



Daniel J. Weiner, Co-Founder and Senior Partner  
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#### PRACTICES

Bankruptcy and Reorganizations  
Commercial Law  
Commercial Litigation

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In 1985, Mr. Weiner co-founded Schafer and Weiner, PLLC with the late Arnold Schafer and grew this firm into a nationally recognized force of talented and creative problem solvers for debtors and creditors of all shapes and sizes. Now approaching its 33rd year of excellence, Schafer and Weiner sets the standard for law firms of any size with unparalleled commitment, creativity and results.

Mr. Weiner grew up in the courtroom earning special trial awards at Hofstra University School of Law and soon litigated complex cases for multinational automotive suppliers, publicly traded retailers, gaming conglomerates and developers. Mr. Weiner learned to leverage his courtroom skills with his willingness to outwork his adversaries to achieve remarkable results, whether in the courtroom or at the negotiating table.

Mr. Weiner soon channeled these energies into the arena of business reorganizations, gaining outstanding outcomes for Chapter 11 Debtors, Unsecured Creditors' Committees, secured lenders and trustees. While by no means limited to the manufacturing sector, his tactical insights into the automotive supply chain regularly lead to results beyond expectations.

To continually sharpen his skills, Mr. Weiner often publishes and lectures to professionals and valued clients. He writes as a contributing author for the Turnaround Management Association, Journal of Corporate Renewal - Co-author (*When the New Sheriff Comes to Town: Michigan's Emergency Manager Law*, June, 2014), and (*Auto Industry Changes Threaten Delicately Balanced System*, Spring 2009), co-author for The Institute of Continuing Legal Education (*Litigation in Bankruptcy Court, Handling Consumer and Small Business Bankruptcies in Michigan* 2009), co-author for the *Collier Bankruptcy Practice Guide (Partnership and Partner Bankruptcies* 2006), contributing author to *Bankruptcy and Its Impact on LLC Membership Interests*, published by The Institute of Continuing Legal Education, 2006 LLC & Business

Entity Update, and co-author for the *Michigan Business Law Journal (Swords and Shields – Prepayment Premiums In and Out of Bankruptcy 2003)*.

### **ADMISSIONS & QUALIFICATIONS**

State Bar of Michigan, 1980

U.S. District Court, Eastern District of Michigan, 1980

The Florida Bar, 1983

U.S. Court of Appeals, Sixth Circuit, 1987

U.S. District Court, Western District of Michigan, 1992

U.S. District Court, Northern District of Indiana, 2005

### **EDUCATION**

Hofstra University School of Law, J.D. 1980

Michigan State University Honors College, B.A., High Honors, 1977

### **SEMINARS**

June, 2015, panel participant at ABI 22<sup>nd</sup> Annual Central States Bankruptcy Workshop presenting: *Critical Concepts for Avoiding Lender Liability (What All Lenders Should Know)*.

October, 2014, presenter at AutoConnect in Nashville, Tennessee: Financial Trends in the Industry from the Lens of Legal, Lender and Private Equity.

September, 2013, panel participant as supplier counsel at Turnaround Management Association MidAmerican Regional Conference presenting: *Shifting Gears in Restructuring: From Automotive to Health Care and Government*.

March, 2013, panel participant as debtor's counsel at Association for Corporate Growth/Turnaround Management Association, presenting: *To Sell or not to Sell? That's the \$363mm (Section 363) Bankruptcy Question*.

May, 2010, speaker to The Michigan Association of Certified Public Accountants' Mega Conference, presenting *Helping the Fox Count the Hens – a CPA's Role in Chapter 11*.

March, 2010, acted as debtor's counsel in a presentation to the Turnaround Management Association on Middle Market Reorganization: *The Nine Lives of Middle Market Re-Org*.

October, 2009, moderator at Automotive Supplier Finance Summit: *Auto Suppliers' Perspectives on the Market*.

