

Samuel C. Wisotzkey Shareholder

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Samuel “Sam” Wisotzkey has developed a legal practice that spans a broad spectrum of commercial, business bankruptcy and creditors’ rights law. He is continually championing the rights of secured and unsecured creditors in Wisconsin state courts, in Federal bankruptcy courts throughout the country and in a myriad of out-of-court situations.



He has strong experience in assisting business clients in solving the commercial problems that arise between financially troubled customers and vendors, both prior to, and within, formal insolvency proceedings. He represents creditors and business interests in bankruptcy proceedings throughout the country, asserting reclamation and administrative claims and pursuing adequate protection payments and relief from stay actions to protect real and personal property collateral. Mr. Wisotzkey continually defends business clients against preferential payment claims under the Bankruptcy Code and receivership litigation, often involving very substantial sums of money.

Mr. Wisotzkey has established a record of saving clients many millions of dollars throughout his career. Among his recent accomplishments, he has:

- Represented a well known manufacturer in a significant preference defense action. Client was sued by a federal trustee for the return of millions of dollars in alleged preferential payments under Bankruptcy Code. KMKSC succeeded in convincing the Tennessee appellate bankruptcy court that the payments fell within exceptions to this law. This notable success resulted in savings to our client of more than \$6 million.
- Successfully argued that Wisconsin law requires a state court receiver to provide payment to unsecured creditors that provide goods and services during the time the receiver was in control of the property. On appeal, the Wisconsin Court of Appeals ruled that his client must be permitted to intervene in the receivership action, even though the mortgaged premises had been sold. His client was promptly paid the full amount of its claim. *M&I Marshall & Ilsley Bank v. Urquehart Cos.*, 2005 WI App 225, 706 N.W. 2d 335.



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- Successfully defended numerous creditors from preference claims totaling over half a million dollars asserted by a Chapter 7 bankruptcy trustee under the state preference statute. He persuaded the court that the sole reported case on the subject was wrongly decided. Both the bankruptcy court and the district court on appeal supported his argument that the trustee was not permitted to bring such claims. *Dubis v. B.W. Supply (In re Delta Group, Inc.)*, 310 B.R. 918 (Bankr. E.D. Wis. 2003), *aff'd*, 336 B.R. 405 (E.D. Wis. 2004).

Practice Areas:

- Appellate Practice
- Commercial Bankruptcy
- Business Law
- Creditors Rights
- Litigation
- Secured Transactions

Bar Admissions:

- Wisconsin
- Arizona (Inactive)
- U.S. District Court Eastern District of Wisconsin
- U.S. District Court Western District of Wisconsin
- U.S. District Court Northern District of Illinois
- U.S. District Court Central District of Illinois
- U.S. District Court, District of Arizona
- U.S. Court of Appeals 7th Circuit
- U.S. Supreme Court
- Lac du Flambeau Tribal Court

Education:

- University of Michigan Law School , J.D., 1991
- Bucknell University, B.S., Magna Cum Laude, 1988

Professional Distinctions/Honors/Awards:

- Martindale Hubbell – AV Rated





Professional Associations and Memberships:

- State Bar of Wisconsin
- American Bankruptcy Institute
- Eastern District of Wisconsin Bar Association

Speeches/Seminars Presented:

- *“Reclamation Claims”*
- *“Doing Business with a Chapter 11 Debtor”*

Community Involvement:

- St. Robert Parish member
- Bucknell University Admission Office Volunteer
- Wednesday Soccer Club
- Shorewood Soccer Club