

Michael Martin Johnston

Lake Barrington, Illinois 60010

Telephone:

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SUMMARY OF QUALIFICATIONS

Motivated, articulate, solutions-focused litigation attorney with nine (9) years of legal experience handling complex commercial, civil, employment, probate and bankruptcy cases before state, federal and appellate courts. Capable of independently managing multiple cases from inception to trial, meeting deadlines and excelling at maintaining the highest levels of client satisfaction. Offers excellent writing and advocacy skills, thrives inside the courtroom and can negotiate resolution before trial.

PROFESSIONAL EXPERIENCE

WALTZ, PALMER & DAWSON, LLC, Rolling Meadows, Illinois

Associate Attorney

November 2013-Present

- Litigate complex commercial, civil, employment and probate cases in state and federal courts.
- Represent clients in cases involving corporate and individual breach of fiduciary actions, class-actions under federal and state wage laws, corporate oppression and partnership disputes, actions under Articles II, III and IX of the Uniform Commercial Code and contested probate and guardianship litigation.
- Draft and argue motions to dismiss and motions for summary judgment.
- Draft complaints and all forms of written discovery.
- Counsel clients in employment/wage matters, equipment financing and bankruptcy/restructuring issues.

LAW OFFICE OF THOMAS W. LYNCH, P.C., Hickory Hills, Illinois

Associate Attorney

February 2009-November 2013

- Litigated complex commercial, civil, bankruptcy, probate and real estate cases in state and federal courts.
- Represent clients in cases involving Articles II, III and IX of the Uniform Commercial Code, shareholder/director liability, Sections 506, 523 and 727 of the Bankruptcy Code, Fair Labor Standard Act, Illinois Minimum Wage Act, restrictive covenants, consumer fraud, residential and commercial foreclosures, contested probate litigation and forcible entry and detainer lawsuits.
- Drafted pre-trial memorandums of law and settlement memorandums.
- Drafted motions to dismiss, motions for summary judgment and declaratory judgment complaints.
- Drafted all phases of written discovery and also conduct depositions.
- Counsel clients in commercial leases, equipment financing and asset-purchase agreements.

KEATON & ASSOCIATES, P.C., Palatine, Illinois

Associate Attorney

January 2006-December 2008

- Represented individuals and large corporate clients commercial, corporate and bankruptcy litigation.
- Litigated complex commercial and contract disputes, breach of trust and fiduciary matters, Articles II and IX of the Uniform Commercial Code, fraudulent/preferential transfers, insurance coverage disputes, common and consumer law fraud actions, USDA and FDA regulatory issues and conduct post-judgment enforcement actions.
- Litigated commercial and civil law cases in multiple jurisdictions- including Florida, California, Texas, New York and Arizona.
- Drafted motions for temporary restraining order, preliminary injunction and motions for summary judgment.
- Litigated appeals from bankruptcy and district courts including preparing appellate briefs.
- Handled administrative law cases before the United States Department of Agriculture.

BAR ADMISSIONS/PROFESSIONAL MEMBERSHIPS

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| • State of Illinois- | 2005 | • Member- American Bankruptcy Institute |
| • U.S.D.C. for the Northern District of Illinois- | 2005 | • Member- Illinois State Bar Association |
| • U.S.D.C. for the Eastern District of Texas- | 2007 | • Member- Chicago Bar Association |
| • U.S.D.C. for the Eastern District of Tennessee- | 2007 | |

EDUCATION

Shepard Broad Law Center- Nova Southeastern University

Juris Doctor – 2005 (GPA 3.35)

Internship at United States Environmental Protection Agency- Summer 2004

Internship at Illinois Attorney General's Office- Summer 2003

Loyola University- Chicago

Bachelor of Arts in United States History - 2000 (GPA 3.5)

REPRESENTATIVE CASES

- 1) **Swain, individually and on behalf of similarly situated plaintiffs v. M Employee Materials Services, Inc., et. al.**, 2014-cv-1461 (N.D.Ill.) Represented joint employers in FLSA and IMWL class action, involving at a minimum, 180 potential class employees. Navigated pre-trial stages to avoid filing of class certification notice and ultimately settled for a minimal fraction of potential damages.
- 2) **In re Moore**, 2013-P-7502, 2013-P-7503 and 2013-P-7504. Represented maternal grandparents in three (3) minor guardianship proceedings and, after three (3) day trial, successfully had permanent guardianship entered and awarded to maternal grandparents.
- 3) **Gatling's Charter, Inc. v. Edson Financial, Inc.**, 2013-CH-03718. Filed declaratory judgment complaint against equipment financing company relating to TRAC/commercial vehicle lease dispute. Business client retained collateral, re-structuring debt and terminated TRAC agreement to allow client to retain equity in collateral as part of client's long-term business plan.
- 4) **Betz v. Primer Renovation, Inc.**, 2007-L-008680. Successfully defended corporate officers of a construction company regarding consumer fraud, breach of contract and personal liability through piercing the corporate veil claims. Drafted three (3) successive 2-615 motions to dismiss over two (2) year period resulting in a dismissal with prejudice of entire case seeking over \$265,000.00 in damages.
- 5) **In re Grand Bear Lodge, LLC**, 11-bk-02321 (Bankr. N.D. Ill.). Represented homeowner association in Chapter 11 bankruptcy. Drafted and argued objection to debtor's plan of reorganization under 11 U.S.C. §§ 1122 and 1129 resulting in the debtor filing amended plan and ultimately settling with client at 100% payout.
- 6) **North Florida Tomatoes, Inc. v. Carolina Tomato, Inc.**, 2008 U.S. Dist. LEXIS 60031 (07-cv-00397) (District Court of South Carolina). Drafted and argued preliminary injunction motion against corporation and individual defendants under the Perishable Agricultural Commodities Act which enjoined \$1,000,000.00 in trust assets. Subsequently drafted motion for summary judgment which district court granted.
- 7) **Sonneschein v. Southwest Guaranteed Home Equity Program**, 2012-CH-33502. Drafted and succeeded on two (2) consecutive motion to dismiss, first under 2-615 and second under 2-619, to avoid class action lawsuit against client.
- 8) **Hoestrka Potato Farms, LLC v. Select Snacks, Inc.**, (*In re Select Snacks, Inc.*) 08-cv-02319 (N.D. Ill.). Represented creditor appellant on disallowance of \$110,000.00 proof of claim resulting in debtor paying appellant's proof of claim.
- 9) **Natra Bay S.A. de CV v. New Harvest Organics, LLC**, 2006-cv-00501 (District Court of Arizona). Represented defendant and drafted motion for partial summary judgment on eight counts of ten count complaint. Plaintiff stipulated, based on partial summary judgment motion, to dismissal of objected counts leading to a settlement of \$50,000.00 of the Plaintiff's originally filed amount of \$525,000.0.
- 10) **Mills, Inc. v. Mazzu**, 07-cv-000475 (Eastern District Court of Texas). Represented produce seller by intervening into existing case, filing complaint in intervention and in participating in extensive court-ordered mediation in Houston, Texas securing payment of client's \$75,000.00 claim and costs of mediation.