



Timothy F. Nixon

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Green Bay

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Green Bay, WI 54301

Practice Areas

Business Finance,
Bankruptcy & Restructuring

Corporate

Admissions

New York

Wisconsin

Education

Juris Doctor, University of
Wisconsin Law School, *cum
laude*, Order of the Coif

Master of Arts, University
of Wisconsin-Madison,
1990, Public Policy and
Administration, Robert M.
LaFollette Institute of Public
Affairs

Bachelor of Science,
University of Wisconsin-
Green Bay, 1987, Public and
Environmental Administration,
cum laude

Associate of Science, Great
Lakes Maritime Academy,
Northwestern Michigan
College, 1979, Maritime
Science, *with high honors*

Tim Nixon is a commercial lawyer representing clients in state and federal courts. He is the lead attorney for the firm's Business Finance, Bankruptcy & Restructuring Practice Group. He is also a member of the Business and Litigation Practice Groups. He is a frequent lecturer and speaker on matters involving commercial litigation, the Uniform Commercial Code and bankruptcy law. Tim has addressed the American Bankruptcy Institute, State Bar of Wisconsin, the Turnaround Management Association and Chicago Bar Associations. He is a commentator on bankruptcy issues for newspaper, radio and television. In addition, he is an adjunct faculty member at the University of Wisconsin-Green Bay.

Tim has written numerous articles and co-authored books on insolvency issues. He has represented clients in cases before the United States Supreme Court and the Courts of Appeal, as well as in bankruptcy courts throughout the United States, including some of the largest bankruptcies filed in the United States. He is counsel to the fee examiner in the General Motors bankruptcy and, as part of his practice group, counsel to the fee committee in the Lehman Brothers Holdings Inc. bankruptcy.

Tim's practice has included advising, among others, Dutch, Russian and Australian clients on American Bankruptcy Law as well as advising American clients on foreign insolvency issues and practice. Tim has also represented a British bankruptcy trustee in administering assets in the United States. He filed one of the only Chapter 15 cases outside of New York and Delaware representing a Canadian receiver and represented a bank holding company through a Chapter 11 reorganization.

Tim's clients include: retail companies, manufacturing companies, construction companies, food processors, agribusiness entities, banks, financial institutions and other manufacturing and service businesses. Moreover he represents clients in all aspects of bankruptcy including debtors, secured creditors, creditor committees, asset purchasers, receivers and trustees. He is one of a handful of lawyers with substantial experience in Wisconsin Chapter 128 Receiverships, as well as Wisconsin's unique wage lien law in Chapter 109.

While attending graduate school, Tim served an internship in the Office of Management and Budget in Washington, D.C. Prior to graduate school, Tim served as a ship's officer in the Merchant Marine for nine years.

Representative Experience

Farrey v. Sanderfoot, 500 U.S. 291, 114 U.S. L.ed 2d 825 (1991) (liens granted in a divorce proceeding are not avoidable in bankruptcy)

In re One2One Communications, LLC, 805 F.3d 428 (3rd Cir. 2015) (equitable mootness not appropriate grounds for dismissal of appeal in non complex case)

Representative Experience

In re Tak Communication, Inc., 985 F.2d 916 (7th Cir. 1993) (lenders may not take a mortgage on the FCC broadcast license of a borrower)

Jansen Logistics Services, LLC, v. Tak, 2015 WL 4041779, (E.D. Wis. July 1, 2015) (factual dispute between the parties precludes summary judgment in favor of the defendant)

Wells Fargo Bank NA v. Rufftown Entertainment Group, Inc., 2014 WL 3533416 (E.D. Wis., July 16, 2014) (summary judgment is appropriate where there is no factual dispute and automatic stay does not apply)

In re Archdiocese of Milwaukee, 2013 WL 5491895 (E.D. Wis. Oct. 01, 2013) (Committee failed to provide grounds for recusal or vacatur)

In re Archdiocese of Milwaukee, 496 B.R. 905, 2013 WL 3937021 (E.D. Wis. July 29, 2013) (RFRA and First Amendment shield Cemetery Trust from creditor claims)

Wells Fargo Bank NA v. Rufftown Entertainment Group, Inc., 2013 WL 1949675 (E.D. Wis., May 08, 2013) (implausible allegations are grounds to dismiss counterclaims)

Vane Line Bunkering, Inc., v. The Manitowoc Company, Inc., 2011 U.S. Dist. LEXIS 122242 (E.D. Wis.) (third party defendant's motion to dismiss third party complaint was granted due to a forum selection clause)

