



ELIZABETH M. LALLY

Complex Banking Litigator

Attorney

Goosmann Law Firm

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Elizabeth M. Lally focuses on complex financial transactions and banking related litigation. She is fluent in the language of bankruptcy and enjoys helping the Firm's clients find creative solutions to complex business problems and commercial litigation. Elizabeth's represents borrowers and lenders in complex financing transactions, debt restructuring and out-of-court workouts, Chapter 7 liquidation, and Chapter 12 and Chapter 11 reorganizations, fraud investigation, and commercial litigation situations. She represents banks and other lenders as plaintiffs or defendants in civil litigation and in their capacity as creditors navigating the often difficult world of corporate insolvency and restructuring. Elizabeth also has extensive experience representing Bankruptcy Trustees and other creditors in suspected bankruptcy fraud investigations and all resulting litigation. Her vast knowledge of the world of business, banking, and bankruptcy help put her clients' mind at ease knowing that their problems will be solved and put to rest – worth it.

Education:

DePaul University College of Law, Chicago, IL J.D., 2005

- DePaul Moot Court Team
- Appellate Division Member

Bradley University, Peoria, IL, Bachelors of Arts in English, cum laude, 1999

- Editor-in-Chief, Broadside: Arts & Literary Journal

Bar Admissions:

- State & Federal Courts: Nebraska, Iowa, Illinois, and Indiana.
- Federal Courts: Colorado

Employment:

Goosmann Law Firm: Omaha, NE; Sioux City, IA; and Sioux Falls, SD

Attorney, January 2017 - Present

- Routinely represent creditors in complex financial transactions, civil litigation and bankruptcy proceedings. Clients include: U.S. Bank, N.A.; Bank of America, N.A.; Security National Bank; and Primebank.

- Commercial Litigation Counsel representing creditors, shareholders and owners in general business disputes, including causes of action between shareholders, breach of non-compete agreements, breach joint venture agreements, and breach of contract cases.

Mauro Archer & Associates: Des Moines, IA

Contract Attorney, June 2016 – November 2016

- Contract Counsel on mass tort, multi-district litigation responsible for clients in Iowa, Illinois, Michigan, Minnesota, Missouri, Wisconsin, Nebraska, and South Dakota. Oversaw and managed document collection / production for compliance with Court ordered discovery on over 5,000 cases.
- Case was settled for \$1.5 Billion.

Rubin & Levin, P.C.: Indianapolis, IN

Associate Attorney, May 2009–December 2015

- Commercial Litigation Counsel representing creditors, shareholders and owners in general business disputes, including causes of action between shareholders, breach of non-compete agreements, breach of contract cases.
- Commercial Collections Counsel prepared collection complaints for state court, and attended hearings on motions to dismiss, motions set aside judgments, and motions to enforce arbitration awards. Routinely represented clients at proceedings supplemental to judgment. Bank clients included: U.S. Bank, N.A.; National Bank of Indianapolis; and Old National Bank.
- Litigation counsel for United States Chapter 7 & Chapter 11 Bankruptcy Panel Trustees with emphasis on complex, commercial insolvencies and fraud investigation including all resulting litigation. Cases include:
 - In Re Champ Car World Series, LLC;
 - In Re DECA Financial Services, LLC;
 - In Re Irwin Financial Corporation;
 - In Re Integra Bank N.A.
- Litigation counsel for secured and unsecured creditors in Chapter 11 and Chapter 7 cases. Responsible for:
 - Motions for Relief from Stay,
 - Motions to Dismiss,
 - Objections to Plan Disclosure Statements,
 - Objections to Preliminary Injunctions in favor of non-debtors,
 - Objections to Debtors' Plans of Reorganization; and
 - Contested Confirmation Hearings.
- Lead counsel for petitioning creditors in Involuntary Chapter 11 case.
- Recovered, secured, and sold assets in hundreds of bankruptcy cases resulting in the distribution of over \$50 Million to creditors.
- Lead counsel in over 500 bankruptcy adversary proceedings pursuant to Bankruptcy Code Sections 547, 548, and 549 as well as the Indiana Uniform Fraudulent Transfers Act pursuant to Section 544, in charge of every stage of litigation and management of client relationships from investigation and early case assessment, the written and oral discovery process, mediation, settlement, and trial.
- Lead counsel in numerous Bankruptcy Code Section 727 actions on behalf of Panel Trustees.

