



## Brian J. Jackiw

### Counsel

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Brian Jackiw represents both plaintiffs and defendants 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 his representation of 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 secured creditor's perfection of a security interest, among others. Moreover, Brian regularly litigates against the 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 Cubmaster of Cub Scout Pack 270 out of Frankfort, Illinois, 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 the Official Committee of Unsecured Creditors of Trans Coastal Supply Co, Inc. in the Central District of Illinois, a major grain brokerage firm in the midst of litigation around genetically modified corn begin 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, which saw the successful sale and ultimate continuation of the Debtor, 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 the Official Committee of Troverco in the Eastern District of Missouri, 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 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**

- “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)

## **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