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Partner and Chairman: Litigation Practice Group

Primary Practice: Business litigation emphasizing creditor's rights, business contracts, secured transactions and real estate; corporate bankruptcy and business reorganization; loan documentation and loan restructuring.

Experience: Mr. Knauer has substantial experience in all aspects of business transaction and lending litigation, including environmental matters, shareholder litigation; business fraud; secured creditor enforcement; guaranty litigation; RICO actions; lender liability defense and class action representation; non-compete covenants; for example, see: *Winkler v. V.G. Reed & Sons, Inc.* 619 N.E.2d 597 (Ind. App. 1993) *aff'd*, 638 N.E.2d 1228 (Ind. App. 1994); *Shell Oil Company V. Meyer*, 705 N.E.2d 962 (Ind. 1998); *National City Bank V. Shortridge*, 689 N.E.2d 1248 (Ind. 1997); *Wal-Mart Stores, Inc. v. Bailey*, 808 N.E.2d 1198 (Ind.App.,2004); *Citicorp Vendor Finance, Inc. v. WIS Sheetmetal, Inc.* 206 F.Supp.2d 962 (S.D.Ind.,2002); *Knauer v. Jonathon Roberts Financial Group, Inc.* 348 F.3d 230 (7th Cir. 2003); *Central Indiana Podiatry re Krueger* 859 N.E. 2nd 686 (2007);

Mr. Knauer has represented secured and unsecured creditors, bankruptcy trustees, creditor's committees and business debtors in many of the most significant business bankruptcy cases that have been filed in Indiana during the past 30 years.

Honors: Mr. Knauer was inducted in 2008 as a Fellow into the Litigation Counsel of America, a trial lawyer honorary consisting of less than one-half of one per cent of American lawyers. Mr. Knauer has been selected for inclusion in "*The Best Lawyers in America*" since its inception from 1987 through 2008; Mr. Knauer was voted an "*Indiana Superlawyer*" by his peers from 2004 through 2008; He is also listed in "*Who's Who in American Law*" 1985-2008 and "*Best in the US*" 2006-2008.

Appointments as a Federal Receiver: [United States Securities & Exchange Commission vs. Heartland Financial Services, Inc. et.al.](#) (see heartlandfinancialinfo.com); [United States Securities & Exchange Commission vs. Wellington Bank and Trust, et. al.](#) (see wellingtonbankinfo.com); [United States Securities & Exchange Commission vs. Donald Barry Tamres, et. al.](#); [United States](#)

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Securities & Exchange Commission vs. James R. Harrold, et. al. (see harroldinfo.com); United States Securities & Exchange Commission vs. Gateway Association, et. al. (see gatewayinfo.net).

Appointment as a Federal Examiner: *In re: OneStar Long Distance, Inc.*

Other Professional Appointments: Mr. Knauer has served on the Editorial Board of *Bankruptcy Law and Litigation Report*, a widely respected, nationally published, monthly newsletter containing information and analysis of current case law and developments in the field of bankruptcy law. Mr. Knauer previously served as a member of the Panel of Trustees for the United States Bankruptcy Court, Southern District of Indiana, Indianapolis Division, 1979-1987; and as an Adjunct Professor of Law, Indiana University School of Law, 1986, 1990-91.

Recent Cases of Interest:

- In 2000 Mr. Knauer brought a class action against Wal-Mart alleging it had intentionally deprived its employees of rest and meal breaks and caused them to work off the clock. Although similar actions had been earlier denied in nine other states, in 2003 Mr. Knauer obtained a class certification on behalf of all former hourly employees of Wal-Mart in the State of Indiana from 1998 through 2003, a class of approximately 113,000 persons. Although later reversed on appeal, this action is still pending.
- In 2003 Mr. Knauer was appointed as a Federal Examiner in the Bankruptcy case of Onestar Long Distance, Inc. This engagement concerned the bankruptcy of a \$75,000,000 telecom company. Mr. Knauer was assigned the task of preparing a report detailing the history of the company's financial activities and its spiral into insolvency with emphasis on the activities of the company insiders.
- From 2003 to 2005 Mr. Knauer represented the Creditors Committee in the Bankruptcy case of Championship Auto Racing Teams ("CART"), a case in which the assets of the national racing series were sold and unsecured creditors received payment of 100% of their claims.
- In January 2005 Mr. Knauer successfully defended a corporation in a jury trial in the United States District Court in the Central District of Illinois in which the Plaintiff, a Trustee in bankruptcy, originally sought to recover approximately \$2,400,000 for a series of payments alleged to be fraudulent conveyances.
- In 2006 Mr. Knauer served as one of counsel to Citibank as Agent for several credit facilities which constituted the largest, aggregate, secured indebtedness in the bankruptcy proceedings of ATA Airlines.
- Mr. Knauer has served as a Federal Receiver in four unrelated cases brought by the United States Securities and Exchange Commission in which thousands of investors were defrauded out of more than \$100,000,000 through various Ponzi Schemes. These cases involve the investigation and recovery and sale of assets in the United States and the repatriation of assets transferred to a number of foreign countries.
- In 2007 Mr. Knauer successfully defended the City of East Chicago in a jury trial on claims related to violation of first amendment rights of former city employees based upon political affiliation.
- In 2007 Mr. Knauer obtained a decision of the Indiana Supreme Court clarifying role of public policy in non-compete agreements for physicians and determining that such agreements may be enforced against physicians.

