



**Sean D. Malloy**

**Member**

**Cleveland**

**P: 216.348.5436**

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**Practice Focus**

- Strategic advisory and restructuring
- Creditors' committees
- Distressed M&A
- Business counseling

For more than 20 years, Sean has counseled clients on strategic alternatives in distressed business settings. Sean is chair of the Creditors' Committee Practice Group. Sean's debtor practice involves advising companies and their boards of directors in business restructurings of all kinds, from out-of-court solutions to chapter 11 reorganizations. His experience in distressed business situations includes recapitalizations, refinancings, mergers and acquisitions, and commercial litigation. Sean also represents creditors' committees, where his practice covers cases in a wide variety of industries, including manufacturing, healthcare, food, and distribution and covers courts around the country.

Sean earned a J.D. from the University of Virginia School of Law in 1993. He received a B.A., cum laude, Phi Beta Kappa, from the University of Miami in 1990.

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**Representative Cases/Matters**

**Representative Debtor/Restructuring Engagements**

- **Data Cooling Technologies, LLC** (Akron, OH) – Producer and manufacturer of data center cooling systems.
- **Coshocton County Memorial Hospital** (Akron, OH) – Community hospital located in Central Ohio.
- **Gulf Chemical & Metallurgical Corp.** (Pittsburgh, PA) – Metals producer based in Freeport, Texas and Pittsburgh, Pennsylvania.
- **Healthcare** – Multiple recent out of court community hospital restructurings.
- **The Antioch Company** (Minneapolis, MN) – Leading memory preservation and scrapbooking company.
- **South Franklin Circle** (Cleveland, OH) – Large continuing care retirement community with independent and assisted living plans.
- **Forum Health** (Youngstown, OH) – Regional multi-hospital health system with over \$600 million revenue.

**Representative Creditor's Committee Engagements**

- **Keywell LLC** (Chicago, IL) – Leading supplier of recycled titanium, high temperature alloys, and stainless steel.

- **Country Stone Holdings** (Peoria, IL) – Supplier to home improvement retailers.
- **AFA Foods** (Wilmington, DE) – Beef processing company with approximately \$1 billion revenue.
- **North Oakland Medical Center** (Detroit, MI) – Regional hospital located in Pontiac, Michigan.
- **St. Mary of the Woods** (Cleveland, OH) – Continuing care retirement community with independent and assisted living plans and a skilled nursing unit.
- **Huffy Corporation** (Dayton, OH) – Leading producer of bicycles and related products.

### Representative Liquidating Trust and Plan Administrator Engagements

- **GCM Liquidating Trust** (Chicago, IL) – Liquidating trust engagement arising from restructuring plan and involving claims and tax matters.
- **Ideal Electric Company** (Canton, OH) – Plan administration and creditor advisory board engagement involving material insider litigation and commercial litigation.
- **James River Coal Company Trust** (Nashville, TN) – Liquidating trust engagement arising from Committee role involving lobbying/government regulations, insider litigation, and preferences.
- **Infotelecom LLC** (Cleveland, OH) – Liquidating trust engagement involving preferences and claims administration.
- **Huffy Corporation Liquidating Trust** (Dayton, OH) – Liquidating trust engagement involving disposition of assets, ownership and board voting rights in reorganized company, insider litigation, and preferences.
- **Forum Health Liquidating Trust** (Youngstown, OH) – Liquidating trust engagement involving disposition of assets, collection of Medicare/Medicaid underpayments, management of malpractice litigation claims, and winddown of foreign captive insurance company.

### Other Engagements

- U.S. Concrete (Creditors' Committee – Wilmington, DE)
- FormTech Industries (Creditors' Committee and Liquidating Trust – Wilmington, DE)
- Republic Technologies (Debtor – Akron, OH)
- Waco Equipment Co. (Creditors' Committee – Cleveland, OH)
- Amcast Industrial (Creditors' Committee and Liquidating Trust – Dayton, OH)
- Hydraulic Technologies (Debtor – Canton, OH)
- Federal Forge (Creditors' Committee – Grand Rapids, MI)
- ProCare Automotive (Creditors' Committee and Liquidating Trust – Cleveland, OH)
- DT Industries (Creditors' Committee – Dayton, OH)
- Cold Metal Products (Creditors' Committee – Akron, OH)
- DeVlieg Bullard II (Debtor – Wilmington, DE)
- American Paper (Creditors' Committee – Youngstown, OH)
- Gliatech, Inc. (Debtor – Cleveland, OH)
- Medina Glass Block (Creditors' Committee – Cleveland, OH)

### Admissions - Court

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- U.S. District Court for the Northern and Southern Districts of Ohio
- U.S. District Court for the Northern District of Illinois

- U.S. District Court for the Western District of Michigan

### Admissions - State

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- Ohio

### Education

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- University of Virginia School of Law
- University of Miami

### Honors and Awards

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- Named leader in Ohio Bankruptcy/Restructuring - *Chambers USA* (2017-2021)
- Selected for inclusion in *Ohio Super Lawyers* (2010-2022)
- Selected for inclusion in *Ohio Rising Stars* (2005-2007)
- Named one of the *Best Lawyers in America* (2012-2022)

### Professional Membership

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- American Bankruptcy Institute
- Turnaround Management Association
- Cleveland Metropolitan Bar Association

### Alerts

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- Restructuring Professionals - Is it time to rewrite your retention agreements?

### News

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- McDonald Hopkins recognized in Chambers USA 2022 rankings
- McDonald Hopkins attorneys selected to 2022 Ohio Super Lawyers and Rising Stars Lists
- 50 McDonald Hopkins attorneys recognized in The Best Lawyers
- McDonald Hopkins recognized in Chambers USA 2021 Rankings
- 15 McDonald Hopkins attorneys selected to 2021 Ohio Super Lawyers and Rising Stars list
- Lawyer of the Year honorees Riley and Welin among 42 McDonald Hopkins attorneys recognized as 2021 Best Lawyers
- McDonald Hopkins recognized in Chambers USA 2020 Rankings
- McDonald Hopkins recognized in Chambers USA 2019 rankings
- Seventeen attorneys at McDonald Hopkins named 2019 Ohio Super Lawyers and Rising Stars
- McDonald Hopkins Recognized by Chambers USA 2018
- 35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018
- McDonald Hopkins Recognized by Chambers USA 2017
- Shawn M. Riley becomes president of McDonald Hopkins
- 39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017

## Sean Malloy

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- 24 attorneys at McDonald Hopkins named Ohio Super Lawyers and Rising Stars
- 41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016
- Seven McDonald Hopkins Attorneys Recognized by Chambers USA 2015

### External Publications

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- "How non-profit organizations can handle financial hardships and a difficult economic environment," Smart Business Magazine, February 2012
- *The Daily Deal*, a Special Report feature on "Restructuring Deals of the Year," prominently quoted in a 3-page case study about Huffey Corporation's non-trade group of unsecured creditors, March 2006

### Events

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- 2019 Health Care Institute and Medical/Legal Summit | Friday, March 22, 2019