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### **PRACTICES**

Bankruptcy Litigation  
Bankruptcy Reorganization  
Commercial Law  
Commercial Litigation

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Ms. Hillary has been assisting debtors and creditors to minimize the disruption and negative impact of debtor insolvencies and to resolve commercial disputes for more than 10 years. Her experience and expertise allow her to formulate creative solutions for seemingly hopeless situations, which have drastically improved outcomes for her clients.

In addition to representing clients as a negotiator and litigator in a variety of commercial disputes, Ms. Hillary has represented small business and individual debtors in bankruptcies, lender workouts and out-of-court restructurings. Her Chapter 11 bankruptcy expertise includes negotiating debtor financing and cash collateral orders, plans of reorganization, and the representation of Unsecured Creditor's Committees. She has also represented both debtors and creditors in all aspects of lender workouts, including negotiating and restructuring troubled debt, drafting forbearance agreements, complex loan agreements and documenting secured transactions.

### **ADMISSIONS**

State Bar of Michigan, 2004

U.S. District Court, Eastern District of Michigan, 2004

U.S. District Court, Western District of Michigan, 2007

## **EDUCATION**

Wayne State University, J.D., cum laude, 2004

Western Michigan University, B.A., cum laude, 1998

## **PUBLICATIONS**

Contributing author, *Bankruptcy and Its Impact on LLC Membership Interests*, Institute of Continuing Legal Education, 2006

Contributing Author, *Partnership and Partner Bankruptcy*, Revised, published in *Collier Bankruptcy Practice Guide*, Release 73, Chapter 20, Nov. 2006 and Revised, published in *Collier Bankruptcy Practice Guide*, Release 91, Chapter 20, Nov. 2012

## **REPRESENTATIVE MATTERS**

Ms. Hillary represented a real estate development company as a debtor in a Chapter 11 bankruptcy. She negotiated debtor's use of cash collateral, obtaining the consent of the primary secured lender and a litigious judgment lien holder. Ms. Hillary also resolved the judgment lien holder's numerous objections to the debtor's proposed Plan of Reorganization, and succeeded in confirming a consensual Plan of Reorganization that provided for the debtor's continued sale of real property.

Additionally, Ms. Hillary structured and negotiated the sale of an insolvent business to a preferred purchaser for less than the amount owed to the commercial lender. Additionally, while negotiating the sale of the company, Ms. Hillary brokered a settlement between the secured lender and the individual guarantor which required the guarantor to pay only roughly 1% of the guarantor's indebtedness.

Ms. Hillary represented a real estate developer in his Chapter 7 bankruptcy where he received a discharge of over \$28,000,000 in indebtedness owed to several institutional creditors. To achieve this discharge, Ms. Hillary brokered a settlement between the Chapter 7 trustee and her client, which allowed her client to keep his personal residence, in which he held significant equity, his retirement accounts and all his personal property.

Ms. Hillary also represented the Official Committee of Unsecured Creditors ("Committee") in a Chapter 11 bankruptcy filed in the Bankruptcy Court for the Western District of Kentucky. With the assistance of financial advisors, she analyzed the debtor's financial situation and prepared motions and exhibits in support of the debtor's contested cash collateral motion. After a contested hearing, the debtor's use of cash collateral was approved. When it became clear that the debtor would be unable to confirm a plan of reorganization, Ms. Hillary negotiated with the debtor and secured lender, and achieved the entry of a Structured Dismissal which resulted in a straightforward, simple and

inexpensive liquidation of the debtor's unencumbered assets, the payment of all administrative claims, the distribution of funds to the unsecured creditors and protection from a conversion to Chapter 7 with the threat of preference liability for unsecured creditors.

### **OTHER DISTINCTIONS**

Ex officio Board Member, Access to Bankruptcy Court

Former Board Member at Large, Michigan Chapter of International Women's Insolvency and Restructuring Confederation, 2012

Selected for inclusion in the *Rising Stars*<sup>SM</sup> list (2009, 2010, 2011, 2012, 2013 and 2014)

Journal of Law in Society Alumni

David Adamany Constitutional Law Scholar Award, Wayne State University, 2004