



Melissa S. Giberson

OF COUNSEL

Columbus

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Practice Areas

Bankruptcy, Restructuring and
Distressed Situations

Corporate and Business
Organizations

Finance

Litigation and Appeals

Workouts and Restructuring

Education

Case Western Reserve University,
J.D., *cum laude*, 2007

Miami University, B.A., *magna
cum laude*, 2003

Bar & Court Admissions

Ohio

U.S. District Court for the
Northern District of Ohio

U.S. District Court for the
Southern District of Ohio

*Admitted to practice law only in
the states listed above.*

Melissa is of counsel in the Vorys Columbus office and a member of the firm's finance, energy and real estate group. Her practice focuses on legal support for the life of a business cycle, representing clients in the onboarding of suppliers and vendors, the development, negotiation and documentation of a wide variety of commercial matters and transactions, and management of financial and relationship risks including insolvency, bankruptcy and creditors' rights.

Melissa regularly advises manufacturers, distributors, suppliers, servicers and sales agents with various commercial matters including supply chain management, sales and distributions, purchase and service agreements, and related transactions. Melissa also has extensive experience representing sellers, originators, and financiers of account receivables, and manages the firm's legal opinion practice with respect to nonconsolidation and true sale matters.

In support of her bankruptcy work, Melissa regularly represents secured creditors, unsecured creditors, chapter 7 trustees and other parties in interest in chapter 11 and chapter 7 bankruptcy proceedings, adversary proceedings, receiverships and related out-of-court matters. She has served as a Chapter 7 Panel Bankruptcy Trustee for the Southern District of Ohio since 2020.

Representative experience includes:

- Representation of manufacturers, distributors, retailers and suppliers in the negotiation, documentation and enforcement of a variety of commercial matters and agreements
- Representation of original equipment manufacturers and tier 1 and tier 2 suppliers in negotiation of commercial agreements, resolution of supply chain disputes and related business matters
- Completion of multiple successful secondments, including two with a Fortune 50 company and multiple Fortune 500 companies
- Regular representation of multiple chapter 7 trustees in a variety of contested and litigation matters

Industries

Energy, Utilities, Oil and Gas

Financial Institutions

Health Care

Manufacturing

Retail and Consumer Products

Transportation and Logistics

- Representation of clients in the prosecution and/or defense of avoidance and recovery actions on a national basis
- Representation of global manufacturing and retail clients in support of accounts receivable securitization transactions

Career highlights include:

- Co-counsel to the Official Committee of Unsecured Creditors in *In re Murray Energy Holdings Co., et al.* in the United States Bankruptcy Court for the Southern District of Ohio
- Litigation counsel to financial institution in the defense of fraudulent transfer and related claims seeking avoidance and recovery of hundreds of millions of dollars in connection with the PEAKS Loan Program in the *In re ITT Educational Services, Inc.* proceeding in the United States Bankruptcy Court for the Southern District of Indiana
- Representation of Fortune Global 500 company in the defense of an avoidance action involving Ponzi-scheme allegations and Section 546 safe-harbor defenses in the *In re Northstar Offshore Group, LLC* case in the United States Bankruptcy Court for the Southern District of Texas
- Representation of senior secured creditor in the chapter 11 bankruptcy case of *In re Woodbury Outfitters* in the Bankruptcy Court for the Southern District of Ohio
- Served as post-confirmation litigation counsel to plan trustee of the liquidating trust in *In re USA Discounters, Ltd* in the Bankruptcy Court for the District of Delaware
- Representation of senior secured creditor in *In re Eastern Livestock*, involving allegations of debtor's engagement in a multi-million dollar check and inventory kite, in the Bankruptcy Court for the Southern District of Indiana
- Representation of chapter 7 trustee in *In re Nicole Gas Production, Ltd.*, involving briefing before the Bankruptcy Court, Supreme Court of Ohio, Bankruptcy Appellate Panel for the Sixth Circuit, Sixth Circuit and United States Supreme Court on issues pertaining to Ohio's RICO statute, property of the bankruptcy estate under 11 U.S.C. § 541, violations of the automatic stay under 11 U.S.C. § 362, and contempt sanctions
- Representation of \$400 million revenue, multi-hospital healthcare system as debtors and debtors-in-possession in successful reorganization in chapter 11

Melissa received her J.D. *cum laude* from Case Western Reserve University School of Law, and her B.A. *magna cum laude* from Miami University.