



STEVEN H. ANCEL
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Agenda

- 8:55 A.M. Welcome & Introduction**
Issues in Consumer Bankruptcy - Morning Session
– *Mark S. Zuckerberg*, Institute Co-Chair
- 9:00 A.M. Best Practices for a Chapter 7 Trustee**
– *Michael J. Hebenstreit & Gregory K. Silver*
- 9:45 A.M. Case Law Update**
– *Patricia L. Marshall & Suzette E. Bewley*
- 10:30 A.M. Coffee Break**
- 10:45 A.M. Update from the Office of the United States Trustee**
– *Nancy J. Gargula*
- 12:15 P.M. Lunch Break (on your own)**
Issues in Business Bankruptcy – Afternoon Session
– *James E. Rossow*, Institute Co-Chair
- 1:15 P.M. PANEL I - Chapter 11 in Practice: In re Scotty's Holdings, LLC**
– *Jason R. Burke**, *John Joseph Allman*, *Ben T. Caughey*, and *Dustin R. DeNeal*
- 2:00 P.M. PANEL II - Small Business Bankruptcies: The Small Business Reorganization Act of 2019**
– *Jeffrey A. Hokanson**, *Andrew C. Ozete*, *Thomas C. Scherer*, and *Meredith R. Theisen*
- 2:45 P.M. Break**
- 3:00 P.M. PANEL III - Farm Bankruptcies: The Family Farmer Relief Act of 2019 and Small Business Issues Related to Ag Bankruptcies**
– *Melissa De Groff**, *Wendy D. Brewer*, *Samuel D. Hodson*, and *Michael W. Hile*
- 3:45 P.M. PANEL IV - Challenges: Sexual Abuse and Good Faith in Bankruptcy, Insurance, Third Party Releases, and Other Ethical Issues**
– *Martha R. Lehman**, *James P. Moloy*, and *Mark R. Owens*
- 4:30 P.M. Adjournment**
- *Denotes Panel Moderator

December 20, 2019

Faculty



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Mark S. Zuckerberg

Bankruptcy Law Office of Mark S. Zuckerberg, Indianapolis



Mark S. Zuckerberg is one of only twelve Board Certified Consumer Bankruptcy Specialists in the entire State of Indiana and has filed over twenty-thousand (20,000) bankruptcy cases in his twenty-two (22) year career. He frequently lectures both locally and nationally to lawyers and various groups on the topic of consumer bankruptcy law. Mr. Zuckerberg has spoken at the National level at the American Bankruptcy Institute, the National Association of Consumer Bankruptcy Attorneys and the National Conference of Bankruptcy Judges Annual Conferences. He has been quoted on several occasions in the New York Times, Indianapolis Star, The Indianapolis News, and several other news publications. Mr. Zuckerberg has been interviewed by NBC Evening news, Business Week, and People Magazine. Mr. Zuckerberg currently serves on the board of the American Board of Certification. Mr. Zuckerberg is a member of the Indianapolis Bar Association and past Chairman of the Bankruptcy and Creditors Right's Section of the Indiana State Bar Association. He was the only consumer bankruptcy attorney to debate Senator Grassley on the merits of bankruptcy reform on National Public Radio's Morning Edition. Mr. Zuckerberg has been recognized by Who's Who in American Law, the Best Lawyers in America Consumer Guide, and was the only consumer bankruptcy attorney to be named in the March 2005 Edition of the Indianapolis Monthly Magazine's list of Indiana Super Lawyers. Mr. Zuckerberg was awarded Master Distinguished Fellow by the Indianapolis Bar Association. Mr. Zuckerberg received his BA from Indiana University and his JD degree from Capital University. Mr. Zuckerberg has concentrated his practice exclusively to the area of Bankruptcy Law for over twenty-two (22) years.

Accomplishments:

One of two lawyers asked to speak on bankruptcy law at the Judicial College for Indiana State Court Judges, - an organization devoted to educating Indiana judges on bankruptcy.

Member of the Indiana State Bar Association (Past President of the Commercial Law Section)

Member of the Indianapolis Bar Association (Commercial Law), which awarded Mark the Master Distinguished Fellow.

Recognized in the Indianapolis Business Journal, "40 Under Forty" recipient, May 1998.

Recognized by Who's Who in American Law and The Best Lawyers in America Consumer Guide.

