



## DION W. HAYES

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## PRACTICES

Restructuring & Insolvency  
Corporate  
Commercial Litigation  
Banking & Finance  
Distressed Real Estate  
Healthcare  
Trials

## INDUSTRIES

Energy  
Coal  
Private Equity  
Financial Institutions

Dion serves as the firm's Deputy Managing Partner for Litigation and formerly served as the Chair of the Restructuring and Insolvency Department. Since 1992, he has focused his practice on insolvency law and financial restructuring, including bankruptcy, out-of-court workouts, distressed asset acquisitions and recapitalizations, and related litigation.

He has represented debtors, official and unofficial committees of creditors or equity holders, senior lenders and administrative agents, Section 363 purchasers, post-confirmation plan administrators, liquidating trustees, and bond holders, in bankruptcy courts and other courts throughout the United States. He has represented clients with respect to derivative terminations in insolvency cases, as litigation targets in large Ponzi scheme cases, and in cross-border insolvency cases. He has led recent restructuring engagements in the following industries - energy, coal and metals mining, semiconductor, print media, health care, and hospitality. He has recently appeared in bankruptcy courts and other federal courts in Delaware, Florida, New York, Texas, and Virginia.

As noted in *Chambers USA*, "Dion Hayes has a national bankruptcy practice. He is experienced in insolvencies, restructurings, workouts and distressed sales for all bankruptcy parties. He is held in high esteem by clients and peers for his work, with one source stating: 'He very effectively balances a commercial mindset with a keen understanding of legal risk to help us craft our strategies. He is also very effective in the courtroom as an advocate.' " Others commended Dion as "a strong advocate for his clients," "experienced, smart, respectful, and very creative," and "well versed at handling a full suite of restructuring and insolvency matters in bankruptcy and other federal courts."

## EXPERIENCE

- DIP and First Lien Lenders in Gymboree Corporation (E.D. Va.)
- DIP and First Lien Lenders in Patriot Coal II (E.D. Va.) and Alpha Natural Resources (E.D. Va.)
- Canadian-chartered bank as creditor, derivative counterparty, and/or adversary defendant in Lehman Bros. Chapter 11 cases (S.D. N.Y.), Lehman Bros. International (Europe) insolvency (UK), Enron Corporation Chapter 11 case (S.D. N.Y.), Adelphia Communications Corporation Chapter 11 case (S.D. N.Y.), Kaupthing Bank insolvency (Iceland), and Rothstein Rosenfeldt Adler, P.A. (S.D. Fla.).
- Wintergreen Partners, Inc. in distress merger with affiliate of James C. Justice Companies, Inc.
- Commodity customers with substantial claims in MF Global Inc. SIPA proceeding (S.D. N.Y.), MF Global Holdings Ltd. Chapter 11 case (S.D. N.Y.), and MF Global UK Limited insolvency special administration (UK).
- Plan Administrator in ASARCO LLC Chapter 11 case (S.D. Tex.).
- Special Counsel for Qimonda North America Corp. and Qimonda Richmond, LLC in Chapter 11 cases (D. Del.) and in Qimonda A.G. Chapter 15 case (E.D. Va.).
- Greenbrier Hotel Corporation as Chapter 11 debtor (E.D. Va.).
- S&K Famous Brands, Inc. as Chapter 11 debtor (E.D. Va.).
- LandAmerica Financial Group, Inc. as Chapter 11 debtor (E.D. Va.).
- Circuit City Stores, Inc. as Chapter 11 debtor (E.D. Va.).
- AMF Bowling Worldwide, Inc. as Chapter 11 debtor (in 2001 and 2012) (E.D. Va.).

