

Justin M. Mertz

Partner

Overview

Justin serves as Deputy to the Banking & Financial Services Industry Group and focuses his practice on business law, with a particular emphasis on business bankruptcy, commercial loan negotiation, and real estate. Acting in a general counsel capacity for small-to-medium size businesses in various industries, Justin has a deep understanding of the issues facing companies as they conduct their daily operations and make key business decisions.

Justin assists clients with a full range of business transactions. He negotiates and drafts complex contracts, especially in the area of commercial and residential real estate, and performs the financial and cash flow analyses that inform successful business strategies and decisions. He also represents clients in general litigation matters, including non-compete agreements, real estate developments, condominium disputes, and tax liabilities for distressed companies. His extensive courtroom experience comprises cases on both federal and state levels.

Justin has specialized experience guiding clients through Chapter 11 bankruptcy. Prior to joining Michael Best, he practiced in the Milwaukee-area offices of two business law firms, where he focused on representing both individuals and companies in reorganization proceedings, Section 363 sales, loan work-outs, foreclosure actions, and real estate disputes.

Experience

Notable matters include:

- *In Re the Rehabilitation of the Segregated Account of Ambac Assurance Corp.*, Case No. 10-cv-1576 (Dane Co. Cir. Ct.)(Jan. 22, 2018). Won court approval of a \$5 Billion debt exchange transaction to facilitate a successful exit of the Segregated Account of Ambac Assurance Corp. from an insurance rehabilitation, the largest in Wisconsin history.*
- *In re Apex Group* (Bankr. W.D. Wis. 2013). Justin represented a group of more than 10 companies that owned and managed over 50 commercial and



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Industries

Banking & Financial Services

Practices

Commercial Finance & Lending
Commercial Litigation
Creditors' Rights, Bankruptcy,
Reorganization & Workouts
Litigation
Transactions

residential rental locations in Madison, Wisconsin. He successfully litigated and negotiated more than \$80 million in total secured debt as part of a confirmed plan of reorganization.

- *In re K&K Holdings, LLC* (Bankr. N.D. Ill 2014). Justin represented a commercial real estate management company that owned 20 commercial developments in the Chicago area and Southeastern Wisconsin, with over 100 commercial tenants. He successfully restructured loans on profitable locations and sold/surrendered other locations to lenders while reducing and eliminating debt for his client.
- *In re Ms. Sophia, LLC* (Bankr. E.D. Wis. 2013). Justin represented a property management company that owned over 40 residential rental properties in Milwaukee, Manitowoc, and Door County. With Justin's help, the company shed unprofitable locations and successfully restructured its loans on other properties. After a contested confirmation hearing that included expert-witness testimony, he successfully confirmed a plan that reduced the interest and extended the term of more than \$2.5 million in loans.
- *In re The Big Whale, LLC* (Bankr. E.D. Wis. 2011). Justin represented a company that owned nearly 50 Milwaukee County rental properties, helping it reach consensual agreements with five separate banks to restructure more than \$12 million in debt.
- *In re Bulk Petroleum Corp.* (Bankr. E.D. Wis. 2011). Justin assisted in the representation of a gasoline distribution company that owned numerous gasoline stations throughout the Midwest. Within this complex Chapter 11 case, he assisted in the sales of more than 100 c-store properties, successfully negotiating environmental issues, claim objections, financial projections, and tax claims. He also assisted with appellate briefs and district court briefs related to withdrawing the reference, appeals of sale orders, and tax disputes.

**Disclaimer: OCI retained Michael Best in this case pursuant to its procurement protocols after issuance of a Request for Qualifications; selection of the firm as counsel is not an endorsement by the state of Wisconsin or any state agency.*

Honors & Recognitions

- "Rising Stars," Wisconsin Super Lawyers, 2011-2019

Education

- Marquette University Law School, Juris Doctor (J.D.), 2008
- Marquette University, Master of Business Administration (M.B.A.), 2009
- Miami University, Bachelor of Science (B.S.), 2005; Finance
- Miami University, Bachelor of Arts (B.A.), 2005; German, International Business

Admissions

- Wisconsin
- United States District Court, Eastern District of Wisconsin
- United States District Court, Western District of Wisconsin
- United States District Court, Northern District of Illinois
- United States District Court, Central District of Illinois

- United States District Court, Southern District of Texas

Languages

- German

Community Involvement

- Volunteer Attorney, Legal Action of Wisconsin
- Volunteer Attorney, Eviction Defense Project

Related News

PUBLICATION

October 1, 2020

Small Business Bankruptcy Act to Sunset on March 27, 2021

PUBLICATION

March 26, 2020

CARES Act to Expand the Scope of the Small Business Reorganization Act

PUBLICATION

January 16, 2020

U.S. Supreme Court sets New Precedent in Federal Rules of Bankruptcy Procedure

PUBLICATION

August 6, 2019

Anticipated Changes to Bankruptcy Laws will Affect Farmers & Small Businesses

PUBLICATION

August 5, 2019

Wisconsin Case Update: Misrepresentation in Real Estate Condition Reports

NEWS

March 12, 2019

Michael Best Recognized in 13th Annual Advisor Turnaround Award

NEWS

December 3, 2018

Wisconsin Court Clarifies Look-Back Period for Fraudulent Transfers

PUBLICATION

November 12, 2018

Sears/Kmart Store Closings Should Spur New Economic Activity