October, 2007, speaker at International Forum on Automotive Industry Topics sponsored by Export Development Canada: *Legal Terms and Conditions: What you don't read CAN hurt you; Adding Insult to Injury: What's Your Preference?*

September, 2006, speaker at International Forum on Automotive Industry Topics sponsored by Export Development Canada: *Surviving Automotive Credit Roulette ... Strategies to Increase Recoveries of Insured Canadian Exporters to the U.S. Automotive Industry.*

January, 2006, lecturer to Institute of Continuing Legal Education: *2006 LLC & Business Entity Update.*

October, 2004, speaker at International Forum on Automotive Industry Topics sponsored by Export Development Canada and PricewaterhouseCoopers: *Get (a) Lien and Mean: Asserting and Enforcing Liens on Molds and Tools under Michigan Law.*

April, 2004, speaker to Turnaround Management Association Detroit Chapter: *Use of an Expert Witness in Bankruptcy Court.*

October, 2003, speaker to Burglar and Fire Alarm Association of Michigan Fall Conference: *Iron Rules for Failure ... Everything You Need to do to be Unsuccessful!*

June, 2003, speaker to Export Development Canada/Deloitte & Touche Automotive Roundtable: *Lien On Me – How To Do It Under Michigan Law.*

October, 2002, speaker to Export Development Canada: *If It Looks Like Trouble ...*

April, 2002, speaker to Young Entrepreneurs' Organization and World Entrepreneurs' Organization: *Covering Your A\$\$et\$.*

June, 2000, appointed to Mediation Panel of the United States Bankruptcy Court for the Eastern District of Michigan.

November, 1999, speaker to National Association of Credit Management: *Bankruptcy or Work Out – What's Your Preference?*

September, 1999, speaker to Stout Risius Ross:

- *Turning Opposition into Opportunity*
- *Accountants Representing Parties in Chapter 11 Cases – How Do I Get Paid?*
- *Cash Collateral, Adequate Protection and Post-Petition Financing – Show Me the \$\$\$*

April, 1999, speaker to Detroit Bar Association: *Laboring Under the Employment of Bankruptcy and ERISA: Understanding the Interplay.*

June, 1997, speaker to Federal Bar Association Bankruptcy Section: *Financially Troubled Auto Suppliers.*

May, 1989, speaker to Michigan State Medical Society: *Defensive Planning: Protecting Your Assets in Michigan's Liability Climate.*

March, 1989, speaker to Wayne County Medical Society: *Protected Assets & Permissible Transfers*.

April, 1988, lecturer to Institute of Continuing Legal Education: *Representing the Debtor in a Chapter 7 Case*.

September 1, 1987, appointed Special Assistant Attorney General to represent Michigan Department of Transportation in highway condemnation matters.

August, 1987, lecturer to St. Joseph's Hospital, Surgery Department: *Bankruptcy Considerations in Light of Medical Malpractice*.

### **PUBLICATIONS**

Daniel J. Weiner & Jeffrey J. Sattler, *Unforgiven No Longer: Ninth Circuit BAP Authorizes Discharge of Old Tax Debt from Untimely Returns*, 35 Am. Bankruptcy Institute Journal 7, July 2016 (cover story)

Author, *Lender Liability – Easy to Claim, Not So Easy to Discovery (PSST – Look over Here ...)*. Presented at *Critical Concepts for Avoiding Lender Liability (What All Lenders Should Know)*, ABI 22<sup>nd</sup> Annual Central States Bankruptcy Workshop, June 2015.

Co-author, *When the New Sheriff Comes to Town: Michigan's Emergency Manager Law*, Turnaround Management Association, June 2014.

Co-author, *Auto Industry Changes Threaten Delicately Balanced System*, Turnaround Management Association, spring 2009.

Co-author, *Litigation in Bankruptcy Court, Handling Consumer and Small Business Bankruptcies in Michigan*, The Institute of Continuing Legal Education (2009).

Contributing author, *Partnership and Partner Bankruptcies*, *Collier Bankruptcy Practice Guide*, Release 73, Chapter 20, Nov. 2006.

Contributing author, *Bankruptcy and Its Impact on LLC Membership Interests*, The Institute of Continuing Legal Education, 2006 LLC & Business Entity Update.

Co-author, *Swords and Shields – Prepayment Premiums In and Out of Bankruptcy*, The Michigan Business Law Journal, fall 2003.

### **PUBLISHED CASES**

*In re Live Primary, LLC*, 626 B.R. 171; 2021 Bankr LEXIS 459 (Bankr SDNY, Mar. 1, 2021).

*In re Energy Conversion Devices, Inc.*, 483 B.R. 119 (Bankr. E.D. Mich. 2012).

*In re Energy Conversion Devices, Inc.*, 474 B.R. 503 (Bankr. E.D. Mich. 2012).

