



## Brian J. Jackiw

### Partner

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Brian Jackiw represents both plaintiffs and defendants nationwide in bankruptcy and commercial litigation, including avoidance actions, complex bankruptcy claim disputes, breach of fiduciary actions, and bankruptcy fraud litigation.

Brian has prosecuted millions of dollars of preference litigation claims on behalf of liquidating trustees and chapter 7 trustees, and he has defended hundreds of preference and fraudulent transfer claims on behalf of individual defendants in jurisdictions throughout the United States. In addition to his experience in bankruptcy courts, Brian assists clients in general collection and commercial law litigation.

In representing official committees of unsecured creditors, Brian engages in significant and complex issues on behalf of clients, including assets sales, liquidation under chapter 11, and disputes regarding a secured creditor's perfection of a security interest, among others. Moreover, Brian regularly litigates against former directors and officers of insolvent corporations with respect to breaches of fiduciary duties to creditors, thereby increasing recoveries for unsecured creditors.

Before entering law school, Brian served as an officer in the U.S. Army. In his spare time, he volunteers as Scoutmaster of Troop 270 in Frankfort, Illinois, is a Director for Rainbow Council, BSA, partakes in a multitude of outdoor activities, and is an avid gardener of fruits and vegetables – with two beehives to top it off.

### Education

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- University of Illinois College of Law (J.D., cum laude, 2008)
- United States Military Academy (B.S., 1999)

### State Admissions

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- Illinois, 2008

### **Federal Admissions**

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- United States District Court, District of Colorado
- United States District Court, Central District of Illinois
- United States District Court, Northern District of Illinois
- United States District Court, Southern District of Illinois
- United States District Court, Northern District of Indiana
- United States District Court, Western District of Missouri
- United States District Court, Eastern District of Wisconsin
- United States District Court, Western District of Wisconsin
- United States District Court, District of Arizona
- United States District Court, District of Minnesota

### **Service Areas**

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- Bankruptcy
- Insolvency & Workout
- Business Litigation
- Commercial Asset Recovery & Protection
- Real Estate

## Experience

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- Represented the Official Committee of Unsecured Creditors of Acusport Corporation – a \$500 million nationwide firearms, ammunition, and accessory distributor – in the Southern District of Ohio, collaborating on the sale process as well as litigating against key parties-in-interest
- Represented the Official Committee of Unsecured Creditors of Cranberry Growers Cooperative in the Western District of Wisconsin, advocating for the interests of unsecured creditors by negotiating more favorable terms in the chapter 11 plan and obtaining greater funds for creditors via a carve-out
- Represented in the Central District of Illinois the Official Committee of Unsecured Creditors of Trans Coastal Supply Co, Inc. – a major grain brokerage firm – in the midst of litigation around genetically modified corn being shipped to and rejected from Chinese ports
- Represented the Official Committee of Unsecured Creditors of Empire Die Casting Company and the subsequent liquidating trust in the Northern District of Ohio, resulting in the successful sale and ultimate continuation of the Debtor and preserving jobs and providing for a distribution to creditors
- Represented the Official Committee of Unsecured Creditors of New Energy Corporation and the subsequent liquidating trust in the Northern District of Indiana, successfully negotiating a carve-out from the Department of Energy in favor of unsecured creditors
- Represented in the Eastern District of Missouri the Official Committee of Troverco – a premade sandwich and snack delivery and stocking service for rural gas stations – preserving jobs and the ongoing business in favor of guarantees and payments for unsecured creditors
- Represented the Official Committee of Unsecured Creditors of Mi Pueblo Latin Market in the District of Colorado, obtaining full payment for unsecured creditors as well as preserving jobs and a locally owned business
- Represented the Official Committee of Unsecured Creditors of PRM Family Holding Company, LLC (PRM) – a regional grocer located in Arizona with 11 supermarkets located in four Southwestern states; worked with PRM to analyze and vet the numerous PACA claims filed in the case and with PRM, its lenders, and other parties-in-interest in developing a sale or restructuring strategy to maximize estate value for general unsecured creditors
- Represented the Official Committee of Unsecured Creditors of Wagstaff Minnesota, Inc. and worked closely with Wagstaff counsel to maximize the value of general unsecured claims, including asset sales, investigating the security interests of Wagstaff's secured creditors, and implementing efforts to avoid the potentially devastating impact of certain agreements
- Represented the Official Committee of Unsecured Creditors in In re Giordano's Enterprises, Inc. in the Northern District of Illinois
- Represented a company that sells and maintains industrial fire protection equipment in its successful chapter 11 reorganization; matter brought to a successful confirmation in 60 days
- Represented the Official Committee of Unsecured Creditors in In re Orius Corp., et al. in the Northern District of Illinois
- Represented the Official Committee of Unsecured Creditors in In re Arch Aluminum & Glass Co. in the Southern District of Florida
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Represented the chapter 7 trustee of an \$80-million building supply manufacturer in its liquidation proceedings before the U.S. Bankruptcy Court for the Northern District of Illinois

