



Joseph K. Grekin, Partner  
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PRACTICES

Bankruptcy Law  
Business Litigation  
Commercial Law  
Debtor/Creditor Rights  
Receiverships

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Joseph Grekin is an experienced litigator, negotiator and counselor, with expertise in commercial, bankruptcy, receivership and general insolvency issues. Mr. Grekin specializes in representing clients at a tactical or financial disadvantage, using creative and novel methods and arguments to fight tenaciously and professionally to achieve favorable results for his clients.

Mr. Grekin has represented businesses, individuals, and receivers for nearly twenty-five years in state, federal, bankruptcy, appellate and administrative courts in several states. He has extensive experience managing large and complex files, including commercial and bankruptcy litigation, bankruptcy issues, and receivership practice relating to tens of millions of dollars.

In particular, Mr. Grekin has been a cutting-edge advocate in the field of debtor/creditor issues in the litigation context, and has successfully advocated for his clients in several published cases on a wide variety of issues. He has extensive trial experience on commercial and insolvency issues, which makes him an able negotiator and advisor not just in litigation, but in other commercial and bankruptcy venues as well, from business formation to insolvency counseling. Mr. Grekin is a member of the National Association of Federal Equity Receivers.

**ADMISSIONS & QUALIFICATIONS**

State Bar of Michigan, 1995

U.S. District Court, Eastern District of Michigan, 1996

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

U.S. Court of Appeals, Sixth Circuit, 1996

U.S. Court of Appeals, Second Circuit, 2018

### EDUCATION

University of Michigan Law School, J.D., cum laude, 1994

University of Michigan, B.A., with honors and high distinction, 1991

### SEMINARS

May 2021, presenter at Oakland County Bar Association, *We Can Work It Out: Receiverships In The Age Of Covid-19 And Beyond*

August 2019, presenter for Detroit Bar Association, *Receiverships Racing Forward – What's Around the Next Curve?*

July 2018, moderated panel at NAFER Offshore Insolvency and Asset Recovery Conference in Chicago on cross-border insolvency and comparisons between Chapter 11 bankruptcies and Cayman insolvency proceedings

April 2018, presenter at Oakland County Bar Association, *Seeking Injunctive and Other Equitable Relief in Business Court*

November 2016, presenter at Oakland County Bar Association, *Cutting Edge Topics in Fraudulent Transfer Law*

On-Demand Webcast, 2015 - ICLE Presentation – *Handling Contract Disputes*

October 2013, presenter, Schafer and Weiner, PLLC, *What They Don't Tell You – The Secrets to Being a Great Expert Witness*

May 2010, presenter at Mega Conference, The Michigan Association of Certified Public Accountants, *Helping the Fox Count the Hens – A CPA's Role in Chapter 11*

November 2009, presenter at Mega Conference, The Michigan Association of Certified Public Accountants' Financial Planning and Advanced Federal Tax Conference, *Tax Issues with Bankruptcy*

2001-02, guest lecturer, Pennsylvania State University, *The Art of Rhetoric and Argument*

## **PUBLICATIONS**

Co-author, *Commercial Real Estate Receivership*, 38 Mich. Bus. L.J. 3 (official publication of the State Bar of Michigan), Fall 2018

Co-author, *Applying Claim Preclusion in Michigan: A Call for Clarity*, 36 Mich. Bus. L.J. 1 (official publication of the State Bar of Michigan), Spring 2016

Co-author, *Think You Know the Common Interest Privilege? Guess Again!*, 36 Mich. Bus. L.J. 1 (official publication of the State Bar of Michigan), Spring 2016

Co-author, *Expert Witnesses in Bankruptcy: Avoiding a Trap for the Unwary*, 34 Mich. Bus. L.J. 2 (official publication of the State Bar of Michigan), Summer 2014

## **PUBLISHED CASES**

*Simon v. ASIMCO Techs., Inc. (In re Am. Camshaft Specialties, Inc.)*, 410 B.R. 765 (2009)

*Delta Engineered Plastics, LLC v Autolign Mfg. Group, Inc.*, 286 Mich App 155; 777 NW2d 502 (2009)

*Mayco Plastics, Inc. v. TRW Vehicle Safety Sys., Inc. (In re Mayco Plastics, Inc.)*, 389 B.R. 7 (Bankr. E.D. Mich. 2008)

*Stocker v Tri-Mount/Bay Harbor Bldg. Co., Inc.*, 268 Mich App 194; 706 NW 2d 878 (2005)

*Guzzo v Thompson*, 393 F.3d 652 (6th Cir. 2004)

*Bradacs v Jacobone*, 244 Mich 263; 625 NW 2d 108 (2001)

*Bartell v Lohiser*, 25 F.3d 550 (6th Cir. 2000)

*Chmielewski v Xermac, Inc.* 457 Mich 593; 580 NW 2d 817 (1998)

## **REPRESENTATIVE MATTERS**

Obtained jury verdict in excess of \$1.35 million against client's treasurer on the basis of conversion and fraud despite limited documentation due to efforts by treasurer, who controlled the books of the company, to conceal his actions.

