

Paul T. Musser

Partner

Chicago Office

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Practices

FOCUS: Insolvency and Restructuring
Commercial Litigation
Cryptoassets and Blockchain Technology
Health Care
Health Care Finance
Mergers and Acquisitions
Private Credit
Real Estate Finance and Lending
Real Estate Litigation

Industries

Energy
Finance and Financial Markets
Hospitality

Education

JD, Indiana University Robert H. McKinney
School of Law, *summa cum laude*
DMA, University of Illinois at Urbana-
Champaign
MA, University of Illinois at Urbana-
Champaign
BA, Franklin & Marshall College

Bar Admissions

Illinois

Court Admissions

US Court of Appeals, Seventh Circuit
US Bankruptcy Court, Northern District of
Illinois
US District Court, Northern District of Illinois
US Bankruptcy Court, Northern District of
Indiana
US District Court, Northern District of
Indiana

Paul Musser focuses his practice on helping middle-market lenders maximize their recovery in out-of-court workouts and in-court proceedings. He regularly counsels secured creditors and other stakeholders in bankruptcies, breach of note and guaranty actions, receiverships, fraudulent transfer actions and commercial foreclosures. Paul also helps his clients navigate distressed asset and business sales and acquisitions, including through Article 9 UCC sales and 363 sales. His diverse experience in both transactional and litigation matters informs a drive for practical, cost-effective solutions centered on client recovery.

Practical, cost-effective solutions for distressed loans

Paul regularly represents senior secured lenders, administrative agents and bank groups. He also represents corporate debtors pursuing out-of-court and in-court restructuring as well as independent directors by assisting in interdisciplinary investigations. Paul's experience spans a wide range of industries, including health care, real estate, financial services, franchising, manufacturing, staffing, and cryptocurrency and digital assets.

Paul maintains an active pro bono practice and has worked with organizations such as the National Immigrant Justice Center and the Chicago Lawyers' Committee for Civil Rights. Prior to becoming an attorney, Paul was a professional jazz bass player and arranger.

Representative Experience

- Lead counsel in representation of national bank, as administrative agent for senior secured lenders, in out-of-court workout and Chapter 11 bankruptcy case involving behavioral health care companies in Massachusetts, Pennsylvania, North Carolina and Georgia, helping client navigate several Article 9 UCC sales, multiple Section 363 bankruptcy

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US Bankruptcy Court, Southern District of Indiana

US District Court, Southern District of Indiana

US Bankruptcy Court, Central District of Illinois

US District Court, Central District of Illinois

Community Involvements

American Bankruptcy Institute

Turnaround Management Association,
Chicago/Midwest

sales, negotiations with state and federal authorities regarding COVID emerging funding and tax obligations, as well as confirmation of liquidating plan.

- Lead counsel in representation of national bank in receivership action and Chapter 11 bankruptcy case involving outdoor apparel company, helping client to challenge third-party DIP financing, obtain relief from stay of prepetition accounts receivable and inventory, and confirm reorganization plan.
- Led counsel in representation of national bank as senior secured lender in federal court receivership case of detention and security companies, helping client to liquidate assets and negotiate several settlements with receiver and various sub-contractors to aid in client's recovery.
- Led insolvency team in representing commercial finance company, as senior secured lender, in out-of-court workout of radiation and medical network that included the sale of numerous subsidiaries.
- Led insolvency team in representing private investment firm in acquiring air care product line through Article 9 UCC sale.
- Lead counsel in representation of REIT in workout of two Illinois independent living facilities, while navigating diverse real estate as well as trust and estate issues and successfully acting as lead counsel in defending multiple state court breach of contract actions.
- Represented national bank, as senior secured lender, in obtaining more than \$40 million in judgment against real estate developer involving commercial foreclosures, breach of loans and guaranties, as well as fraudulent transfers to a Cook Islands trust. Also oversaw post-judgment collection litigation that forced the individual into bankruptcy, where the parties negotiated a settlement that repatriated certain assets and liquidated certain commercial real estate.
- Represented national bank, as senior secured lender, in Chapter 11 bankruptcy case of commodities shipper as well as federal district court breach of guaranty action against principals. Guided the lender through the guaranty action, use of cash collateral, dismissal of adversary action against lender, and confirmation of reorganization plan.

