

Michael B. Kind

Partner

Chicago

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OVERVIEW

Michael advises commercial mortgage-backed securities (CMBS) special servicers, banks, nonbank lenders, specialty finance companies, businesses, and other secured and unsecured creditors to enforce their rights, protect their assets, and maximize their recoveries. He regularly represents these clients in commercial foreclosure disputes, loan workouts, complex bankruptcy cases, property and equity receiverships, and other loan or transactional disputes. Michael regularly advises on various financial and loan workout transactions, including negotiating and structuring loan agreements and intercreditor agreements.

Michael also has extensive experience in complex Chapter 11 cases and other bankruptcy contexts. He represents a diverse range of clients, including secured and unsecured creditors, trustees, insurance companies, landlords, and media agencies in various bankruptcy matters and complex commercial litigation. Michael's extensive experience includes defending and obtaining relief from automatic stays, resolving claims disputes, litigating claim priority disputes, and contesting disclosure statements and reorganization plans. He also handles fraudulent conveyance, preferential transfer litigation, contract disputes, and fiduciary duty litigation. Michael has years of experience helping insurance companies navigate complex Chapter 11 cases and issues and the bankruptcy implications on insurance claim resolution.

Michael's practice is marked by his commitment to understanding each client's unique needs and delivering tailored solutions. He offers clients thoroughness, responsiveness, creativity, and an ability to navigate intricate legal matters.

REPRESENTATIVE MATTERS

- Represented several of the nation's largest CMBS special servicers in contested foreclosure litigation, guarantor litigation, and bankruptcy matters involving assets located around the U.S.
- Represents secured and unsecured creditors in bankruptcy adversary proceedings.
- Represents insurance companies in complex Chapter 11 litigation and negotiations.
- Represents a large bank in enforcement and workout situations across a multiloan portfolio with one sponsor.
- Represents a real estate developer in various contract and loan workout disputes.
- Represents a secured lender in fiduciary duty litigation against a debtor.
- Prosecuting a pending appeal in the U.S. Court of Appeals for the Seventh Circuit based on a judgment that the

client's first-priority secured lien is superior to the state of Illinois tax claim in section 363 sale proceeds.

- Defending a group of former directors and officers against claims asserted by their company's Official Committee of Unsecured Creditors and litigation trustee for breach of fiduciary duty.
- Prosecuting a pending appeal in the U.S. Court of Appeals for the Seventh Circuit from a judgment for breach of a shareholder agreement, implicating questions of joint and several liability, causation, and sufficiency of evidence.
- Representing a borrower and owner of multiple gas stations and other businesses in a commercial foreclosure dispute.
- Representing a bank in debt collection efforts involving multiple federal and state lawsuits based on contract and collateral priority disputes in the metals industry.
- Representing a bank in a loan workout, involving potential seizure and liquidation of collateral assets and litigation to obtain an injunction and/or order for replevin.
- Representing an insurance company in bankruptcy litigation to determine whether a debtor's insurance policy is void or rescindable.
- Representing a prosthetics manufacturer in the negotiation of a product supply agreement with a Chapter 11 debtor and securing bankruptcy court approval of priority claims and granting of purchase money security interests.
- *In re Malibu Lighting Corporation* (Bankr. D. Del.). Representing an insurance company in the Chapter 11 proceedings of outdoor cooking equipment and accessories manufacturer; negotiated a resolution of pending claims against the debtor; negotiated elements of Chapter 11 plan beneficial to a resolution of insured claims; attended and participated in the plan confirmation hearing.
- Representing a partner in a complex partnership and contract dispute regarding the allocation of sale proceeds of partnership assets.
- *In re Harrington and King Perforating Co., Inc.* (Bankr. N.D. Ill.). Representing a secured lender in Chapter 11 proceedings of a borrower; advising on section 363 sale issues.

AWARDS

- *Super Lawyers*® Illinois Rising Star, Bankruptcy: Business (2015-2025)
- *Best Lawyers in America*®, Ones to Watch, Bankruptcy and Creditor Debtor Rights, Insolvency and Reorganization Law (2021, 2023)

TOP AREAS OF FOCUS

- Bankruptcy + Restructuring
- Business Litigation
- Commercial Mortgage-Backed Securities Special Servicing

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Turnaround Management Association
- Member, American Bankruptcy Institute
- Member, Jewish United Fund Ben Gurion Society (Young Leadership Division); member, Young Lawyers Group
- Member, U.S. Holocaust Memorial Museum Next Generation
- Member, University of Pennsylvania Chicago Alumni Club

PROFESSIONAL EXPERIENCE

- Judicial intern, Hon. Alvin K. Hellerstein, U.S. District Court for the Southern District of New York
- Intern, Rep. Mark Kirk

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Pennsylvania Carey Law School, J.D., 2011, comments editor, *Journal of Business Law*; winner, Edwin R. Keedy Cup Moot Court Competition; Penn Law Supreme Court Clinic
- University of Pennsylvania, B.A., *summa cum laude*, *Benjamin Franklin Scholar*, 2008, history

BAR ADMISSIONS

- Illinois

COURT ADMISSIONS

- U.S. Bankruptcy Court, Central District of Illinois
- U.S. Bankruptcy Court, Northern District of Illinois
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois

SPEAKING ENGAGEMENTS

- Speaker, “Bankruptcy Treatment of Deductibles and Self-Insured Retentions: Insurer and Debtor Rights and Obligations,” Strafford, November 21, 2024.

PUBLICATIONS

- Co-author, “Unexpected Rescue: Observations on the Silicon Valley Bank Closure and Ongoing Market Disruptions,” *Locke Lord QuickStudy*, March 16, 2023.
- Co-author, “CARES Act Guide: Overview of Key Reorganization Provisions and Bankruptcy Code Amendments,” *Locke Lord QuickStudy*, April 10, 2020.
- Co-author, “The Use of Chapter 11 of the Bankruptcy Code to Address Business Disruption Resulting From COVID-19,” *Locke Lord QuickStudy*, March 24, 2020.