



Steven R. Kinsella

SHAREHOLDER

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Services

Bankruptcy, Restructuring & Workouts

Litigation

Steve's practice assists businesses, commercial lenders and individuals in the areas of corporate restructuring, creditors' remedies, bankruptcy, commercial litigation and related matters.

Steve regularly represents corporations, small businesses, and individuals as debtor's counsel under the various chapters of the Bankruptcy Code. In addition, Steve also represents creditors, contract or lease counterparties, equity holders, parties sued to recover preference and fraudulent transfers and potential asset purchasers in bankruptcy cases throughout the country. Aside from providing bankruptcy-related services, Steve assists clients with other debtor/creditor matters, such as negotiating out-of-court workouts, commencing or participating in receiverships and advising on lien and other Article 9 issues. Steve also represents clients in state and federal litigation. Steve clerked in the U.S. Bankruptcy Court of Minnesota prior to joining Fredrikson.

Experience

Debtor's Counsel Experience

- Represented a large North Dakota non-profit through a Chapter 11 case, involving significant asset sales and confirmation of a plan of liquidation.
- Represented a 25-store retail business in a Chapter 11 case, including use of cash collateral, asset sales, and a plan of liquidation.
- Represented an oilfield industry business in a Subchapter V case, negotiating and confirming a plan of reorganization that paid all creditors in full over the life of the plan.
- Represented a retail technology business in a Chapter 11 case, including a third-party stay, use of cash collateral, and a confirmed plan of reorganization.
- Represented a Catholic Diocese through a Chapter 11 case, resulting in a confirmed plan of reorganization that compensated survivors of sexual abuse and ensured the Catholic Diocese could continue its mission post-bankruptcy.
- Represented a large retail business in a Chapter 11 case, including DIP financing, asset sales, and plan confirmation.

- Represented an individual farming operation through a Chapter 12 case and eventual workout with secured lender.
- Represented a printed circuit board manufacturer in a Chapter 11 case involving section 363 sales of two operating divisions to separate buyers, as well as a confirmed plan of liquidation.
- Represented a Chapter 11 Trustee appointed for an asphalt sealant manufacturer.

Other Bankruptcy Representation

- Represented the sole shareholder of a Chapter 7 debtor in a successful claim objection in North Dakota, resulting in the disallowance of a \$10.8 million claim after a week-long trial, and successfully defended the judgment before the Eighth Circuit Court of Appeals
- Represented the sole shareholder of a Chapter 7 debtor in a successful objection to a claim filed by the State of North Dakota for over \$11 million, and successfully defended the decision before the Bankruptcy Appellate Panel for the Eighth Circuit Court of Appeals.
- Represented a private party in reopening a bankruptcy case from 1920 under the Bankruptcy Act for the purpose of conducting a 363 sale of newly-discovered assets.
- Represented a buyer of a Texas business through a 363 sale process in bankruptcy court in Texas.
- Regularly represents parties sued to recover preference and fraudulent transfers across the country.

Other Debtor/Creditor Experience

- Represented a business in the frac sand industry through a workout and eventual consensual receivership.
- Represented a hotel and conference center through a successful workout and refinance agreement.
- Represented a craft brewery in a successful workout and debt restructure.
- Represented a group of construction businesses in a debt restructure and settlement of various lender claims.
- Represented a receiver in a receivership over various apartment/condominium complexes, including multiple asset sales.
- Represented a non-profit theater company in successful workout with creditors and landlord.
- Regularly advises agricultural cooperatives regarding agricultural lien issues.

Litigation Experience

- Represented an agricultural cooperative in a successful defense of fraudulent transfer claims brought by a lender in federal court.
- Represented a landlord in a breach of lease litigation against a former NFL player, resulting in a judgment for the landlord.
- Represented a community bank through litigation concerning agricultural loans and related collateral, resulting in the full recovery on the agricultural loans.
- Represented a manufacturing company in litigation concerning unpaid invoices and alleged equipment deficiencies and mediated a settlement of all claims.
- Represented human trafficking victims in federal court litigation on trafficking claims and in bankruptcy court litigation regarding payment of claims, resulting in a negotiated settlement.

Credentials

Education

- University of Minnesota Law School, J.D., 2011, *magna cum laude*
- University of St. Thomas, B.A., 2008, *magna cum laude*

Admissions

- Minnesota, 2011
- North Dakota, 2021
- U.S. District Court for the District of Minnesota, 2014
- U.S. Bankruptcy Court for the District of Minnesota, 2014
- U.S. District Court for the Western District of Wisconsin, 2019
- U.S. Bankruptcy Court for the Western District of Wisconsin, 2019
- U.S. Court of Appeals for the Eighth Circuit, 2020

Clerkships

- Clerk, Former Chief Judge Kathleen H. Sanberg, U.S. Bankruptcy Court of Minnesota, 2012-2014
- Judicial Externship, Judge Kathryn Messerich, 2009

Recognition

- Rising Star—Bankruptcy: Business, *Minnesota Super Lawyers*, 2017-present
- Transaction of the Year, Turnaround Management Association—Minnesota Chapter, 2016, 2018

