

## Matthew P. Gerdisch Vice President & Chair of Finance Practice

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Matthew Gerdisch concentrates on representing the interests of creditors, providing counsel to a national client base in the areas of business and banking, bankruptcy, secured transactions, commercial transactions, and construction bond and lien law. A shareholder since 1996, he also leads the firm's Commercial Finance Practice Group. In this role he oversees the negotiation, litigation and alternative dispute resolution undertaken by the firm to advance the interests of clients throughout North America.



Mr. Gerdisch has been certified by the American Board of Certification in both business bankruptcy law and creditor's rights law. This process requires independent examinations as well as peer review designed to ensure levels of expertise not otherwise expected or required of lawyers. He has extensive experience in all facets of creditor representation and protection in state, federal and federal bankruptcy courts. He has represented secured and unsecured creditors, receivers, trustees and formal and informal creditors' committees, securing many millions of dollars and the full enforcement of their rights for clients and creditors.

Examples of Mr. Gerdisch's achievements include:

- Representing a Supplementary Receiver appointed to enforce a judgment in favor of a creditor that enforced a "receiver's lien" against funds held by the debtor's Chapter 7 Trustee. The issue raised a question of first impression concerning Wisconsin property law. Following certification to the Wisconsin Supreme Court, the U.S. Court of Appeals for the Seventh Circuit ruled that a receiver's lien is valid in Wisconsin on the date the debtor was served notice to appear at supplementary proceedings, needing no further action to perfect the lien. As the KMKSC team established that the receiver was the creditor who first served notice the receiver had superior claim to all other simple contract creditors. As notice was served before the 90 day preference period, the trustee had no option but to transfer the assets. *In Re Badger Lines*, 224 Wis. 2d 646 (1999) [Wisconsin Supreme Court]; *In re Badger Lines*, 202 F3d 945 (7th Cir. 2000) [United States Court of Appeals for the Seventh Circuit].
- Guiding a fortune 500 manufacturer through the complex termination of a distribution agreement with a large distributor. The distributor initially raised claims under distributor law, and then was forced into Chapter 11 bankruptcy when its lender froze its line of credit. Matthew Gerdisch secured bankruptcy court approval for a settlement that relinquished all claims against the



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manufacturer and while allowing the manufacturer to reacquire selected inventory at favorable prices, to acquire a prime business location from the distributor and to open directly owned branches on an expedited basis.

- Representing the buyer in an acquisition of a \$3.9 million retail property.
- Representing the buyer in an acquisition of a medical billing software sales business.
- Representing an energy and telecommunications company in multiple Chapter 11 bankruptcy cases involving a variety of legal issues including critical vendor status, utility adequate protection claims, post-petition payment arrangements, contract assumption and rejection issues, and forward contract and forward contract merchant rights.
- Representing a major pharmaceutical company in the bankruptcy of a distributor, including the establishment of a multimillion dollar reclamation claim, set-off rights and unsecured claims. Negotiated and closed the expedited sale of a \$25 million claim at peak claim market prices, just days before the market fell to pennies on the dollar.
- Successfully defending many bankruptcy preference claims ranging in size from thousands of dollars to millions of dollars.
- Counseling a number of banks regarding the preparation of loan and security documents for work-out arrangements and representing them in federal and state courts in enforcement of security and mortgage issues such as bankruptcy cash collateral, post-petition financing and plan confirmation.
- Providing a broad range of consultancy services to clients. While focusing on procedures and documentation, the approach is to identify opportunities to significantly reduce the potential for legal disputes while at the same time maximizing the legal strength of the client's position. This has resulted in significant benefits to clients through reductions in the cost of doing business and to boost their bottom-line performance.

#### **Certifications:**

- Board Certified - Business Bankruptcy Law - American Board of Certification (1994)
- Board Certified - Creditors' Rights Law - American Board of Certification (1997)



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**Practice Areas:**

- Banking Law
- Commercial Bankruptcy
- Creditors Rights
- Energy Law
- Foreclosure
- Transportation – Common Carrier Law

**Education:**

- The John Marshall Law School, J.D., 1981
- University of the Pacific McGeorge Law School, European Program, 1981-1982
- Loyola University of Chicago, B.A., 1978

**Academic Distinctions/Honors/Awards:**

- The John Marshall Law School Law Review, Member, 1980-1981

**Bar Admissions:**

- Wisconsin 1988
- Illinois 1981
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, 7th Circuit

**Professional Distinctions/Honors/Awards:**

- Rated “AV” by Martindale-Hubbell
- Named in The Best Lawyers in America
- Designated a Wisconsin Super Lawyer
- Clerk, Justice James D. Herple, Illinois Court of Appeals, Third District, 1982-1983

**Leadership Positions:**

- Executive Committee Member, KMKSC
- Group Head, KMKSC Commercial Finance Practice Group
- Vice Chair, Bankruptcy Practice Group, Primerus International Society of Law Firms





### **Professional Associations and Memberships:**

- Wisconsin State Bar Association
- Illinois State Bar Association
- Milwaukee County Bar Association

### **Representative Published Works:**

Mr. Gerdisch has written extensively on the law and practice of commercial finance and secured transactions. The following examples are illustrative of his focus:

- *“Good News for Lenders: Wisconsin Supreme Court Strengthens Lender’s Remedies Against Guarantors.”*
- *“A Letter Of Credit and The Bankruptcy Paradox-Will It Protect You??? Maybe!!!”*
- *“Preferences: Should we take one, and What if we are sued?”*
- *“When is a C.O.D. Sale Not a C.O.D. Sale?”*
- *“The New Bankruptcy Law: Will Reclamation Demands Become Obsolete?”*
- *“Involuntary Petitions – Forcing a Deadbeat into Bankruptcy.”*

### **Speeches/Seminars Presentations:**

Mr. Gerdisch is a regular speaker on commercial finance issues, particularly as an invited speaker at seminars and conferences organized by our clients and industry groups. Recent presentations include:

- *“Dealing with Financially Distressed Companies”*
- *“New Bankruptcy Legislation”*
- *“Bankruptcy Issues (a Primer on Ways to Protect Your Money)”*
- *“An Introduction to Important Bankruptcy Issues”*
- *“Considerations Relating to Collection of Commercial Accounts”*
- *“Enforcing Commercial Bank Loans”*
- *“Bankruptcy Law, Preferences, Reclamation, Set Offs and Critical Vendor Rights in Bankruptcy”*

### **Leadership Positions in the Community:**

- Treasurer & Membership Chairman, Great Lakes Sport Car Club



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