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- Represented national bank, as senior secured lender, in Chapter 11 bankruptcy case of stone panel manufacturer, helping client navigate Section 363 bankruptcy sale and dismissal of \$30 million avoidance action against lender.
- Represented bitcoin mining manufacturer in successfully defeating involuntary chapter 7 petition and motion to appoint chapter 7 trustee, as well as guiding debtor through Section 363 bankruptcy sale and chapter 11 case.
- Represented national bank, as senior secured lender, in Chapter 11 bankruptcy case of direct mail companies and state court guaranty action, helping client navigate a Section 363 bankruptcy sale, confirmation of liquidating plan and dismissal of avoidance actions.
- Represented private lender, as administrative agent for senior secured lenders, in Chapter 11 bankruptcy case of a branded and private-label BBQ company, helping client navigate Section 363 bankruptcy sale and confirmation of liquidating plan.
- Represented national bank, as administrative agent for senior secured lenders, in numerous restaurant and franchise out-of-court workouts, including forbearance agreements, loan amendments, refinancings and distressed sales.

Recognitions

Recognized or listed in the following:

- Law Bulletin Publishing Company
 - Emerging Lawyer, 2017–2021
- Vice President – Education, Turnaround Management Association Chicago/Midwest Chapter for 2024
- Recipient of Turnaround Management Association Chicago/Midwest Chapter's Outstanding Service Award
 - November, 2022

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News

- Katten Insolvency and Restructuring Cleans Up at *Global M&A Network* Turnaround Atlas Awards (June 29, 2021)
- Katten Announces Partner Promotions (August 1, 2018)

Publications

- *Castleton*: 7th Circuit's Answer to 203 N. LaSalle's Market Test | Published by *American Bankruptcy Institute Journal* | Author (December 2015)
- Third-Party Purchaser Payments to Seller's Unsecured Creditors: Recoverable as Preferential Transfers? | Published by *American Bankruptcy Institute Journal* | Co-author (January 2012)
- Successful Defenses for Assets Acquired under FDIC Purchase and Assumption Transaction (Part II – Federal Holder in Due Course Defenses) | Published by *Hoosier Banker* | Author (June 2010)
- Successful Defenses for Assets Acquired under FDIC Purchase and Assumption Transaction (Part I – D'Oench Duhme Doctrine Defenses) | Published by *Hoosier Banker* | Author (May 2010)

Podcasts

- TMA Chicago Midwest Podcast Hosted by Paul Musser | Decoding Receiverships: Insights From Jim Keane and Greg Milligan of Harney Partners (May 1, 2024)
- TMA Chicago Midwest Podcast Hosted by Paul Musser | Judge Timothy A. Barnes on Bankruptcy Trends and His Path to the Bench (April 3, 2024)

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- TMA Chicago Midwest Podcast Hosted by Paul Musser | The General State of Distress in Real Estate With Jamie Cote (March 5, 2024)
- TMA Chicago Midwest Podcast Hosted by Paul Musser | Jack O'Connor Talks 'Success Through Service' (February 14, 2024)
- TMA Chicago Midwest Podcast Trailer (February 12, 2024)

Presentations and Events

- Distressed M&A: UCC Sales v. 363 Sales | Presented by Illinois Institute for Continuing Legal Education (March 5, 2024) | *Speaker*
- Annual Workout Lender's Panel | Presented by Turnaround Management Association Chicago/Midwest (June 20, 2023) | *Moderator*
- Fiduciary Considerations in a Crypto World (March 29, 2023) | *Speaker*
- Turnaround Management Association's MidAmerica Regional Conference (March 21, 2023) | *Moderator* | *Distressed Debt Workout Issues and Trends for 2023 and Beyond*
- Turnaround Management Association's Chicago/Midwest Chapter Presentation (November 30, 2022) | *Moderator* | *Tackling Franchise Distress—Confronting Challenges and Capitalizing on Opportunities*
- Turnaround Management Association's MidAmerica Regional Conference (April 26, 2022) | *Moderator* | *Distressed Debt Workouts Issues and Trends for 2022 and Beyond*
- Annual Workout Lender's Panel | Presented by Turnaround Management Association Chicago/Midwest (February 16, 2022) | *Moderator*
- Current Issues in Distressed Middle-Market Health Care M&A (June 23, 2021) | *Speaker*