*Simon v. Gerdau MacSteel, Inc. (In re Am. Camshaft Specialties, Inc.)*, 444 B.R. 347 (Bankr. E.D. Mich. 2011).

*Dery v. Cumberland Cas. & Sur. Co. (In re 5900 Assocs., Inc.)*, 468 F.3d 326 (6<sup>th</sup> Cir. 2006).

*Buffalo Molded Plastics, Inc. v. Omega Tool Corp. (Buffalo Molded Plastics, Inc.)*, 344 B.R. 394 (Bankr. W.D. Pa. 2006).

*In re Nartron Corp.*, 330 B.R. 573 (Bankr. W.D. Mich. 2005).

*Strach v. Casino Windsor*, 351 F. Supp. 2d 641 (E.D. Mich. 2004).

*McClarty v. Colletta (In re D.C.T., Inc.)*, 295 B.R. 236 (Bankr. E.D. Mich. 2003).

*In re D.C.T., Inc.*, 283 B.R. 442 (Bankr. E.D. Mich. 2002).

*Malone v. Windsor Casino Ltd.*, 14 Fed. Appx. 634 (6<sup>th</sup> Cir. 2001).

*Int'l Bhd. of Teamsters, AFL-CIO v. Kitty Hawk Int'l, Inc. (In re Kitty Hawk, Inc.)*, 255 B.R. 428 (Bankr. N.D. Tex. 2000).

*Shue & Voeks, Inc. v. Amenity Design & Mfg., Inc.*, 511 N.W.2d 700 (Mich. Ct. App. 1993).

*In re Grand Traverse Dev. Co. Ltd. P'ship*, 151 B.R. 792 (W.D. Mich. 1993).

*Grand Traverse Dev. Co. Ltd. P'ship v. Brd. Trs. Gen. Ret. Sys. of Detroit (In re Grand Traverse Dev. Co. Ltd. P'ship)*, 150 B.R. 176 (Bankr. W.D. Mich. 1993).

*In re Grand Traverse Dev. Co. Ltd. P'ship*, 147 B.R. 418 (Bankr. W.D. Mich. 1992).

*In re Mt. Pleasant Ltd. P'ship*, 144 B.R. 727 (Bankr. W.D. Mich. 1992).

*Noveck v. Miller*, 752 F. Supp. 817 (E.D. Mich. 1990).

*Bassey & Selesko, P.C. v. Condon*, 694 F. Supp. 327 (E.D. Mich. 1988).

*In re Dealer Support Servs. Int'l, Inc.*, 73 B.R. 763 (Bankr. E.D. Mich. 1987).

## **PROFESSIONAL MEMBERSHIPS**

American Bankruptcy Institute

Export Development Canada

Federal, American Bar Associations (Member, Section on Litigation)

State of Michigan Bar Association

The Turnaround Management Association

### **PRIOR EXPERIENCE**

October 15, 1984–October 14, 1985, Law Offices of Daniel J. Weiner and of counsel to Arnold Schafer, P.C.

May, 1980–October 15, 1984, Associate, Hertzberg, Jacob & Weingarten, P.C.

### **OTHER DISTINCTIONS**

Received the Martindale-Hubbell Peer Review “AV Preeminent” Rating for Legal Ability & Ethical Standards (2017 - 2022).

Selected for inclusion in *DBusiness Magazines' list of Top Lawyers* for 2015, 2016 and 2017.

Selected for inclusion in the *Michigan Super Lawyers*® list, a peer review survey that selects the top 5% of attorneys (2007 - 2021); Selected for inclusion in *Super Lawyers - Corporate Counsel Edition* - July 2009 (Business Services).

Selected for inclusion in *The Best Lawyers in America* (2014 - 2022), the oldest and most respected peer-review publication in the legal profession.

June 2000 appointed to Mediation Panel of the United States Bankruptcy Court for the Eastern District of Michigan.

April 1, 1986 appointed, but did not serve, as Federal Bankruptcy Trustee for Eastern District of Michigan.

Phi Beta Kappa; Phi Kappa Phi.

### **INTERESTS**

Collecting wine, improving his golf game and playing in a Klezmer band. He's also a Tigers, Red Wings, Lions and Pistons sports nut.

### **MOTTO**

*The Art of War* - Sun Tzu Principles:

One hundred victories in one hundred battles is not the most skillful.  
Subduing the other's military without battle is the most skillful.