



# BAILEY | CAVALIERI

**Robert B Berner**

**MEMBER**

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## OVERVIEW

Rob is the Chair of Bailey Cavalieri's Bankruptcy & Reorganization Practice Group. Rob's practice focuses primarily on business and commercial matters, often in major Chapter 11 bankruptcy cases. He has represented numerous constituents in notable bankruptcy cases, including debtors, lenders, creditors, committees, trustees, and landlords in notable cases.

Rob handles banking, transactional, contract, municipal, and litigation work outside of bankruptcy court, including business acquisitions and negotiations. He is actively involved in the legal community, serving on the United States Bankruptcy Court's Attorney Advisory Committee and the Board of Trustees for the Bankruptcy Bench-Bar Conference for the Southern District of Ohio. Rob is a regular speaker on various bankruptcy topics. Rob has been with Bailey Cavalieri LLC since its founding, and he was formerly with an Am Law 100 firm.

## EDUCATION

Capital University (J.D., 1984)

Indiana University (B.S. Kelley School of Business, 1981)

## BAR ADMISSION

Ohio

## COURT ADMISSIONS

U.S. District Court, Southern District of Ohio

Sixth Circuit Court of Appeals

## PROFESSIONAL HIGHLIGHTS

Acted as debtor's counsel in Chapter 11 liquidation of Irwin Mortgage Corporation, (and non-debtor captive insurance company) a national mortgage lender and servicer which operated 169 production and satellite offices in 33 states.

Represented private label / co-branded credit card issuers in dozens of retailer bankruptcies and state court matters nationwide.

Represented commercial real property lessors in multiple bankruptcy cases, including Big Lots, JoAnne Fabrics, Franchise Group, Guitar Center, Steinmart, and Tuesday Morning.

Acted as debtor's counsel in Chapter 11 proceeding of Roberds, Inc., a publicly traded furniture, electronics and appliance retailer with 24 locations in 4 states.

Represented national and state chartered banks in contract negotiations, treasury matters, and transactional work.

Acted as debtor's counsel in Chapter 11 proceeding of Genesis Worldwide, Inc. (and subsidiaries), a publicly traded metals processing company with 7 manufacturing facilities in multiple states.

Represented credit union holding portfolio of several hundred vehicles in Chapter 7 proceeding of automobile leasing company.

Represented major secured lender in Chapter 11 reorganization of Huffy Manufacturing, an international sporting goods manufacturer.

Represented finance company holding \$50 million in leases in Chapter 11 proceeding of Bush Leasing, a national truck leasing company.

Represented Chapter 11 Trustee of National Liquidators, Inc., a multi-state Ponzi scheme, to prosecute in excess of 500 fraudulent transfer and preference actions.

Acted as debtor's special counsel in Chapter 11 proceeding of SPECO to prosecute several hundred preference claims.

Represented investors in alleged Ponzi scheme.

Acted as counsel for post-confirmation debtor in action to enforce discharge and confirmation injunction.

Represented insurance company in adversary proceeding initiated by Chapter 11 debtor.

Represented directors and officers of publicly traded company during its Chapter 11 proceeding.

Represented numerous asset purchasers in §363 bankruptcy sales.

Represented financial institutions in workouts and in state and federal court litigation.

Litigated hundreds of contested matters and adversary proceedings in bankruptcy proceedings.

Represented various appellants and appellees in appeals of bankruptcy court decisions to the United States District Court, the Sixth Circuit BAP and the Sixth Circuit Court of Appeals.

Represented national student loan guaranty agency.

Represented Chapter 7 trustee in numerous cases.

Represented municipality in a variety of litigation and non-litigation matters.

Represented defendant in a qui tam whistleblower claim filed under federal False Claims Act.

## RECENT PUBLICATIONS & SPEAKING ENGAGEMENTS

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Third-Party Releases/ Purdue Pharma (2023)

Positional Conflicts of Interest (2023)

Municipal Bankruptcies in Ohio (2021)

Overview of Retail Chapter 11 Bankruptcy Cases (2019)

Current Issues in Retail Chapter 11 Cases (2018)

Overview of Individual Chapter 11's (2018)

## **AFFILIATIONS AND CIVIC INVOLVEMENT**

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American Bankruptcy Institute

Thomas F. Waldron American Bankruptcy Law Forum

Member, Ohio State Bar Association

Member, Dayton Bar Association

Member, Attorney Advisory Committee (and past Co-Chair of Chapter 11 Subcommittee), United States Bankruptcy Court, Southern District of Ohio

Mediator, United States Bankruptcy Court Southern District of Ohio's Mediation Program

Trustee, Bench Bar Conference, United States Bankruptcy Court Southern District of Ohio

National Aviation Heritage Alliance, Member Board of Trustees

Woodland Cemetery Association of Dayton, Secretary and Member of Board of Trustees

Woodland Arboretum Foundation, Secretary and Member of Board of Trustees

Moraine Country Club, past Secretary and Member of Board of Governors

## **PROFESSIONAL RECOGNITION**

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Ohio Super Lawyers