Was the only consumer bankruptcy attorney in America asked to debate
Senator Grassley on the merits of the pending bankruptcy reform legislation on
National Public Radio's Morning Edition.

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James E. Rossow

Rubin & Levin, P.C., Indianapolis



Firm partner *Jim Rossow* concentrates his practice in the areas of bankruptcy, debtors and creditors' rights, commercial law, secured transactions, commercial finance, commercial foreclosure, and business litigation. He represents clients out of court and in state and federal-court litigation in enforcing creditor interests and pursuing remedies.

Mr. Rossow's bankruptcy practice includes representing and advising creditors, trustees, receivers, and occasionally business debtors and insiders in economic disputes out of court, in state and federal court, and in bankruptcy court. He prosecutes and defends avoidance actions (preferences, fraudulent transfers, and subsequent transferee litigation), and advances creditor interests in out-of-court workouts and in chapter 11 bankruptcies. He has represented sellers and buyers of assets in a variety of contexts. In chapter 11 cases, he has represented secured creditors, trade creditors, creditor's committees, chapter 11 trustees, and debtors in a wide array of matters these parties encounter. This work includes litigation concerning relief from the automatic stay and adequate protection, use of cash collateral, allowance and payment of administrative expenses, compensation of a chapter 11 debtor's officers, claims litigation, contested plan confirmation proceedings (as plan proponent and opponent), motions to appoint chapter 11 trustees, convert or dismiss cases, Bankruptcy Code section 363 sale motions, lease assumption and assignment or rejection motions, and professional fee disputes.

Mr. Rossow advises businesses on credit decisions, structuring secured credit, and the economic risks clients face in competitive business environments. He also has experience negotiating license agreements and other commercial contracts, and when things go awry, prosecuting and defending claims in arbitration, and in state and federal courts. He has also represented debtors and creditors in out-of-court assignments for the benefit of creditors, and he represents those parties and receivers in receivership cases.

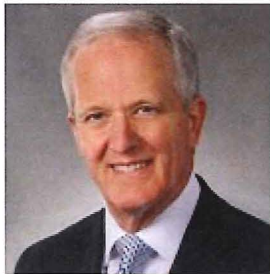
Suzette E. Bewley is a law clerk for the Honorable James M. Carr, United States Bankruptcy Judge for the Southern District of Indiana. Prior to joining the court, she was an associate at Baker & Daniels from 1998 to 2004, working on the commercial, financial and bankruptcy services team. In 2006, during her tenure as Executive Director of Alpha Chi Omega, she was named one of the Indianapolis Business Journal's "Forty Under 40." She received her B.S. with highest distinction in 1990 from Purdue University and her J.D. *summa cum laude* in 1998 from the Indiana University Robert H. McKinney School of Law.

Nancy J. Gargula Biography

Nancy J. Gargula is the United States Trustee for Region 10 (Indiana and Central and Southern Districts of Ill.), having been appointed in June 2002, was appointed to serve as the interim United States Trustee in Region 21 (Georgia, Florida, U.S. Virgin Islands and the Commonwealth of Puerto Rico) in April 2019, and also served as the United States Trustee for Region 13 (Missouri, Nebraska and Arkansas) from May 2006 through December 2014. Prior to serving as U.S. Trustee, she was a partner with the Commercial, Financial and Bankruptcy Services Team at the firm Baker & Daniels (now Faegre Baker Daniels, LLC) in Indianapolis. Before joining Baker & Daniels in 1997, she was in-house counsel at Bank One, Indiana, NA, for 12 years, including serving as general counsel and secretary to the board of directors of the bank and its holding company. Mrs. Gargula received her law degree from the University of Notre Dame Law School in 1981, and graduated from Ball State University, *summa cum laude*, in 1977. Mrs. Gargula is active in a number of professional associations, including the American Bankruptcy Institute, the Seventh Circuit Bar Association, the Indianapolis Bar Association, the Indianapolis Bar Foundation, the Indiana State Bar Association and the Indiana Bar Foundation. Mrs. Gargula also is a frequent speaker on bankruptcy, banking, commercial law and related topics and has spoken on a wide variety of panels at conferences for the National Association of Chapter 13 Trustees, the National Association of Chapter 7 Trustees, the National Conference of Bankruptcy Judges and the American Bankruptcy Institute. In addition, she serves on the NCBJ Liaison Committee with other members of the Executive Office of U.S. Trustees.

