

## Thomas J. Magill

### *Retired Partner*

Tom Magill enjoyed a national corporate bankruptcy and creditors rights oriented litigation practice. Tom represented numerous substantial lender clients of the Firm's in all aspects of their loan workout and bankruptcy matters, and in related loan enforcement litigation in the state and federal courts. He had substantial experience in bankruptcy reorganization proceedings, that included post-petition financing and cash collateral litigation, the negotiation and structuring of Bankruptcy Code Section 363 acquisitions/dispositions, equipment lease litigation, fraudulent conveyance suits, and contested plan confirmation proceedings. Tom's clients included major commercial banks, institutional finance companies, timeshare and other vacation industry businesses, manufacturers and commercial real estate operators. He had a considerable depth of experience in the negotiation and structuring of sophisticated loan workout transactions. Tom's prior background as a CPA offered a particular facility in his handling of such matters, and allowed him to successfully prosecute several loan fraud litigation engagements for Quarles & Brady clients. His experience included:

- Representation of a major commercial bank client in its recovery upon the loan obligations of an interrelated group of professional medical practices in circumstances in which the key practitioner had fled the country after secreting assets in offshore havens.
- Representation of a substantial timeshare developer in its Bankruptcy Code Section 363 acquisition of the operating properties and assets of a large competitor.
- Bankruptcy representation of a commercial finance company client which had financed the operations of a campground/vacation club/timeshare operator prepetition. Representation included DIP financing and ultimately a Bankruptcy Code Section 363 sale pursuant to which the client acquired all of the borrower's productive assets utilizing a critical channeling injunction to shield the client from economic risks associated with prior operations.
- Representation of real property lender client within Kmart reorganization upon highly complex sale/leaseback transactions, utilizing sophisticated tax and equity/indemnity theories to enforce underlying financing arrangements.
- Multiple representations of commercial finance company clients upon substantial sale/leaseback based equipment lease positions in major corporate reorganization proceedings in various jurisdictions.
- Successful representation of lender client in Federal Trade Commission seizure/compliance litigation directed against vacation club operator and culminating in the sale of its operating assets on



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### **Chicago Office**

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- a going concern basis.
- Successful prosecution of business fraud litigation against regional fast food chain and its outside legal counsel to vindicate client which had advanced funds on the basis of the other parties' fraudulent scheme.
- Rendering of remote vehicle and related bankruptcy planning experience in numerous complex, high dollar corporate and commercial financing transactions.
- Legal advise with respect to asset protection planning efforts in appropriate situations, including the unwinding of fraudulent schemes and recovery of assets from so called offshore tax haven jurisdictions.

### **Legal Services**

- Bankruptcy, Restructuring, and Creditor's Rights

### **Education and Honors**

- John Marshall Law School (J.D., *highest distinction*, 1977)
- University of Illinois (1971)

### **Bar Admissions**

- Illinois

### **Court Admissions**

- U.S. District Court, Northern District of Indiana, 2005
- U.S. District Court, Central District of Illinois, 2002
- U.S. District Court, Western District of Michigan, 1995
- U.S. District Court, Western District of Michigan, 1995
- U.S. District Court, Eastern District of Wisconsin, 1993
- U.S. Court of Appeals, 7th Circuit, 1979
- U.S. District Court, Northern District of Illinois, 1977

### **Professional and Civic Activities**

- Law Clerk to U.S. District Judge Julius J. Hoffman (N.D. of Illinois) (1977-1979)
- American Bar Association (Member, Business Law and Litigation Sections)
- Seventh Circuit Bar Association (Member)
- Chicago Bar Association (Member)
- American Bankruptcy Institute (Member)
- TurnAround Management Association (Member)
- American Association of Attorney-Certified Public Accountants (Member)
- The Lawyer's Club of Chicago (Member)

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- Certified Public Accountant (Examination Requirement satisfied: May 1970)
  - Pro Hac Vice admissions in numerous Districts throughout the United States, including the Southern District of New York, District of Delaware, Central District of California, Eastern District of Missouri, District of Colorado and District of Nevada

### **Professional Recognition**

- Selected as an Illinois Leading Lawyer - Leading Lawyers Network, 2017–present (Bankruptcy & Workout: Commercial; Creditor's Rights/Commercial Collections)
- Selected for inclusion in the 2006-2014 *Illinois Super Lawyers*<sup>®</sup> lists (Bankruptcy & Creditor/Debtor Rights)
- Martindale-Hubbell AV<sup>®</sup> Peer Review Rated
- Leading Lawyers Network member

### **Selected Presentations/Publications**

- Speeches include his presentation at the American Bar Association's 1995 Business Law Section Spring Meeting, "Current Issues Under § 502(b)(6) - Maximization of Landlord Entitlements Notwithstanding the Statutory Cap."