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Recent Cases of Interest (cont'd):

- In 2008 Mr. Knauer was selected to represent the Receiver of Ansure Mortuaries of Indiana, LLC. The companies were placed in receivership as a result of the discovery of more than \$25,000,000 in missing cemetery and funeral trust funds. The Receivership is currently operating in 3 states with more than 200 employees.

Professional Articles and Presentations: Contributing author: "*Indiana Bankruptcy Handbook*," 1973; "*Indiana Practice Skills Course*," 1975-1985. Author: "*Acceleration and Default: Pursuing the Elusive Guarantor: Repossession and Disposition of Collateral*," Indiana Continuing Legal Education Forum, 1980; "*Enforcement of Federal and State Agency Rules Against the Debtor*," Indiana Continuing Legal Education Forum, 1981; "*Highlights of Bankruptcy Amendments and Federal Judgeship Act of 1984*," Indiana Continuing Legal Education Forum, 1984; "*1984 Survey of Indiana Creditors Rights Cases*," Indiana Continuing Legal Education Forum, 1984; "*Profitable Bankruptcy Practice*," Indiana Continuing Legal Education Forum, 1984. Co-author: "*Indiana Collection Law*," Professional Education Systems, Inc., 1981; "*The Application of Bankruptcy Laws to a Distressed Real Estate Project*," Indiana Continuing Legal Education, 1982. Lecturer: "*Practice Skills Review Course*," Indiana Continuing Legal Education Forum, 1978-1985; Federal Bar Association, Bankruptcy Reorganization Seminar, 1980; "*Representing Creditors in Chapter 11 Reorganization Proceedings*," Indiana Continuing Legal Education Forum, 1981; "*Collecting from the Business Debtor*," Indiana Continuing Legal Education Forum, 1984; "*General Practice Review*," Indiana Continuing Legal Education Forum, 1984; "*Pleading and Proving a Civil RICO Action*," Indiana Continuing Legal Education Forum, 1984. Co-author "*Foreclosure and Repossession in Indiana*", Lorman Business Center, Inc., 1989. author: "*Bankruptcy Problems After Bankruptcy*," Indiana Continuing Legal Education, 1994; "*Changes in Attitude, Changes in Latitude; The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*" Smith Barney 2005-2006. Smith Barney Seminar "Recent State and Federal Case Law Decisions Affecting Business, 2008.

Professional Associations: Indianapolis Bar Assoc. 1972-2008 (Chairman, Commercial Law and Bankruptcy Section, 1983), Seventh Circuit Bar Association, 1985-2008 (Chairman, Bankruptcy Section 1989-91), Indiana State and American Bar Assoc.'s 1972-2008 (Member, ABA Secured Transactions Committee, Litigation Section, 1978-1985); Commercial Law League of America (1976-2005); American Bankruptcy Institute (1983-2008); Indiana Association for Corporate Renewal 1999-2008 (board of directors 2005-2008); Member of the Editorial Board of the *Bankruptcy Law and Litigation Report* National News Letter (2005-2007).

Education and Bar Admissions: Bachelor of Science from Indiana University, Bloomington, Indiana 1968; Juris Doctor from Indiana University, 1971. Member, Indiana Legal Forum, 1970-1971. Admitted to the Indiana Bar and the Bar of the United States District Court for the Northern and Southern Districts of Indiana; United States District Court for the Central District of Illinois; the Eastern District of Michigan; the United States Seventh Circuit Court of Appeals; and the United States Supreme Court.