Michael J. Hebenstreit

Partner, Whitham Hebenstreit & Zubek, LLP, Indianapolis



Practice Areas • General civil practice including bankruptcy, family law, business representation, probate and estate planning • Chapter 7 Bankruptcy Panel Trustee—U.S. Dept. of Justice for the Southern District of Indiana Preparatory Education • Brebeuf Preparatory School, 1970 • Xavier University (Cincinnati, Ohio), B.A., 1974 Legal Education • Indiana University School of Law (Indianapolis, Indiana), J.D., 1977 Admitted to Practice • Indiana, 1977 • U.S. District Court, Southern District of Indiana, 1977 • U.S. Supreme Court, 2008 Memberships • Indianapolis Bar Association, 1977-present • President Elect, 2010 • First Vice President, 2009 • Counsel to the Board, 2007 • Bar Review Committee, 2007-present • Indianapolis Bar Foundation • Fellow of Indianapolis Bar Foundation, 1997 • Board Member, 2001-present • Chair, Development Committee, 2006 • Indiana State Bar Association, 1998-present • Delegate to Indiana State Bar Association House of Delegates (at least 10 years) • Fellow of Indiana State Bar Association Foundation, 2001 • Chair, Attorney Fee Dispute Committee, 2009-2010 • National Association Bankruptcy Trustees, 2003-present • Bankruptcy Trustee Advisory Panel, 2004-present • Indianapolis Lawyer's Club, 2006-present Professional Experience • Staff Attorney with Nisenbaum & Brown (General Counsel for Indianapolis Morris Plan Cooperation), 1977-1979 • Private Practice with William R. Richards, P.C., 1979-1982 • Managing Partner: Hebenstreit and Moberly, P.C., 1982-1986 • Of Counsel: Kroger Gardis & Regas, 1996-2002 • Chapter 7 Bankruptcy Panel Trustee—United States Department of Justice, 2002-present • Partner: Whitham, Hebenstreit & Zubek, LLP Civic Affiliations • Boy Scouts of America • Girls, Incorporated • 500 Festival Associates, Parade Band Committee, Co-Chair, 1996-2010 • Zoobilation, Indianapolis Zoo Steering Committee, 2000-2006 Publications and Seminar Participation • "Secured Transactions and Creditor's Rights", Indianapolis Bar Association, Young Lawyer's Handbook (1982) • ICLEF Basic Bankruptcy (March 2008) Awards • 2007 President's Award for Service to the Indianapolis Bar Association • 2006 Boy Scouts of America, Silver Beaver Award • 2005 Indianapolis Bar Association Pro Bono Recognition Award • 2005 Indiana State Bar Association Solo and General Practice Award • 2003 Brebeuf Jesuit Alumni Association's Father Paul O'Brien, S.J. Service Award • 2006 Super Lawyers Designated by Indianapolis Monthly • 2005 Super Lawyers Designated by Indianapolis Monthly • 2004 Super Lawyers Designated by Indianapolis Monthly • Who's Who in America, 2002 Edition

Patricia L. Marshall is staff attorney for Chief Bankruptcy Judge Robyn L. Moberly of the United States Bankruptcy Court for the Southern District of Indiana. Prior to her employment with the Court, she was an associate in the bankruptcy and creditors' rights section of the Indianapolis law firm of Johnson, Smith, Pence, Densborn, Wright & Heath where she represented creditors and bankruptcy trustees. She is a 1983 graduate of the Valparaiso University School of Law. She is a former faculty member of the Indianapolis Bar Association's (IBA) bar review course and former chair of both the IBA Commercial and Bankruptcy Law Section and the Indiana State Bar Association's Bankruptcy and Creditors' Rights Section. Ms. Marshall has served on the boards of both the Indianapolis Bar Association and the Indianapolis Bar Foundation.

GREGORY K. SILVER

MR. SILVER IS A BANKRUPTCY TRUSTEE FOR THE US TRUSTEE / USDOJ AND AN ATTORNEY IN INDIANA AND DC.

