointed to Illinois Supreme Court Committee on Character and Fitness  
Firm News, January 27, 2023

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2023  
Firm News, November 3, 2022

41 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023  
Firm News, August 18, 2022

Amundsen Davis Promotes Five Attorneys to Partner  
Firm News, March 14, 2022

6 Amundsen Davis Attorneys Included on 2022 Indiana Super Lawyers and Rising Stars Lists  
February 24, 2022

# Bankruptcy & Creditors' Rights

Amundsen Davis Attorneys Included in the 2021 Missouri Super Lawyers List  
*Amundsen Davis*, November 18, 2021

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2022  
November 4, 2021

34 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2022  
August 19, 2021

5 Amundsen Davis Attorneys Included on 2021 Indiana Super Lawyers and Rising Stars Lists  
Firm News, *Amundsen Davis*, February 25, 2021

27 Amundsen Davis Attorneys Included on 2021 Illinois Super Lawyers and Rising Stars Lists  
January 29, 2021

Attorney Michael Cortina Announces His Candidacy for ISBA 3rd Vice President  
November 2020

Amundsen Davis Attorneys Included on the 2020 Missouri Super Lawyers and Rising Stars List  
*Amundsen Davis*, November 16, 2020

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2021  
November 5, 2020

Attorney Madalyn S. Kinsey Joins Amundsen Davis's Financial Services Practice in Indianapolis  
November 3, 2020

30 Amundsen Davis Attorneys Recognized in *Best Lawyers in America*© 2021  
August 20, 2020

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2020  
November 1, 2019

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2019  
November 1, 2018

Amundsen Davis Ranks on Crain's Chicago Business' 2018 Largest Law Firms List  
*Crain's Chicago Business*, October 25, 2018

Amundsen Davis Ranks on Crain's Chicago Business' Largest Law Firms List  
*Crain's Chicago Business*, September 15, 2017

12 Amundsen Davis Attorneys Included in Best Lawyers in America© 2018  
August 15, 2017

## Bankruptcy & Creditors' Rights

5 Amundsen Davis Attorneys Included on 2017 Indiana Super Lawyers and Rising Stars Lists

Firm News, *Amundsen Davis*, February 2017

27 Amundsen Davis Attorneys Included on 2017 Illinois Super Lawyers and Rising Stars Lists

Firm News, *Amundsen Davis*, January 13, 2017

8 Attorneys Join Our Indianapolis Office

Firm News, September 2016

Amundsen Davis Ranks on Crain's Chicago Business' Chicago Largest Law Firms List

Firm News, *Crain's Chicago Business*, September 10, 2016

Amundsen Davis Recognized by Indiana Bankers Association as Diamond Associate Member

Firm News, May 10, 2016

4 Amundsen Davis Attorneys Included on 2016 Indiana Super Lawyers and 2016 Indiana Rising Stars Lists

Firm News, *Amundsen Davis*, February 12, 2016

Amundsen Davis In the United States Supreme Court Again!

June 16, 2015

## Alerts

New Requirements Related to E-Lien Filing in Motor Vehicle Consumer Loans

Article, *Amundsen Davis Banking & Finance Alert*, July 19, 2023

Small Business Bankruptcy: What Do You Need to Know?

Article, April 13, 2022

Improper Service Puts Real Estate Title In Jeopardy

*Amundsen Davis Real Estate and Financial Services Alert*, June 21, 2021

Congress Pushes Bankruptcy Aid for Those Suffering Financially from COVID-19

*Amundsen Davis Financial Services and Bankruptcy Alert*, February 11, 2021

Supreme Court Settles Chicago's Car Impoundment Drama – For Now

*Amundsen Davis Financial Services Alert*, January 15, 2021

The Impact of Residential Evictions on Future Finances

*Amundsen Davis Real Estate and Financial Services Alert*, November 24, 2020

What's in a Name? When is a Farmer a Family Farmer Under the Bankruptcy Code?

*Amundsen Davis Financial Services Alert*, August 26, 2020

## Bankruptcy & Creditors' Rights

Bankruptcy Judge Slashes Rent Due By Restaurant Tenant During COVID-19  
*Amundsen Davis Bankruptcy & Creditor's Rights Alert*, June 16, 2020

Congressional Changes Meant to Encourage Small Business Chapter 11  
Bankruptcy Filings Prove Timely Amid COVID-19 Outbreak  
*Amundsen Davis Financial Services Alert*, March 24, 2020

Protecting Lenders and Noting Liens: Lessons Learned from a Recent Bankruptcy  
Case  
*Amundsen Davis Financial Services Alert*, December 9, 2019

Chapter 12 Bankruptcy: A Forgotten Tool for Family Farmers?  
*Amundsen Davis Financial Services Alert*, February 22, 2019

Supreme Court to Decide Important Bankruptcy Case  
*Amundsen Davis Financial Services Alert*, April 27, 2018

Discharge in Bankruptcy Without Reaffirmation is Not a Shield and a Sword  
*Amundsen Davis Financial Services Alert*, April 27, 2017

Lessons Learned in Recent Bankruptcy Cases - The Power of Words  
*Amundsen Davis Financial Services Alert*, September 30, 2016

Hanjin Bankruptcy and Cargo Update  
*Amundsen Davis Transportation Alert*, September 9, 2016

## Events

Cannabis Law in Illinois: The Basics & Beyond  
Illinois Institute of Continuing Legal Education, Webcast, October 21, 2021

Bankruptcy and Alternatives for Business Owners: Timely Action to Take Now in  
Dealing with Your Bank and Landlord  
Event, Amundsen Davis, Webcast, June 17, 2020

The Pandemic and Your Loan Portfolio - What's Next?  
Event, Amundsen Davis, Webcast, May 5, 2020

COVID-19: Preparing for Defaults, Forbearances and Small Business Bankruptcies  
Event, Amundsen Davis, Webcast, April 10, 2020

The Corporate Paralegal from A to Z  
Speaking Engagement, National Business Institute, Webcast, September 26, 2018

The Corporate Paralegal: Overcoming Top Challenges  
Speaking Engagement, Institute for Paralegal Education; Webinar, March 8, 2018

# Bankruptcy & Creditors' Rights

Bankruptcy Warning Signs  
Illinois Chamber of Commerce, Webinar, June 8, 2016

### Published Works

*Norfolk Southern Distinguishes But Does Not Derail Daimler*  
Publication, *Illinois State Bar Association's Bench & Bar Newsletter*, August 2023

Absolute Immunity – Well, Not Quite  
Publication, *Illinois State Bar Association's Bench & Bar Newsletter*, June 2023

"Inconceivable!" The Unintended Consequences Of *Daimler* On Banking And Creditors' Rights  
Publication, *University of Illinois Law Review Online*, 2023

Thanking Us for Our Service  
Publication, *Illinois State Bar Association's Bench & Bar Newsletter*, December 2022

Impact of *Daimler* on Creditor's Rights  
*Illinois State Bar Association's Bench & Bar Newsletter*, Fall 2021

"Inconceivable!" The Unintended Consequences Of *Daimler* On Banking And Creditors' Rights  
Publication, *University of Illinois Law Review Online*, July 20, 2021

State of Illinois Force Majeure Law Compendium (during COVID-19 pandemic)  
*USLAW*, June 5, 2020

State of Indiana Force Majeure Law Compendium (during COVID-19 pandemic)  
*USLAW*, June 5, 2020

### Blog Posts

Could a Small Town in Pennsylvania Force Congress to Deschedule Cannabis?  
*Cannabis Business Legal News*, November 14, 2022

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