## Publications & Events

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### SPEAKING ENGAGEMENTS

- “Legal Remedies for Delinquent Customers,” NACM Credit Congress, Las Vegas, Nevada (June 2024)
- “Developing a Credit Policy,” NACM Connect and Commercial Law League of America (CLLA) (March 2024)
- “When the Worst Happens: Managing Financial Distress & Bankruptcy,” TEA National Conference 2023, Washington, D.C. (May 2023)
- “Receiverships and Assignments for the Benefit of Creditors,” NACM Connect (February 2023)
- “Understanding a Small Business Reorganization Under New Subchapter V of the Bankruptcy Code,” Home Centers and Building Products National Credit Group and Consumer Products National Credit Group, San Antonio, Texas (February 2023)
- “Retailer Bankruptcies are Looming: Best Practices for Doing Business with a Financially Troubled Retailer,” The Toy Association (January 2023)
- “Ways to Protect Your Company Through the Ongoing Supply Chain Crisis,” Tucker Ellis In-House Counsel Summit (October 2022)
- “Legal Options for Dealing With Delinquent Customers,” Hitachi Americas Credit Managers Meeting (October 2022)
- “Antitrust Considerations for the Credit Department,” National Association of Credit Management (NACM) Connect Advertising Media Credit Group (September 2022)
- “Mergers & Acquisitions and the Impacts on Your Credit Department,” National Association of Credit Management (NACM) Connect Steel Mill Industry Credit Group, Clearwater Beach, Florida (September 2022)
- “Mergers & Acquisitions and the Impacts on Your Credit Department,” National Association of Credit Management (NACM) Connect 2022 Annual Meeting, Milwaukee, Wisconsin, and Cleveland, Ohio (June 2022)
- “Mergers & Acquisitions and the Impacts on Your Credit Department,” National Association of Credit Management (NACM) Connect 2022 Annual Meeting, St. Louis, Missouri, and Kansas City, Kansas (April 2022)
- “Anatomy of a Fraudulent Transfer,” National Association of Credit Management (NACM) Connect, Legal Symposium, Rolling Meadows, Illinois (March 2022)
- “Enforcement of Security Agreements,” National Association of Credit Management (October 2021)
- “Mergers & Acquisitions and the Impacts on Your Credit Department,” National Association of Credit Management (NACM) Connect Virtual 2021 Annual Meeting (April 2021)
- “Bankruptcy Trends Post-Covid” and “PPP Loan Program and the Impact on the Coming Economy,” National Association of Credit Management (NACM) Connect, Virtual Legal Symposium (March 2021)
- “Credit Applications and Other Legal Documents in a Post-COVID World” (January 2021)
- “What You Need to Know Now About ESOPs in Times of Economic Distress,” Webinar, Tucker

Ellis LLP and Lazear Capital Partners (July 2020)

- “The Credit Professional’s Guide to Navigating COVID-19,” Webinar, National Association of Credit Management (April 2020)
- “The Small Business Reorganization Act and Its Impact on the Bankruptcy Preference Landscape” (2019-2020)
- “Bankruptcy Basis” – multiple conferences, individual company “lunch and learns,” and industry group meetings (2015-2020)
- “Credit Terms Pushback” – webinars and local and regional conferences (2017-2019)
- “Fraud Protections” – regional and local conferences and industry group meetings (2015-2019)
- “Validity and Enforceability of Electronic Signatures” – multiple regional conferences (2014-2020)
- “Death, Divorce, Disaster and Divestiture” – multiple conferences (2018-2020)
- “Dominate the Opposition: Effectively Using Experts in Creditors’ Rights Litigation,” Credit Congress, Aurora, Colorado (2019)
- “Social Media for the Credit Professional” – multiple regional, national, and local conferences (2015-2020)
- “Settlement Agreements and Confessions of Judgment,” Credit Congress, Phoenix, Arizona (2018)
- “Advanced Chapter 11 Practice: Strategies for Minimizing Losses and Maximizing Recoveries in a Customer Bankruptcy,” Credit Congress, Phoenix, Arizona (2018)
- “Creating the Perfect Credit Policy” – regional and industry group conferences (2016-2020)
- “Legal Forms and Documentation,” National Association of Credit Management, multiple conferences and regional meetings (2013-2018)
- “Chapter 11 Plan Analysis for the Credit Professional,” National Association of Credit Management Upstate New York Credit Conference, Rochester, New York (2014)
- “Creative Strategies for Recapitalization and Value Creation of Community Banks,” Michigan Bankers Association’s Bankers Education Summit and Trade Show, Traverse City, Michigan (April 2012)
- “Bankruptcy 101,” presented to multiple clients (2013)

## **PUBLICATIONS**

- “Small Business Reorganization Act and Its Impact on the Bankruptcy Preference Landscape,” *Business Credit Magazine* (January 2020)
- “Manual of Credit and Commercial Laws,” National Association of Credit Management, Editor, Negotiable Instruments Chapter, 2017, 2018, and 2019 eds.
- “Fiesta Holdings – Or Is It Siesta Holdings?,” *Law360* (December 2012)
- “Universal Building Products: Has the Pendulum Swung Too Far?,” *ABI Journal* (October 2011)
- “In re Eckert: A Primer for Prosecuting Fraudulent Transfers,” *ABI Committee News*, Commercial Fraud Task Force Committee (July 2009)

## **MEDIA**

- “Commercial Bankruptcy Surge Expected to Continue,” *eNEWS*, National Association of Credit

Management (May 2023)

### **Honors**

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- National Outstanding Eagle Scout Award, Rainbow Council, Boy Scouts of America, National Eagle Scout Association (2021)

### **In the Community**

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#### **PROFESSIONAL ORGANIZATIONS**

- American Bankruptcy Institute
- Turnaround Management Association
- National Association of Credit Management
- Credit Research Foundation
- Commercial Law League of America

#### **COMMUNITY ORGANIZATIONS**

- Boy Scouts of America
  - » Rainbow Council, Board Member
  - » Pack 270, Cubmaster
- West Point Society of Chicago