HE IS A PAST CHAIRMAN OF THE INDIANA SIERRA CLUB AND PAST CHAIRPERSON OF INDIANAPOLIS GREENWAYS COMMISSION. HIS EFFORTS IN THE US CONGRESS AIDED THE PASSAGE OF THE DEAM WILDERNESS ACT FOR INDIANA , THE ACID RAIN CONTROL ACT, THE INDIANA DUNES EXPANSION ACT, THE FALLS OF THE OHIO FEDERAL RESERVE AND THE PASSAGE OF SEVERAL OTHER ECONOMIC AS WELL AS ENVIRONMENTAL BILLS.

HIS HAVING HEARD HUNDREDS OF CHAPTER 7 CASES PROVIDES EXPERIENCE FOR UNDERSTANDING BANKRUPTCY PRACTICE. HE IS A GRADUATE OF SHORTRIDGE HIGH SCHOOL AND AMONG ITS HALL OF FAME , MIAMI UNIVERSITY AND INDIANA UNIVERSITY SCHOOL OF LAW -BLOOMINGTON. MR. SILVER IS A SAGAMORE OF THE WABASH.

John Allman
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John's practice primarily encompasses representing clients in commercial and consumer bankruptcy, insolvency, and related litigation, with a strong focus on farm bankruptcies and workouts. John's practice includes representation of both plaintiffs and defendants in commercial or consumer bankruptcy adversary matters.

John is from Bloomington, Indiana and he attended Bloomington High School North. He received his B.S. in Criminal Justice from Indiana University in 2006 and J.D. and Tax LLM from Thomas Cooley School of Law in 2010 and 2011. He is licensed in Indiana and admitted in the Northern and Southern Districts.

Wendy D. Brewer

Fultz Maddox Dickens PLC, Indianapolis



Wendy has a broad range of experience practicing in the areas of business bankruptcy and restructuring, commercial foreclosure, commercial litigation, loan documentation, contract drafting and analysis, and providing general counsel advice for both small and large businesses. Wendy has a long history of representing banks and borrowers, creditors and debtors, and businesses and business owners in all aspects of workout and restructuring matters.

Wendy is also a graduate of the Bankruptcy Mediation Training Program offered by the American Bankruptcy Institute and the St. Johns University School of Law.

Wendy is a regular speaker on bankruptcy and restructuring topics for continuing education programs, and has served as a bankruptcy instructor for an auctioneer certification program and as an adjunct instructor in bankruptcy for IUPUI.



Jason R. Burke

BLACKWELL, BURKE & RAMSEY, P.C.

Jason R. Burke began his legal career as an Assistant State Attorney in Florida prosecuting criminal cases. Then, after several years representing corporations in Chapter 11 Bankruptcy proceedings, Jason joined the firm in 2000 bringing additional depth in Bankruptcy and Litigation. Born in West Point, New York, Jason attended the University of Georgia for his undergraduate degree (cum laude, Phi Beta Kappa) and Washington & Lee University for his law degree (cum laude). Jason has been recognized as a "Super Lawyer" by an annual survey of peers published by Indianapolis Monthly magazine, and has the highest professional rating (AV) by Martindale Hubbell. He is a frequent author and lecturer for the Indiana Continuing Legal Education Forum.

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Ben has expertise in a variety of insolvency matters. As a part of Ben's practice, Ben has regularly represented debtors, creditors, and Creditor's Committees in bankruptcy cases throughout the country. Ben services clients in wide variety of industries. Ben has handled all aspects of Chapter 11 proceedings, including pre-bankruptcy planning, plan confirmation, claim disputes, and preference and fraudulent transfer actions. He has also frequently assisted clients in purchasing assets out of bankruptcy proceedings. Aside from his bankruptcy experience, Ben routinely assists clients in out-of-court workouts, out-of-court restructuring, and receiverships. He frequently represents creditors in the defense and prosecution of commercial law disputes.

Ben graduated from the University of Illinois where he received his Bachelor of Science in Secondary Education, Magna Cum Laude, in 1997 and was a Recipient of the Bronze Tablet Award. Prior to law school, he was a seventh-grade teacher and coach. He obtained his Juris Doctorate from Indiana University Maurer School of Law where he graduated, Cum Laude, in 2001. Ben is active in civic and charitable organizations in Indianapolis and enjoys dedicating his skills and energy to volunteering.