- Lead counsel in numerous Bankruptcy Code Section 523 actions on behalf of creditors.
- Reviewed Bankruptcy Schedules and supporting documentation for accuracy, abuse, and potential causes of action and attended 341 hearings on behalf of Panel Trustee and creditors.
- Collected, reviewed, and analyzed updated financial records from Debtors and defendants including, but not limited to: tax returns, bank statements, profit / loss statement, accounts receivables records, leases and prepared financial analysis / cash flow projections. In charge of recommending modified loan / workout terms and or settlement agreements to clients based on the same.
- Responsible for review and analysis of Proofs of Claim in order to allow, disallow or otherwise object to Claims.
- Responsible for review and analysis of Executory Contracts in order to assume or reject the same.
- Oversaw Bankruptcy Code Section 363 sales and auctions of Debtor assets in the bankruptcy court.
- Oversaw hiring and payment of professionals including ESI vendors, accountants, auctioneers, and CROs in the bankruptcy court.
- Oversaw review and approval of Firm Fee Applications.
- Litigation counsel to Trustee in connection with Trial Rule 60(B), Relief from Judgment and investigation based on Debtor's fraudulent sale of his ownership interests in various LLCs. Prevailed on Motion for Contempt against the Debtor with pre-judgment attachment of over \$700,000 in assets, including of over \$400,000 in cash. Case resulted in over \$1 Million recovery from the Debtor.
- Assisted in the representation of the Trustee in litigation against the FDIC as Receiver ("FDIC-R") regarding over \$30 Million in tax refunds. To date, Trustee has collected \$56.9 Million and has distributed over \$38.7 Million to creditors.
- Litigation counsel to Trustee in connection with investigation and litigation of complex fraudulent transfer litigation. Successfully sought sanctions against Debtor's counsel, and struck Debtor's expert witness. Case resulted in recovery of over \$1.2 Million from the Debtor.
- Managed eDiscovery vendor relationships and contracts; and report to firm management committee and partners regarding purchasing of new and updated litigation support technology, software, hardware, and other related equipment as well the negotiation of Master Service Agreements.
- eDiscovery liaison and special counsel, managed the eDiscovery process for complex corporate bankruptcies and fraud investigations:
 - Managed eDiscovery project budgets from \$10,000 to \$750,000.
 - Conducted all early case assessment, including investigation into corporate data and data retention to identify ESI necessary for all potential disputes prior to litigation.
 - Developed and implemented document preservation / litigation hold plans.
 - Drafted and implemented protected document agreements, litigation holds and quick peek agreements.
 - Conducted internal investigations and interviews with client's IT personnel.
 - Acted as eDiscovery liaison between IT personnel, legal counsels, and Federal agencies and quasi-Federal agencies, including the FBI,

the FDIC, the SEC and the Federal Reserve Board of Governors as well as third-party vendors.

- Conducted FRCP 26 meet and confer conferences.
- Responsible for creation of eDiscovery databases ranging from 20,000 to over 5 Million de-duplicated documents, including the creation of issue tags, bucketing / assigning documents for review, quality control, privilege log creation.
- Respond to discovery requests and developed attorney review strategies, specifically worked with third-party vendors, opposing counsels, and other related legal counsel to format traditional culling / keyword techniques and strategies to reduce volume of documents requiring review as well as the use of advanced technology-assisted review and predictive coding methodologies.
- Researched, drafted and argued motions related to discovery, cost-shifting, and non-party subpoenas.

O'Connor & Karnes, LLC, Chicago, IL

Associate Attorney, November 2005-December 2008

- Defense Counsel for Class I Railways including: Canadian Pacific, Burlington Northern Santa Fe, CSX, and Norfolk Southern.
- Practice experience in complex litigation in the areas of toxic torts, cumulative trauma, personal injuries, wrongful death, and intermodal transportation.
- Subject matter experience in the eDiscovery process and the creation of eDiscovery databases.
 - Followed clients' established claim handling practices and procedures, and coordinated discovery between in-house claims managers, agents, and national counsels to insure standard national answers and production.
 - Assisted the Canadian Pacific Railway in development of its first eDiscovery database for use by national counsels to insure standard, uniform answers to discovery requests and document productions.

Professional Organizations & Community Involvement:

- Iowa State Bar Association
 - Commercial and Bankruptcy Section
- Nebraska Bar Association
 - Bankruptcy Section
- NAMWOLF
 - Financial Services PAC
- American Bankruptcy Institute (ABI)
- IWIRC

Articles, Presentations and Achievements:

- Indiana Super Lawyers, Rising Star, 2014 & 2015
- Litigators Behaving Badly, American Bankruptcy Institute, October, 2017
- To Shred or Not to Shred? Record Destruction Policies, National Business Institute, June 2017
- Bankruptcy Litigation 101, National Business Institute National webcast 2016.
- Discovery Start to Finish, Westlaw National webcast 2016; National Business Institute National webcast 2015 & 2016

- The New Rules of Federal Civil Procedure: Are you ready for big changes? National webcast, National Business Institute, 2016, 2015 and 2014
- Chapter 11 Plan Provisions for Non-Debtor Releases and Injunctions, Steven H. Ancel Annual Bankruptcy Institute, 2015
- Practically Applying the Rules of Civil Procedure (and Proposed Amendments) - Judge and Attorney Perspectives, National webcast, National Business Institute, 2014
- Judges Over-Rule Indifference to the Rules in Contested Matters, Indianapolis Bar Association, 2014
- The Discoverability of Social Media, Indianapolis Bar Association, 2014 and 2015
- Using Technology to Win Your Case, National Business Institute, 2013 and 2014
- E-Discovery Case Law Update, National Business Institute, 2013 and 2014
- Bankruptcy Basics: Reviewing Ethics, National Business Institute, 2012