Defended appraiser in lawsuit seeking over \$1,000,000 in damages in federal court based on allegations of fraud, breach of fiduciary duty, conversion and conspiracy; the Court dismissed the case without a trial based on Mr. Grekin's motion.

Represented single-asset real estate Chapter 11 debtor in proceeding to determine whether the debtor's plan of reorganization was feasible, prevailed in evidentiary hearing despite debtor's

inability as of the date of the hearing to make payments to the lender going forward as required by the Bankruptcy Code, and assisted in obtaining subsequent favorable settlement with lender.

Counsel for federal equity receiver over operating manufacturer with \$20 million in annual gross sales, advised on continuance of operations, marketing, sales, and prosecution of potential claims.

Defense of real estate developers in multiple actions by lenders based on guaranties and promissory notes, negotiated settlements reducing debt by over \$10 million without permitting any collection proceedings against clients.

Counsel to a large pension trust fund in the foreclosure of a \$10 million resort development in northern Michigan, successfully defending against counterclaims alleging lender liability and establishing priority of the trust's mortgage over multiple construction liens.

Brought adversary proceeding as special counsel to Chapter 7 trustee against corporate parent of bankrupt automotive supplier based on preferences, fraudulent transfers and substantive consolidation which resulted in a seven-figure settlement and the likely distribution to all unsecured creditors of 100 cents on the dollar for all approved claims.

In an action on behalf of a toolmaker which contracted with a now bankrupt tier two automotive supplier to build tools for a tier one supplier, where typical mold builder lien claims were potentially defective, brought action against tier one automotive supplier based on novel agency theory; settled for about 60 cents on the dollar.

Represented Chapter 7 trustee in various matters related to the liquidation of the assets of a nursing home, including but not limited to the evaluation of and drafting objections to claims, and providing counsel regarding complex adversary proceeding prosecuted by special counsel.

Represented business owner in preparing and filing a Chapter 7 bankruptcy proceeding, successfully negotiated settlement with the Chapter 7 trustee in which business owner was able to retain ownership of business, which provided business owner with employment and salary, all while discharging substantial unsecured debts.

Defended prominent local businessman in lawsuit brought by lender based on alleged defaults under loan documents, brought counterclaim against lender for conversion of cashier's checks, and negotiated settlement whereby client received payment from lender.

### **PROFESSIONAL MEMBERSHIPS**

American Bar Association

National Association of Federal Equity Receivers

Oakland County Bar Association

State Bar of Michigan

State Court Civil Mediator

### **OTHER DISTINCTIONS**

Chairman of the Debtor/Creditor Committee, which received the Award for the Committee of the Year 2017 from the Oakland County Bar Association (2014-2017)

Received the Martindale-Hubbell Peer Review "AV Preeminent" Rating for Ethical Standards and Legal Ability (2014, 2017)

Selected for inclusion in *Top Lawyers in Metro Detroit* by D Business (2011, 2013)

Selected for inclusion in the *Michigan Super Lawyers*<sup>®</sup> list, a peer review survey that selects the top 5% of attorneys (2011, 2014-2017)

Former Member Board of Directors, Motor City Brass Band

Former Member, Ferndale Chamber of Commerce

Former Member, Continuing Legal Education Committee of the Oakland County Bar Association

Former Volunteer, Farmington Downtown Development Authority

Volunteer judge for the University of Michigan First Year Moot Court Competition

### **INTERESTS**

#### **Music**

Mr. Grekin performed in hundreds of venues as a trombone player for several musical groups, primarily in the Metro Detroit area. Mr. Grekin was honored to participate in the following musical groups, among others:

The Motor City Brass Band

The Klezmaniacs

The Michigan Alumni Pep Band

The Michigan Basketball Band

The Michigan Marching Band

#### **Running and Fitness**

Mr. Grekin has competed in and finished three half-marathons and dozens of 10k races in the Metro Detroit area, most recently the 10k at the 40<sup>th</sup> annual Dexter-Ann Arbor Run. Mr. Grekin has also biked through several European countries, primarily with his gorgeous wife.

**Motto**

“Let your plans be dark and impenetrable as night, and when you move, fall like a thunderbolt.”

Sun Tzu, *The Art of War*