MELISSA J. DE GROFF, Partner



Melissa focuses on representing financial institutions in commercial loan transactions, loan sales, workouts, foreclosures, and real estate transactions. As a member of the firm's Bankruptcy/Creditor's Rights and Commercial Transactions groups, she represents secured and trade creditors in bankruptcy proceedings. Melissa's clients benefit from the energy, experience, empathy, and expertise she brings to her law practice.

Prior to re-locating to Indianapolis in 2001, Melissa practiced in Seattle as an assistant attorney general for the State of Washington trying criminal and civil cases; as an appellate public defender; and as a judicial law clerk in the busiest division of Washington's Court of Appeals.

Melissa earned her J.D. from University of Wisconsin Law School with Honors, and earned her B.A. *summa cum laude* at University of Wisconsin – Milwaukee, after attending University of Minnesota and University of Essex in Colchester, England.

In the broader community, Melissa is a member of the Board of Directors for the Nora Northside Community Council, and previously extensively volunteered in the Washington Township schools and with organizations benefiting young people and rescue dogs. Melissa shares her legal expertise through Indianapolis Bar Association-sponsored *pro bono* activities such as Ask-A-Lawyer. When she's not practicing law, Melissa is an avid reader, fly fisher, organic gardener, cook, hiker, and dog lover.



Dustin R. DeNeal

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Overview

Dustin DeNeal advises and advocates for financial institutions and businesses dealing with financial distress. He specializes in bankruptcy, debtor/creditor rights and banking regulation, including payment systems and consumer financial services.

Bankruptcy & Restructuring

Dustin represents debtors, creditors, committees, trustees, contract counterparties and investors in bankruptcy cases throughout the country.

Finance Litigation

Dustin defends financial institution clients from payment mechanism, TCPA, FDCPA, FCRA, commercial contract and other claims in courts across the country. He prosecutes and defends foreclosure, replevin and receivership proceedings and handles bankruptcy adversary proceedings and contested matters for both debtors and creditors.

Banking Regulation

Dustin counsels financial institutions, including credit unions, on regulatory and business matters, including payment systems, consumer finance regulation and claims, governance, data security, privacy, products and collections.

Real Estate

Dustin has represented several of the largest commercial and residential real estate developers in the Midwest in successful reorganizations. He has also represented lenders, including banks, private equity and trusts, in the liquidation of real estate

assets, both in and out of court. Dustin has developed a complementary practice counseling real estate investors in general business matters and transactions.

Education

Dustin advises college and university clients on finance, bankruptcy and collection matters unique to higher education.

Vitals

- 5 feet 11 inches
- 185 pounds
- All-time quarterback in neighborhood flag football games
- Lifetime 90 percent free throw shooter

Services & Industries

Litigation & Dispute Resolution

Real Estate, Construction & Environmental

Bankruptcy, Insolvency & Corporate Restructuring

Securities & Financial Litigation

Commercial Disputes

Financial Services

Banking & Finance

Trust

Credentials

Bar Admissions

Indiana

Court Admissions

U.S. Court of Appeals for the Seventh Circuit

U.S. Bankruptcy Court, Northern District of Indiana

U.S. Bankruptcy Court, Southern District of Indiana

U.S. District Court for the Northern District of Indiana

U.S. District Court for the Southern District of Indiana
U.S. District Court for the Eastern District of Wisconsin

Education

Indiana University Maurer School of Law
J.D. (2007)

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A.B. summa cum laude, Commencement Speaker (2004)

Experience

June 2018
Education Management Corporation Wind Down Culminates in Chapter 7 Bankruptcy

December 2017
Chapter 11 Trustee of Eastern Livestock

September 2017
Operator of Technical Colleges Files for Bankruptcy

December 2016
AK Steel Settles Contract Dispute in Magnetation Bankruptcy Case

August 2016
Appeals Court Confirms Judgment for Fifth Third Bank

March 2015
Pro Bono Client Secures Appellate Victory in Bankruptcy Case

Leadership & Community

Professional Associations

- Indianapolis Bar Association — Commercial & Bankruptcy Section, Board Member
- Indiana State Bar Association — Clients Financial Assistance Fund (Past Chair)
- American Bankruptcy Institute
- Indiana Association for Corporate Renewal — Board Member