- North Star Lawyer, Minnesota State Bar Association, 2015-2016, 2018-2019
- Global Pro Bono Dispute of the Year, *American Lawyer*, 2015
- Minnesota Lawyer of the Year, *Minnesota Lawyer*, 2015
- Finalist, National Conrad B. Duberstein Bankruptcy Moot Court Competition, 2010

Civic & Professional

Professional Activities

- University of Minnesota Law School, Adjunct Professor, Conrad B. Duberstein Moot Court, 2019-2020, 2020-2021, 2021-2022
- University of Minnesota Law School, Bankruptcy Clinic Director, 2010-2011
- *Minnesota Journal of International Law*, Executive Editor, 2010-2011
- American Bar Association, Litigation Subcommittee, Business Bankruptcy Section, Co-Chair
- Turnaround Management Association, Board Member
- American Bar Association, Member
- Minnesota State Bar Association, Member
- Hennepin County Bar Association, Member
- American Bankruptcy Institute, Member

News

Firm News | 11.26.2018

Fredrikson & Byron Wins Turnaround Management Association's 2018 Chapter Transaction of the Year Award

Firm News | 09.15.2016

Fredrikson & Byron Wins Turnaround Management Association's 2016 Transaction of the Year Award for the Sale of HEI, Inc.

Legal Updates

Legal Update | 03.30.2020

A Beacon in a Storm: Responding to the COVID-19 Financial Crisis

Legal Update | 06.03.2019

A Short Primer on Farmer-Lender Mediation and Chapter 12 Farm Bankruptcies

Publications & Presentations

Co-Author, "The Price Doesn't Seem Right: Valuations in the COVID Era," *Business Law Today*, Business Law Section, American Bar Association, February 17, 2022

Co-Presenter, *Continuing the Voyage through Subchapter V*, MSBA Minnesota Bankruptcy Institute, 2022

Co-Presenter, *Cash Flow Conversations Require Cocktails*, Minnesota Chapter of the Turnaround Management Association, August 27, 2020

Co-Presenter, *The Minnesota Catholic Chapter 11 Cases and Other Recent Developments*, National Diocesan Attorneys Association, August 20, 2020

Author, "Financing Farming During Hard Times," *Prairie Business*, May 2, 2019

Presenter, *Surprise!: Ways in Which the Automatic Stay or Discharge Injunction Can Sneak Up On You*, Business Bankruptcy Brunch, ABA Business Law Section Spring Meeting, April 2017

Presenter, *Defending Claims Brought Back From the Dead: Bankruptcy Preference Claims*, Hennepin County Bar Association, February 2017

Presenter, *When Cases Collide: Issues Arising When Chapter 11 Business and Individual Owners Both Seek Bankruptcy Protection*, Meeting of Small Business Subcommittee of the ABA Business Bankruptcy Committee, National Conference of Bankruptcy Judges, September 2016

Author, "A Lease in Name Only: Manalapan's Assignment of Leases under § 363," an American Bankruptcy Institute online publication for the Real Estate Committee

Co-Author, "Chapter 11 in Minnesota," *Bankruptcy Practice in Minnesota*, a Minnesota Continuing Legal Education Publication

Co-Author, "Reaffirmation Agreements: Basics and Current Developments," a Minnesota Continuing Legal Education Publication

Presenter, *Mock Hearings—Examples of What to Do and Not to Do in Trial*, MSBA Minnesota Bankruptcy Institute, 2014

Co-Author, "Liquidating Plans, Chapter 7, Structured Dismissal: What to Do Next in Chapter 11 Cases," MSBA Minnesota Bankruptcy Institute, 2014

Co-Author, "Individual Chapter 11: A How-To," MSBA Section Meeting Presentation

Blog Posts

The Restructuring Report | 12.26.2022
Crypto-Crash

The Restructuring Report | 02.09.2022
Dust Off Your Magic Eight Ball – The Future of Nonconsensual Third-Party Releases in Light Of In Re: Purdue Pharma LP

The Restructuring Report | 11.04.2021
Do Single-Member LLCs Need to File Tax Returns in Chapter 11 Cases?

The Restructuring Report | 09.24.2021
The Importance of State Laws and the Evidentiary Record in Fraudulent Transfer Analysis

The Restructuring Report | 02.25.2021
Do Nonprofits Need to Comply with the Absolute Priority Rule?

The Restructuring Report | 04.22.2020
CARES Act Increases The Limits For Small Business Bankruptcy Cases, But How Does A Small Business Bankruptcy Case Work?

The Restructuring Report | 08.28.2019
New Bankruptcy Laws Attempt to Assist Family Farming Operations and Small Businesses

The Restructuring Report | 02.19.2019
How Do the Recent Rule Changes Affect You?

The Restructuring Report | 07.26.2018
More Tools in the Preference Defense Toolbox for Statutory Lien Holders

The Restructuring Report | 01.10.2018
Safe Harbor for Forward Contract Merchants Creates Stormy Waters for Energy and Farmer Debtors

The Restructuring Report | 10.03.2017
Is Jevic Really About Structured Dismissals?