

W. Timothy Miller Partner

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"Described as 'an enormously practical, brilliant and hard-working lawyer,' Timothy Miller . . . is expert in distressed M&A cases and assignments for manufacturing clients."

(Client comments reported by *Chambers USA America's Leading Business Lawyers*, 2009 Edition)

W. TIMOTHY MILLER joined the firm in 1992 and became a partner in 2001. Mr. Miller is certified by the American Board of Certification in Business Bankruptcy Law and has extensive experience representing corporate debtors, official and unofficial creditors committees, financial institutions, trade creditors, investment funds and commercial real estate and equipment lessors in all aspects of complex Chapter 11 business bankruptcies and out-of-court restructurings. In addition, he has worked with derivatives, including interest rate swaps and repurchase agreements. Mr. Miller received a Bachelor of Music degree, *cum laude*, from DePauw University in 1989, with a double major in music and economics/management. He received his Doctor of Law degree from Cornell Law School in May of 1992. While at Cornell, he was selected to serve on the board of editors of *Cornell Law Review*. Mr. Miller is a member of the Cincinnati Bar Association, the Ohio State Bar Association, the American Bankruptcy Institute, the International Association of Restructuring, Insolvency and Bankruptcy Professionals and the Tri-State Association for Corporate Renewal. In 2009 he was appointed to the Rules Committee for the U.S. Bankruptcy Court for the Southern District of Ohio. Mr. Miller is listed in the 2006 through 2010 editions of *Chambers USA: America's Leading Lawyers for Business*, published by Chambers and Partners, the 2006 through 2012 editions of *The Best Lawyers in*



Practice Groups:

Banking and Institutional Finance, Mergers and Acquisitions, Business Restructuring and Creditor Rights, Bankruptcy, Business & Finance

Bar/Court Admissions:

Federal

6th Circuit Court of Appeals, Northern District of Ohio, Southern District of Ohio

State

Ohio

Year First Admitted to Practice Law:

1992

Education:

Cornell University Law School (1992), DePauw University (1989)

Certifications / Registrations:

Board Certified in Business Bankruptcy Law, American Board of Certification

America, published by Woodward/White, Inc., and has been named by *Cincinnati Magazine* as a Super Lawyer from 2005 through 2010.

Mr. Miller's significant **debtor representations** include: *In re New Creative Enterprises, Inc.* (S.D. Ohio), a national designer and wholesaler of garden decor and gift products; *In re Kennedy Manufacturing Company, et al.*, (N.D. Ohio), a national manufacturer of industrial and medical tool storage components, in a Chapter 11 reorganization case; *In re Center Apartments, Limited, et al.* (S.D. Ohio), the successful chapter 11 reorganization of 28 separate debtors comprising the largest private provider of affordable housing in Cincinnati; *In re Cincinnati Entertainment Associates, Ltd, et al.* (S.D. Ohio), owners of a 17,500-seat arena and the Cincinnati Cyclones hockey team.

Mr. Miller's significant **official and unofficial committee representations** include: the official committees in *In re Milacron, Inc. et al.* (S.D. Ohio), an international solutions provider to the plastics-processing industry and a leading supplier of premium industrial fluids to metal working industries; *In re the Antioch Company, et al.* (S.D. Ohio), an international manufacturer and direct sale distributor of "Creative Memory" scrap-booking products; *In re Russell Cave Company f/k/a The J. Peterman Company* (E.D. Ky), an international, specialty clothing and hard goods retailer; and an unofficial group of 60 former AmeriStop gas station and convenience store franchisees in *In re Petro Acquisitions, Inc., et al.* (S.D. Ohio).

Mr. Miller's significant **secured creditor representations** include: the pre-petition factor and post-petition debtor-in-possession lender in *In re Trinsic, Inc. et al.* (S.D. Ala.), a competitive local exchange carrier providing integrated telecommunications services to subscribers throughout the United States; the first mortgage holder and subsequent purchaser of all of the debtor's assets in *In re Old Town Apartments, Ltd., d/b/a 4th & Plum Apartments* (S.D. Ohio), a 193-unit upscale apartment complex in downtown Cincinnati; the pre-petition secured lender/majority shareholder and post-petition debtor-in-possession lender in *In re MSHOW.com, Inc.* (D. Colo.), an internet communications service provider offering web-meeting, web-conferencing, and interactive broadcasting events to customers worldwide.

Professional Affiliations / Recognitions:

AV Peer Review Rating
(LexisNexis/Martindale-Hubbell), Best Lawyers in America, Chambers USA: America's Leading Lawyers for Business, Cincinnati Bar Association, Federal Bar Association, Ohio State Bar Association, Ohio Super Lawyers, Ohio Super Lawyers Rising Star, Rules Committee for the U.S. Bankruptcy Court for the Southern District of Ohio

Mr. Miller's significant representations in connection with **distressed asset acquisitions** include: on the "**buy-side**", 60 separate purchasers of leasehold interests and related gas station and convenience store assets from Ohio Valley AFM, Inc. (S.D. Ohio), franchisor of AmeriStop convenience stores located throughout Ohio, Kentucky, Indiana and Virginia; the purchasers of substantially all of the assets from the bankruptcy estates of Globalstar Communications, L.P. and its subsidiaries (D. Del.), an international provider of satellite telecommunications services; the purchasers of scheduled assets in excess of \$1 billion from the bankruptcy estates of e.spire Communications, Inc. and its subsidiaries (D. Del.), a facilities-based, integrated telecommunications provider and competitive local exchange carrier with operations in 28 metropolitan markets; and on the "**sell-side**", successful Section 363 sales of the inventory and intellectual property of New Creative Enterprises, Inc. and a 17,500-seat arena for Cincinnati Entertainment Associates; and the successful UCC Article 9 sale of substantially all of the assets of Resolve Staffing, a national provider of outsourced human resource services.