Civic Activities

- Christamore House — Board of Directors (Past President)
- Indianapolis Association of Wabash Men — Past President
- Indiana Leadership Forum — Class of 2015
- Indianapolis Bar Association — Bar Leader Series IX
- Indiana Sports Corporation
- Youth Sports — Volunteer Coach

Honors

- National Conference of Bankruptcy Judges
- NextGen — Class of 2018
- Faegre Baker Daniels — Pro Bono Honor Roll, 2015-18
- *The Best Lawyers in America* — Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2019
- *Indiana Super Lawyers* — Rising Star, Bankruptcy & Creditor/Debtor Rights, 2013-16; Bankruptcy: Business, 2017-19
- *Indiana Lawyer* — Up and Coming Lawyer Award, 2013
- IU Law Merit Award
- Sherman Minton Moot Court Competition — Octofinalist, Problem Editor
- Wabash College — David Warner Peck Award for Promise in the Law, 2004; Dean Stephens Award for Moral Character and Leadership Ability, 2003
- Wabash College Football Team — Ralph Lee Wilson Team Player Award, 2004

Michael Hile

Jacobson Hile Kight LLC, Indianapolis



Michael Hile concentrates his practice in the areas of business reorganization, workouts, and restructuring. Mike has substantial transactional experience in bankruptcy matters, including structured financing, opinion practice, mortgage-backed securities, mergers and acquisitions, workouts, securities offerings, and debtor-in-possession financing. Mike represents debtors, creditors, committees, trustees, and other interest-holders in bankruptcy cases in Indiana and throughout the country. He has participated in bankruptcy litigation, including defending and prosecuting avoidance actions and dischargeability litigation. Mike also has significant experience in commercial litigation and other business matters, focusing on guarantor liability, receiverships, and secured transaction issues in state and federal courts. Mike received his B.A. in 1982 from Andrews University and his J.D. in 1985 from Indiana University-Robert H. McKinney School of Law (Indianapolis). He is a former law clerk to Judge Kearns of the United States Bankruptcy Court for the Southern District of Indiana. After his clerkship, Mike practiced in the Manhattan office of Willkie Farr & Gallagher LLP in its bankruptcy group. He then returned to Indiana where he practiced as a member of Katz & Korin PC for 15 years and prior to that as a member of Johnson Smith, LLP. Mike has been honored by Best Lawyers for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and is admitted to the bars of the State of Indiana and the State of New York.



Taft /

Sam Hodson is a partner in the Indianapolis office of Taft Stettinius & Hollister. He practices in the Business & Finance, Taxation, and Insolvency & Restructuring practice groups. Sam has been recognized by peer review organizations including: Indiana Super Lawyer (since 2010 in bankruptcy and creditors' rights), Best Lawyers in America (since 2012 in banking and finance, insolvency and reorganization, bankruptcy and creditors' rights and tax controversy) and Martindale Hubble (AV rated since 2002). Best Lawyers recognized him as the Indianapolis market Lawyer of the Year: in 2016 for Tax Litigation and Controversy, in 2017 for Bankruptcy Litigation and in 2018 for Banking and Finance Litigation. Martindale Hubble has recognized him as a "Premium Client Champion" since 2017. Sam is certified in business bankruptcy by the American Board of Certification and serves as a director on the ABC board. His education includes: Bachelor of Arts, Political Science, Indiana University; Master of Business Administration, Finance, Indiana University Kelly School of Business; and Doctor of Jurisprudence, Indiana University, McKinney School of Law. Sam serves on the boards of: The Midwest Clinic; Music for All; Big Brothers Big Sisters of Central Indiana; the American Board of Certification; the Turnaround Management Association, Indianapolis; and the IUPUI ABA Paralegal Program Degree Certification Advisory Committee.

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Jeff Hokanson is a commercial attorney in Ice Miller's Business Group, with broad experience in matters involving all manner of contract formation and disputes. In this regard, he advises clients on a wide spectrum of issues related to their contractual relationships with suppliers, vendors and customers, including in particular secured transactions and other issues addressed by the Uniform Commercial Code. Jeff's practice includes guiding and representing secured and unsecured lenders in the creation and enforcement of their loan documents and security instruments, and he has litigated commercial disputes in state and federal courts within Indiana. Secondly, Jeff is experienced with disputes involving real estate, including enforcement of purchase agreements, easements, and commercial landlord tenant disputes.