Vane Line Bunkering, Inc., v. The Manitowoc Company, Inc., 2011 U.S. Dist. LEXIS 115200 (E.D. Wis.) (motion to dismiss not appropriate when plaintiff's argument is not unreasonable or absurd)

Samson Lift Technologies, LLC v. Jerr-Dan, Corp. & Oshkosh, Corp., 2011 U.S. Dist. LEXIS 89278 (M.D. Penn.) (partial summary judgment appropriate on concession of technical violation of contract terms)

GFI Wisconsin, Inc., f/k/a Grede Foundries, Inc., v. Reedsburg Utility Commission and Wisconsin Electric Power Company, ___ 435 B.R. 593, 2010 WL 4595508 (W.D. Wis. 2010) (electricity is a "good" under the bankruptcy code)

Samson Lift Technologies, LLC v. Jerr-Dan, Corp. & Oshkosh, Corp., 2010 U.S. DIST. LEXIS 26862 (M.D. Penn.) (dismissal appropriate when fraud not plead with particularity)

Samson Lift Technologies v. Jerr-Dan Corporation, et al., 2009 U.S. DIST. LEXIS 69099 (S.D.N.Y.) (venue transfer appropriate to where most operative events occurred and documents and key witnesses are)

Veolia Es Special Services, Inc. v. Malin Int'l Ship Repair & Drydock, Inc., 2009 U.S. DIST. LEXIS 76428 (E.D. Wis.) (plaintiff must demonstrate defendant's substantial and not isolated activities in state)

Baylake Bank v. Village of Hobart, 2009 U.S. Dist. LEXIS 4081 (E.D. Wis) (prevailing party's attorneys' fees reasonable)

I. Kruger, Inc. v. Oconto Falls Tissue, Inc., 2009 U.S. Dist. LEXIS 1807 (E.D. Wis)(defendants did not comply with the Bulk Transfer Act)

Village of Hobart v. TCGC, LLC, 2008 U.S. Dist. LEXIS 105468 (E.D. Wis)(plan confirmation order affirmed)

Baylake Bank v. TCGC, LLC, 2008 U.S. Dist., LEXIS 77291 (E.D. Wis.) (restrictive covenants not removable in Section 363 sale)

In re Specialtychem Products Corp., 372 B.R. 434 (E.D. Wis. 2007) (administrative claim not allowed without claimant proving the benefit with evidence not merely inference)

Representative Experience

In re ANR Advance Transportation Co., Inc., 302 B.R. 607 (E.D. Wis. 2003) (trustee can waive debtor's work product privilege)

Hodge Bros. v. Delong Co., Inc., 942 F. Supp. 412 (W.D. Wis. 1996) (parties can incorporate arbitration by reference)

In re Archdiocese of Milwaukee, 485 B.R. 385, 2013 WL 175546 (Bankr. E.D. Wis. 2013) (RFRA and First Amendment do not shield Cemetery Trust from creditor claims)

In re Archdiocese of Milwaukee, 470 B.R. 495 (Bankr. E.D. Wis. 2012) (court cannot grant summary judgment to the extent claims are grounded in fraud)

In re Miller, 366 B.R. 408 (Bankr. E.D. Wis. 2005) (time to revoke discharge is jurisdictional and may not be extended by agreement)

In re ANR Advance Transportation Co., Inc., 288 B.R. 208 (Bankr. E.D. Wis. 2002) (trustee can waive debtor's work product privilege)

In re ANR Advance Transportation Co., Inc., 283 B.R. 737 (Bankr. E.D. Wis. 2002) (proof of Claim disallowed where debtor offered nondiscriminatory reason for employee dismissal)

In re ANR Advance Transportation Co., Inc., 247 B.R. 771 (Bankr. E.D. Wis. 2000) (right to review invoices and approve payment is insufficient "control" to make escrow funds property of bankruptcy estate)

Messner Manor Associates v. WHEDA, 204 Wis. 2d.492, 555 N.W.2d 156 (Ct. App. 1996) (unambiguous contract provision will be enforced)

M&I Marshall & Ilsley Corp. v. Hougard, 2004 WL 3252086 (Wis. Cir.) (guarantor is not discharged nor are there defenses which may be raised if the Guarantor waives the defenses)

