



**M. Colette Gibbons**

**Of Counsel**

**Cleveland**

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**Practice Focus**

- Business restructuring

Colette Gibbons has over 40 years of legal experience with a practice focus on insolvency related issues, including debtor representation, debtors-in-possession, creditors, lending institutions, hedge funds, trustees, receivers, creditors' committees, non-profit entities and health care providers in all aspects of state and federal insolvency proceedings and out-of-court resolutions.

Throughout her highly accomplished career, Colette has received numerous recognitions for her bankruptcy expertise. She was admitted as a Fellow of the American College of Bankruptcy in 2010. Other honors include: Top 100 *Super Lawyers* in Ohio and Top 50 Women *Super Lawyers* in Ohio, *Chambers USA* America's Leading Lawyers for Business-Bankruptcy, the Best Lawyers in America, Bankruptcy and Creditor-Debtor Rights Law/Insolvency and Reorganization Law and Northern Ohio Live Rainmaker of the Year for Law.

Colette earned her J.D. from Cleveland-Marshall School of Law in 1976 and received a B.A., cum laude, from John Carroll University in 1973.

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**Representative Cases/Matters**

- Currently serving as Subchapter V Bankruptcy Trustee for Small Business Reorganizations; appointed by Office of United States Trustee, Region 9
- In 2019, completed work as a Chapter 11 trustee of a chain of 28 restaurants
- Served as the court-appointed Receiver in litigation related to a large indoor mall facility filed in Cuyahoga County Court of Common Pleas
- Served as the court-appointed Receiver in a dispute regarding a landmark multi-story building in downtown Cleveland with significant real property and safety challenges
- Represented school district in defense of mandamus action in 11th District Court of Appeals in Ohio brought by shareholders to obtain refund of real estate taxes
- Represented four separate affiliates in the plastics industry that were subject to lender initiated receivership process during the negotiation of four separate sale transactions with separate purchasers and a singular close date.
- Represented the Official Committee of Unsecured Creditors in the Chapter 11 bankruptcy filing of an independent energy company engaged in the exploration, production and commercial sale of coalbed

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methane in the Illinois basin

- Obtained wide-ranging ruling and established limit on ability of creditors' committees to maintain derivative actions against former shareholders, resulting in dismissal of Committee action
- Argued for affirmance of trial and appellate holdings that guarantor is entitled to notice of sale of collateral and holds the right to a commercially reasonable sale of collateral, which those rights are not valuable waivable prior to default
- Represented an Official Committee of Unsecured Creditors of a leading design-build firm in substantially greater potential for recovery for general unsecured creditors of the firm and related debtors

### Admissions - Court

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- U.S. Supreme Court
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio

### Admissions - State

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- Ohio

### Education

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- Cleveland-Marshall College of Law
- John Carroll University

### Honors and Awards

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- Cleveland-Marshall College of Law Hall of Fame Inductee (2020)
- Selected for Crain's Cleveland *Notable Women in Law* (2018)
- American College of Bankruptcy, Fellow (2010-2019)
- Chambers USA America's Leading Lawyers for Business, Bankruptcy (2006-2019)
- The Best Lawyers in America, Bankruptcy and Creditor-Debtor Rights Law/Insolvency and Reorganization Law (2007-2020)
- Selected for inclusion for Ohio Super Lawyers (2004-2020)
  - Top 100 Ohio (2011-2012, 2014-2016)
  - Top 50 Women in Ohio (2009-2019)
  - Top 25 Women Cleveland (2009-2019)
- Super Lawyers, Corporate Counsel Edition (2009-2010)
- Northern Ohio Live Rainmaker of the Year for Law (2004)
- Cleveland Bar Association Merit Service Award (1983, 1984, 1993)
- Martindale-Hubbell AV Peer Review Rated

### Professional Membership

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- American College of Bankruptcy Foundation, Board of Directors

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- U.S. District Court for the Northern District of Ohio
  - Screening Committee for Selection of magistrates
  - Advisory Committee
- Cleveland Metropolitan Bar Association
  - Nominating Committee, Chair (2010)
  - Nominating Committee (2008-2009)
  - Professional Ethics Committee and Governance Committee, Former Chair
- Cleveland Bar Foundation, Board Member (2002-2006), (2012-2016)
- Eighth Judicial Conference of Ohio, Co-Chair (2003)

### Public Service and Volunteerism

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- Cleveland-Marshall College of Law, Law Visiting Member; The Fund for Excellence, Co-Chair (2011-2012)
- West Side Catholic Center, Board Member (2009-2014), Secretary (2001-2008), President (2013)
- Seeds of Literacy, Board Member (2015-2020)
- John Carroll University, National Steering Committee and Alumni Board of Trustees
- Seeds of Literacy, Vice Chair; Board Member (2014-present)
- Legal Aid Case Volunteer
- Greater Cleveland Sports Commission (in connection with NCAA Women's Final Four), Title IX Committee, Co-Chair (March 2007)

### Blog Posts

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- CARES Act amends Bankruptcy Code to raise debt limit on subchapter V cases
- Merchant cash advances: Making good decisions in unprecedented times
- Ohio's Habitual Offenders Program can have devastating effects for businesses that fail to comply with sales tax filing and payment requirements

### News

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- 41 attorneys from McDonald Hopkins recognized as 2020 Best Lawyers®
- McDonald Hopkins recognized in Chambers USA 2019 rankings
- Seventeen attorneys at McDonald Hopkins named 2019 Ohio Super Lawyers and Rising Stars
- Prominent business restructuring attorney Colette Gibbons joins McDonald Hopkins

### External Publications

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- "Lien on Me: Recent decisions affecting the appointment and authority of receivers," co-author, Ohio Lawyer, May 2011
- "Park National Bank Affirms the Ability of Receivers to Sell Property Free and Clear of Liens," co-author, Cleveland Metropolitan Bar Journal, December 2010
- "A Model Statute for Free-and-Clear Sales by Equity Receivers," American Bankruptcy Institute Journal, March 2009

### Events

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- Debt Collection, Bankruptcy & the Ohio Receivership Law | Saturday, December 1, 2018

### Speaking Engagements

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- "Small Business Bankruptcy Legislation," 2019 Great Lakes William J. O'Neill Bankruptcy Institute, May 9, 2019
- "Current Issues in Foreclosure and Receivership," webinar, July 20, 2016
- "Directors and Officers Part I: Obligations in Good Times and Bad," webinar, April 20, 2016
- Presentation to the Turnaround Management Association regarding receivership developments, November 21, 2013
- "No More Accidental Careers," Women in Law Section of the Cleveland Metropolitan Bar Association, July 10, 2013
- "When Alternatives Go Mainstream: Updates on the Continued Use of Alternatives to Bankruptcy," 2012 Cleveland Metropolitan Bar Association's William J. O'Neill Great Lakes Regional Bankruptcy Institute, May 17, 2012
- "Advice to the Bankruptcy Client in the Zone of Perjury," 2011 Bench Bar Retreat, U.S. Bankruptcy Court for the Northern District of Ohio, October 27, 2011