

John A. Simon

Partner

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John A. Simon focuses his practice on national corporate restructuring, insolvency, bankruptcy, mergers and acquisitions, and commercial contract matters. He frequently represents buyers and sellers of companies, borrowers, debtors-in-possession, creditors' committees, shareholders, customers, suppliers, landlords, and other constituents in complex, high-stakes, troubled-company situations.

Representative Experience

John has helped many clients achieve success in transactional and litigation matters in the restructuring and insolvency arena as well as in their strategic acquisitions and customer and supplier relationships. His representative engagements include the following matters:

- Representing the official committee of unsecured creditors in the chapter 11 case of a large multinational automotive interiors supplier; pending in Delaware.
- Representing a publicly traded alternative energy automotive manufacturer and supplier in connection with its chapter 11 case and successful sale, preserving value for constituents.
- Representing critical suppliers in several cases, including the Takata and UCI International chapter 11 cases.
- Primary mergers and acquisitions counsel to a US \$2bn publicly traded international fashion company, including in transactions across the United States and cross-border acquisitions in Mexico and Canada, including licensing matters.
- Represented the nation's largest honey distributor as a chapter 11 debtor, achieving exit from bankruptcy and transition to new private equity owner within 90 days after filing under a pre-negotiated chapter 11 plan.
- Achieved a successful purchase of a high-technology energy grid power management company for a private-equity-backed purchaser in a 363 sale in the Western District of Texas.
- Represented a multinational consumer packaging company as stalking horse purchaser in a 363 sale in Delaware.

- Represented the City of Detroit in its chapter 9 bankruptcy case with respect to disputed claims.
- Represented US \$1bn petroleum distributor as stalking horse purchaser in section 363 acquisition of supply business.
- Represented US \$4bn publicly traded manufacturing company as stalking horse purchaser in section 363 purchase of business line from an automotive supplier.
- Represented several large multistate manufacturing companies that were debtors in possession in selling their assets pursuant to section 363 of the Bankruptcy Code.
- Representation of the official committee of unsecured creditors in the chapter 11 case of the world's largest producer of flexible solar panels.
- Representation of the official committee of unsecured creditors in the chapter 11 case of a publicly-traded bank holding company with a network of banks throughout the country.
- Assisted the out-of-court restructuring of a national aftermarket automotive part distributor.
- Assisted the chapter 11 restructuring of one of the world's largest producers of ductile castings to the automotive industry, with approximately US \$1bn in annual revenues.
- Assisted the out-of-court restructuring of a broadcasting company with operations in several states.
- Assisted the chapter 11 sale of a major plastic parts manufacturer with annual revenues of approximately US \$2bn.
- Represented the committee of unsecured creditors in the bankruptcy of one of the country's largest subprime auto loan servicers, with over US \$1.8bn in loans under management.
- Represented the committee of unsecured creditors in the chapter 11 case of an automotive supplier with over US \$500m in annual revenues.
- Defended a former shareholder, officer, and director from a US \$36m lawsuit brought by a creditors' committee in connection with a failed leveraged buyout transaction.
- Represented a "big four" accounting firm in connection with its engagements in various chapter 11 cases around the country.
- Assist companies in various industries, including automotive, manufacturing, and food sectors, with their supply contracts.
- Represent creditors in a variety of bankruptcy and creditors' rights matters, including the enforcement of rights under the Uniform Commercial Code and the defense of avoidance actions brought by bankruptcy estates in adversary proceedings and the representation of customers and suppliers of troubled companies in critical supply disputes.
- Represent parties in interest in connection with many of the nation's largest bankruptcy cases, including: GST Autoleather, Inc., Takata Holdings US, Payless Shoes, The City of Detroit, Revel Casinos, Patriot Coal, Dynegy, Broadview, Delphi Automotive, Tronox, Metaldyne, General Motors, Chrysler, Dana Automotive, Dura Automotive, Rescap, Nortel Networks, Hostess Brands, American Airlines, Kodak, Tropicana Casino, Washington Mutual, and Metro-Goldwyn-Mayer.

Awards and Recognition

- Selected by his peers for inclusion in *The Best Lawyers in America*® in the fields of bankruptcy and creditor/debtor rights, insolvency, and reorganization law (2016-2024)
- Selected to *DBusiness* magazine's 2016 and 2018 Top Lawyers list
- Named winner of the 2017 *M&A Advisor Materials Deal of the Year*
- Received the 2017 *M&A Atlas Special Situation M&A Deal of the Year* for his representation of Quantum Fuel Systems, Inc. in its chapter 11 case and sale to Douglas Acquisitions pursuant to section 363 of the Bankruptcy Code
- Named winner of the 2015 *M&A Advisor Distressed Energy Deal of the Year* for his representation of Younicos Inc. in its strategic acquisition of the assets of Xtreme Power in a creatively structured and quickly executed bankruptcy transaction

Affiliations

- Member, The American Bankruptcy Institute
- Member, Turnaround Management Association
- Member, The Association for Corporate Growth
- Member, The Hispanic Bar Association of Michigan

Presentations and Publications

- "Navigating in Stormy Economic Seas: How to Protect and Maximize Your Interests in Dealing with Financially Distressed Companies," ACC Conference, Michigan, November 21, 2019
- "Are Your Suppliers in Trouble? Warning Signs and What to Do," *Industry Week*, February 26, 2019
- "Critical Concepts in Lender Liability," American Bankruptcy Institute Central States Conference, June 13, 2015
- "Directors' and Officers' Fiduciary Duties in the Context of Insolvency and Bankruptcy," University of Detroit Mercy School of Law, April 6, 2015
- "Commonly Negotiated Issues in DIP Financing," American Bankruptcy Institute Central States Conference, June 12, 2014
- "Michigan's Local Government and School District Fiscal Accountability Act of 2011," *Lawyers Weekly*, Vol. 25. No. 40, August 15, 2011
- "Commentary: Lenders Seek Alternatives to Foreclosures," *Michigan Lawyers Weekly*, August 13, 2010
- "Navigating Disinterestedness and Disclosure Issues in Multiple Debtor Representations," *American Bankruptcy Institute Journal*, September 2008
- "'Gift' Arrangements in Chapter 11: A Viable Tool?" *Michigan Bar Journal*, July 2008
- "Potential Limitations On Rights of 'Loan To Own' Financiers To Credit Bid In Chapter 11," *Stout Risius Ross Journal*, Fall 2007
- "Not Business As Usual: Initial Business Bankruptcy Lessons Under BAPCPA 2005," *Michigan Business Law Journal*, Fall 2006
- "*In re Morris*: Is the Sixth Circuit Inviting Real Estate Constructive Trust Claims in Bankruptcy Cases?" *Michigan Real Property Review*, Spring 2002

Sectors

- Artificial Intelligence
- Automotive
- Cloud Computing Infrastructure & Solutions
- Electrified Mobility & Infrastructure
- Fashion, Apparel & Beauty
- Health Tech & Genomics
- Hospitality & Leisure
- Innovative Technology
- International Trade & National Security
- Manufacturing
- Smart Manufacturing
- Supply Chain
- Sustainability & Product Stewardship

Practice Areas

- Asset Acquisition
- Bankruptcy & Business Reorganizations
- Creditor Committee Representation
- Environmental, Social, and Governance (ESG)
- Fiduciary Representation
- Litigation
- Transactions

Education

- Boston University School of Law (J.D., 2000)
- Amherst College (B.A., 1997)

Admissions

- Michigan
- The United States District Court for the Eastern District of Michigan
- The United States District Court for the Northern District of Illinois
- New York