In the Matter of a 1993 Chevrolet Corvette, VIN 1G1YY33P4P5116538, Purchased by Terry Kahl, Case No. 97-H-1042 (Wis. Division of Hearings and Appeals, August 26, 1997) (ordinary course buyer takes title free and clear of consignor's lender's security interest)

Court Admissions

United States Supreme Court

United States Court of Appeals, Seventh Circuit

United States Court of Appeals, Third Circuit

United States District Court, Central District of Illinois

United States District Court, Northern District of Illinois

United States District Court, Southern District of Illinois

United States District Court, Eastern District of Arkansas

United States District Court, Eastern District of New York

United States District Court, Eastern District of Wisconsin

United States District Court, Northern District of Indiana

United States District Court, Southern District of Indiana

United States District Court, Southern District of New York

United States District Court, Western District of Arkansas

United States District Court, District of Maryland

United States District Court, Eastern District of Michigan

United States District Court, Western District of Michigan

United States District Court, Western District of Wisconsin

Court Admissions

United States District Court, Northern District of Texas
United States District Court, Southern District of Texas

Professional Association Memberships

American Bankruptcy Institute
Brown County Bar Association
Commercial Law League of America
Dane County Bar Association
Eastern District of Wisconsin Bar Association
Honorable Robert J. Parins Inn of Court
INSOL International
Litigation Counsel of America
Milwaukee Bar Association
New York State Bar Association
Seventh Circuit Court of Appeals Bar Association
St. Thomas More Lawyers Society of Wisconsin
Turnaround Management Association
Western District Bankruptcy Bar Association
Western District of Wisconsin Bar Association

Activities

American College of Bankruptcy - 7th Circuit Admissions Council Member

American Foundation of Counseling Services, Inc., - Ethics in Business Awards Selection Committee

Brown County (2013-2015) - Library Board of Trustees, Chair of Library Museum Co-Location Study Task Force

Wisconsin Supreme Court - Preliminary Review Committee (2009 - 2015), Appointed by Supreme Court as attorney member

Eastern District of Wisconsin Bar Association - Board of Directors (2009 - 2014)

Ethics in Business Awards Selection Committee - American Foundation of Counseling Services, Inc. (2010 - Present)

University of Wisconsin-Green Bay - Associate Faculty Member (2001 - present) Public and Environmental Administration Department, Lecturer on Administrative Law and Public and Non-Profit Management, Moot Court Team Coach (2001 - 2002)

State Bar of Wisconsin, Bankruptcy, Insolvency & Creditors Rights Section - Board of Directors, (2003 - 2010) Legislation and Exemptions Committee Member, Chair of the Creditor Education Program Committee

Green Bay Area Chamber of Commerce - Board of Directors (2004 - 2011); *Business Cultural Diversity Committee* Chair (2005 - 2007); Board of Directors Chair Elect (2007); CEO Search Committee (2011)

Wisconsin Co-Chair - Litigation Counsel of America (2007)

Voyageur Magazine (2004 - present), Brown County Historical Society - Assistant Editor

Activities

City of Green Bay (2003 - 2013) - Appointed to Water Commission term ending October 1, 2014; Vice President (2003 - 2004); president (2004 - 2013)

Honors

Recognized by BTI Consulting Group as Client Service All-Star (2018)

Frequently recognized by The Deal for being among the top lawyers in the country for handling Chapter 11 bankruptcy cases

Recipient of the Daniel Whitney Outstanding Volunteer of the Year award from the Green Bay Area Chamber of Commerce (2013)

Listed in *Best Lawyers in America* (Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Litigation - Bankruptcy, 2006 - present)

"Distinguished Alumni Award" from University of Wisconsin - Green Bay Alumni Association (2010)

Top 50 *Wisconsin Super Lawyer* (2007 - 2012)

Recognized as a *Wisconsin Super Lawyer* (2005 - present)

American Bankruptcy Law Journal Editorial Advisory Board, selected by National Conference of Bankruptcy Judges to fill one of two practitioner positions for the term January 2008 - January 2011.

Eastern District of Wisconsin Bar Association - *Judge John W. Reynolds Community Building Award* (2009)

American College of Bankruptcy - selected for induction as a Fellow into Class 20 (March 2009)

"Leaders in the Law" award from the *Wisconsin Law Journal* (2006)

"50 People You Should Know in Green Bay," *Bay Business Journal* (November 2005)

Power Book: The Milwaukee Area's Most Influential People, The Business Journal, Milwaukee, WI (2009)

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