Notably, Jeff is a career-long bankruptcy/insolvency law practitioner, having represented corporate debtors, creditor committees and trustees, landlords and tenants, and supplier/creditors in many of the major bankruptcy cases filed in Indiana, and in out-of-court workouts. Jeff has extensive experience representing individuals with significant direct liability or guarantee obligations arising from corporate insolvency proceedings. Jeff's work in the insolvency field has included numerous asset purchase and sale transactions involving insolvent sellers, and representing the interests of parties to the transaction, or parties affected by those transactions.

Jeff is registered as a civil mediator in Indiana and actively seeks opportunities for assisting commercial litigants in the exploration of options for the efficient and cost effective resolution of their disputes.

Finally, Jeff is proud to serve as a volunteer attorney on the pro bono panel established by the Bankruptcy Court for the Southern District of Indiana.

Jeff graduated from the Indiana University Kelley School of Business and the Indiana University McKinney School of Law, and is admitted to practice before the state and federal courts in Indiana. He has spoken and authored materials for professional groups such as the Indiana Continuing Legal Education Forum and American Bankruptcy Association, and belongs to a number of bar association sections and professional organizations related to corporate, litigation and insolvency law. Jeff has been selected for inclusion in *Indiana Super Lawyers®* for Bankruptcy & Creditor/Debtor Rights since 2004 and *The Best Lawyers in America®* since 2008. He is active in Indianapolis' civic

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Martha R. Lehman

SmithAmundsen LLC, Indianapolis



Martha Lehman concentrates her practice in the area of creditors' rights and bankruptcy. Ms. Lehman's practice has included all facets of bankruptcy and insolvency representation including secured lenders, unsecured creditors, creditors' committees, and debtors. Ms. Lehman is board certified by the American Board of Certification in Business Bankruptcy. Ms. Lehman has also assisted clients with purchase of assets from insolvent entities, both inside and outside of bankruptcy. Representative Experience Represented a client in connection with strategic acquisition of a competitor during a bankruptcy asset sale which enabled client to expand its sales force in new locations and substantially increase its workforce Represented a client in connection with structured liquidation of assets in a Chapter 11 bankruptcy case Assisted a client with the liquidation of environmentally contaminated real estate outside of bankruptcy Representation of client in connection with obtaining critical vendor status in Chapter 11 case of local area trucking firm Represent major financial institution in connection with liquidation of real estate collateral, in forced and consensual situations Representation of court-appointed receiver in connection with discharge of his duties Representation of energy re-marketer in connection with its claims in various bankruptcy cases, including treatment of its contractual obligations Education Vanderbilt University School of Law, Nashville, Tennessee (J.D., 1987) University of Dayton, Dayton, Ohio (B.A., summa cum laude, 1984) Bar Admissions Indiana, 1988 U.S. District Court for the Northern District of Indiana, 1988 U.S. District Court for the Southern District of Indiana, 1988 U.S. Supreme Court, 2001 U.S. Court of Appeals 7th Circuit, 2007 Ohio, 1987 U.S. District Court for the Southern District of Ohio, 2012 Professional Associations American Board of Certification of Bankruptcy and Creditors' Rights Attorneys (Director and Executive Committee Member) Indianapolis Bar Association - Commercial and Bankruptcy Section (Executive Committee and Chair for 2005) Indiana State Bar Association - Creditors Rights Section (Member) House of Delegate (Member) American Bankruptcy Institute (Member) Indianapolis Bar Foundation (Distinguished Fellow) Indiana Network of International Women's Insolvency and Restructuring Conference (Charter Member) Indianapolis Bar Association Commercial and Bankruptcy Section Legal Help Line, 2005 and 2006 Indianapolis Bar Association "Ask A Lawyer Live", 2000 - 2001 Indianapolis Bar Association Pro Bono Task Force, 1998 - 1999 St. Monica School Commission, 1997 - 1998 Indianapolis Bar Association Pro Bono Program, 1989 - 1992 Marion County Guardian Ad Litem Panel, 2009 - Present Awards and Recognitions Board Certified in Business Bankruptcy Seminars and Presentations Annual Bankruptcy Institute, Indiana Continuing Legal Education Forum, 2006 -2011

