

Joanne Molinaro Of Counsel

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Joanne Molinaro is a partner and trial lawyer with Foley & Lardner LLP's Chicago office. She is a member of the firm's Bankruptcy & Business Reorganizations and Business Litigation & Dispute Resolution Practices. She is also a member of the E-Discovery Industry Team, and the Blockchain and Cryptocurrency Task Force.

Joanne is a seasoned trial lawyer and bankruptcy practitioner, litigating claims disputes in some of the largest Ponzi scheme bankruptcy cases in the United States, defending and prosecuting multimillion-dollar avoidance lawsuits, and trying landlord and tenant disputes in complex chapter 11 cases. She has represented multiple major constituencies in a large chapter 11 case, including the debtor-in-possession, chapter 11 trustee, the liquidating trustee, the official committee of unsecured creditors, the DIP lender, trade creditors, and the debtor's professionals. With a client base that includes both state-sponsored mortgage lenders, private mortgage lenders, and master servicers, she also possesses a wealth of experience counseling secured lenders and banks throughout the chapter 11 process, from pre-bankruptcy negotiations all the way through to the resolution of hotly contested confirmation hearings. She has successfully litigated numerous lift-stay and chapter 11 dismissal motions on behalf of her clients and also defends lenders from lender liability claims. Joanne has also counseled her clients through cram-down plans, claims valuation, and the application of the automatic stay to non-debtor third parties. She also represents creditors in claims prosecution and preference defense actions, potential buyers and stalking horse bidders in 363 sales, as well as suppliers in executory contract disputes.

In addition to her bankruptcy experience, Joanne's practice also includes multibillion-dollar class action, antitrust, and other high stakes litigation across multiple industries, including manufacturing, auto, and finance. Joanne has also represented both the court appointed receiver and creditors in multiple SEC receivership cases. Joanne also possesses expertise in e-discovery obligations under the Federal Rules of Civil Procedure, transactional data (i.e., "Big Data"), privacy and cybersecurity, blockchain technology, and other technological aspects to litigation. She has counseled some of the largest corporations in the world

regarding ESI preservation, collection, and production and has assisted with navigating such clients through the challenging and still changing landscape of electronic discovery in multibillion-dollar litigation. Joanne has provided e-discovery, GDPR, and blockchain training to attorneys and IT professionals, including the Milwaukee chapter of ISACA.

Through her representation of clients involved in various commercial disputes, Joanne has also gained significant knowledge and experience in the areas of products liability, tortious interference, unfair competition, covenants not to compete, liquidated damages clauses, limitation of liability clauses, and indemnification issues. She has successfully represented *Fortune* 200 companies in confidential arbitrations and mediations and has substantial experience in the identification and engagement of arbitrators, mediators, and other alternate dispute resolution vehicles. In particular, through her work in the insurance/reinsurance industry, Joanne has developed knowledge and experience with working with experts and witnesses in the areas of economics, actuarial mathematics, retrocessional pools, and forensic accounting.

Representative Experience

- Defending the liquidating trustee against over nearly \$1 billion in claims in the second largest Ponzi scheme bankruptcy in United States history.
- Prosecuting fraud, breach of fiduciary duty, and claims subordination actions on behalf of both liquidating trustees and unsecured creditor committees.
- Prosecuting hundreds of avoidance actions on behalf of liquidating trustee in multiple large chapter 11 cases.
- Representing the court-appointed receiver in a SEC receivership involving the misappropriation of shareholder assets.
- Defending one of the largest paper manufacturers in the world against a multibillion-dollar antitrust class action lawsuit.
- Enforcing confidentiality and non-compete agreements, including pursuing claims for trade secret misappropriation.
- Successfully representing clients in all phases of commercial disputes, ranging from pre-litigation demands, litigation or arbitration of commercial claims and defenses, and negotiation of favorable settlements for clients.

Affiliations

- Member of the Illinois Bar
- Member of the American Bar Association
- Member of the American Bankruptcy Institute
- Member of the Chicago Bar Association
- Member of the International Women's Insolvency & Restructuring Confederation (USA)
- Member of INSOL International
- Member of the Korean American Bar Association

Presentations and Publications

- [“Blockchain May Solve Privacy Problem,”](#) *WardsAuto*, Feb. 13, 2020
- “Bitcoin as a ‘Commodity’ and the Resulting Impact on Bankruptcy Proceedings,” *American Bar Association, Section of Litigation, The Woman Advocate*, March 5, 2019
- “Blockchain—Not Bitcoin—in Bankruptcy,” *ABI Newsletter*, Jan. 2019
- “Crypto As Commodity, And The Bankruptcy Implications,” *Law360*, Oct. 17, 2018
- “How One Struggling Auto Company Used Chapter 15 to Protect its US Assets,” *Dashboard Insights*, Nov. 14, 2013
- “What’s in Store for E-Discovery in Bankruptcy?” *Law360*, May 16, 2013
- “What Does the Crystal Ball Say on Technology Assisted Review?,” *IT-Lex Technology Law*, March 1, 2013
- “Another Court Weighs In On *Stern v. Marshall*,” *Law360*, March 20, 2012
- “The Mexican insolvency that tested US bankruptcy laws,” *IFLR*, August 29, 2012

Sectors

- [Digital Assets, Web3 & NFTs](#)
- [Racial Justice & Equity](#)

Practice Areas

- [Antitrust & Competition](#)
- [Bankruptcy & Business Reorganizations](#)
- [Business Litigation & Dispute Resolution](#)
- [Creditor Committee Representation](#)
- [Financial Institutions](#)
- [Litigation](#)
- [eDiscovery & Data Management](#)

Education

- University of Chicago Law School (J.D.)
- University of Illinois (B.A.)

Admissions

- Northern District of Illinois
- Western District of Wisconsin
- 7th U.S. Circuit Court of Appeals
- Illinois Super Lawyers—Rising Stars® Edition (2014)*
- Illinois Super Lawyers® Edition (2019)*

*The Illinois Supreme Court does not recognize certifications of specialties in the practice of law and no award or recognition is a requirement to practice law in Illinois.