Fundamentals of Acquisition Transactions, Lorman Seminars, 2006 - 2008 Practical & Ethical Considerations in Dealing with Pro Se Litigants, Indianapolis Bar Association, 2004 Revised Article 9, NBI, 2002 Basic Bankruptcy, Half-Moon Seminars, 2002 Collections, Wishard Hospital, 2001 1994 Amendments to Bankruptcy Code, Indiana Assn. of Credit Management, 1995 Creditors' Rights, CPM Seminar Systems, 1992 Single Assets Cases, Indianapolis Bar Association, 1990 Lender Liability, Indiana Continuing Legal Education Forum, 1990 Chapter 11 Plans, Indiana Continuing Legal Education Forum, 1989



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Indiana University Robert H. McKinney School of Law – Indianapolis (J.D., *magna cum laude*, 1984)
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Best Lawyers® Indianapolis Lawyer of the Year in Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (2016, 2018); *The Best Lawyers in America*® (2007-2020); *Best Lawyers*® 2015, 2019 Indianapolis Litigation-Bankruptcy Lawyer of the Year; *Indiana Super Lawyers*® (2004-present); AV® Peer Review rated by Martindale-Hubbell

Appointments / Memberships

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Mark R. Owens

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As chair of the firm's Finance, Restructuring and Bankruptcy department, *Mark Owens'* practice includes business, commercial, finance, litigation, bankruptcy and creditors' rights matters valued from millions to billions of dollars. Responsive, grounded and calm under pressure, clients trust and rely upon Mark to protect their assets and interests when safeguarding their position at every turn.

Andrew C. Ozete

Farmer Scott Ozete Robinson & Schmitt LLP, Evansville



My practice is centered on advising businesses, banking and creditors' rights, including bankruptcy, State Court, and negotiated workout solutions. I represent businesses, financial institutions, trade creditors, and debtors in transactions, leases, litigation, business workouts, loan restructurings, and Chapter 11 cases. I help guide my clients through the uncertain waters of the bankruptcy process and help them maximize their returns.

I advise institutional clients and small business owners in a wide range of matters, and serve in general counsel capacity for various clients.

I am board certified in business bankruptcy law by the American Board of Certification. I was selected as an Indiana Super Lawyer each year from 2012 through 2018. I also received the Distinguished Barrister Leadership in Law award from the Indiana Lawyer in 2019. Additionally, I am a frequent speaker on bankruptcy and creditors' rights issues, in which I provide information, training and education to local business groups as well as local and state-wide attorney legal education organizations.

Thomas C. Scherer

Bingham Greenebaum Doll LLP, Indianapolis



Tom Scherer concentrates his practice in bankruptcy, restructuring and creditors' rights and has been recognized in *The Best Lawyers in America* for Bankruptcy Law since 1995. He has extensive experience representing secured creditors, creditors committees and debtors in cases under Chapter 11 of the Bankruptcy Code. He also devotes significant time to commercial litigation, workouts and asset sales relating to financially distressed businesses. He is a veteran speaker, having given numerous presentations on bankruptcy, reorganization and commercial lending.

Meredith R. Theisen

Rubin & Levin, P.C., Indianapolis



Firm Partner *Meredith R. Theisen* concentrates her practices in the areas of bankruptcy, bankruptcy litigation, debtors and creditors' rights, business representation, secured transactions, real estate sales, state court receiverships, commercial litigation, and bankruptcy trustee and state court receiver representation.

Her bankruptcy practice includes representing individuals, businesses, debtors, and creditors in Chapters 7, 11, 12 and 13 bankruptcy cases, out of court debt restructuring, receivership actions, and litigation matters. She has served as counsel to individuals and businesses reorganizing in Chapter 11 cases or liquidating in complex Chapter 7 cases. She also has extensive experience representing bankruptcy trustees in both Chapter 7 and 11 cases. Throughout her practice, Meredith has developed an expertise in asset protecting, business liquidation and wind down, property acquisition through a bankruptcy 363 sale, lease assignment through a bankruptcy 365 assumption and assignment process, defending preference/fraudulent conveyance actions and non-dischargeability actions.

Much of her representation includes providing proactive counsel to businesses as she helps identify and minimize potential issues that could negatively impact operations. She also assists new business owners form business entities, choose the best entity type based upon their needs, and assist with start-up compliance issues so that new ventures will be on a firm legal ground for success.

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