- Majority equity holder in Heartland Automotive Services, Inc. Chapter 11 case (N.D. Texas).
- Best Products as Chapter 11 debtor (E.D. Va.).
- Heilig-Meyers Company as Chapter 11 debtor (E.D. Va.).
- Unsecured creditors committee in U.S. Energy Biogas Corp. Chapter 11 case (S.D. N.Y.).
- Unsecured creditors committee in Schwinn Bicycle Company Chapter 11 case (N.D. Ill.).
- Unsecured creditors committee in Fasmart Convenience Stores Chapter 11 case (E.D. Va.).
- Joint Liquidators for Bermuda reinsurance company as petitioners in Section 304 ancillary proceeding (E.D. Va.).
- Post-confirmation Liquidating Trustee in The Austin Company Chapter 11 case (N.D. Ohio).
- Section 363 acquirer of fossil fuel power plants in USGen New England, Inc. Chapter 11 case (D. Md.).
- Section 363 acquirer in Environmental Elements Corporation Chapter 11 case (D. Md.).
- Several out-of-court acquisitions or recapitalizations of privately held companies in financial distress in various industries, including health care, manufacturing, and marketing services.

## EDUCATION

- William & Mary Law School, JD, 1992
- University of Virginia, BA, 1989

## ADMISSIONS

- New York
- District of Columbia
- Maryland
- Virginia
- U.S. Court of Appeals for the 2nd Circuit
- U.S. Court of Appeals for the 4th Circuit
- U.S. Court of Appeals for the 5th Circuit
- U.S. Court of Appeals for the 7th Circuit

## AFFILIATIONS

Fellow, American College of Bankruptcy

Member, Irish Legal 100

Member, American Bankruptcy Institute

Member, Section of Bankruptcy, Virginia State Bar

Member, New York State Bar Association

Member; Past Chair, Section of Bankruptcy, Richmond Bar Association

Board of Editors, *The Bankruptcy Strategist*, Law Journal Newsletters

Associate Editor, *American Bankruptcy Institute Journal*

## RECOGNITION

Selected for inclusion in *America's Leading Lawyers for Business*, Bankruptcy/Restructuring (Band 1), Virginia, *Chambers USA*, 2016-2021

Named to "Virginia Super Lawyers," Bankruptcy & Creditor/Debtor Rights, Banking, Business Litigation, Super Lawyers, Thomson Reuters, 2007-2021

Named to "Legal Elite," Bankruptcy Law, *Virginia Business*, 2007-2020

Selected for inclusion in the "Irish Legal 100" list of the United States' most distinguished Irish-American legal professionals, 2020

Fellow, American Bar Foundation, 2020

Selected for inclusion in *The Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2006-2021; Litigation - Bankruptcy, 2017-2021, Woodward/White, Inc.

Selected for inclusion in *The Lawdragon 500 Leading U.S. Bankruptcy & Restructuring Lawyers*, 2020

Inducted into the American College of Bankruptcy Class 30, 2019

Named "Lawyer of the Year," Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2020; Litigation - Bankruptcy, 2018, *The Best Lawyers in America*.

## EVENTS

- Speaker, "Engaging and Paying Contingency Counsel in Bankruptcy," American Bankruptcy Institute, New York City Bankruptcy Conference, New York, NY, May 24, 2018
- Speaker, "Panel on D&O Litigation in Chapter 11," American Bankruptcy Institute, Views from the Bench Conference, Georgetown University Law School, Washington, D.C., October 17, 2017
- Speaker, "Panel on Liquidating Chapter 11 Cases," American Bankruptcy Institute, New York City Bankruptcy Conference, New York, NY, May 18, 2017
- Panelist, How to Prove and Defend Fraudulent Transfer Claims – A Legal and Valuation Perspective, Securities Docket Webcast, March 16, 2017
- Speaker, "Environmentally Contaminated Properties in Bankruptcy," National Conference of Bankruptcy Judges, October 26-29, 2016
- Speaker, "Hot Topics in Energy Chapter 11 Cases," American Bankruptcy Institute, Southeast Workshop, July 22-23, 2016
- Speaker, "Current Discovery Issues in Bankruptcy Litigation," American Bankruptcy Institute – NYC Conference, May 12, 2016
- Speaker, "Mediation in Chapter 11," American Bankruptcy Institute, Mid-Atlantic Conference, August 7, 2015
- Speaker, Restructuring, Insolvency and Investment in the Oil & Gas Industry, McGuireWoods Webinar, April 16, 2015
- Speaker, "Employment and Benefits Issues in Chapter 11," American Bankruptcy Institute, Southeast Workshop, July 25-26, 2014
- Speaker, "Anatomy of a Ponzi Scheme," International Bar Association Annual Conference, Insolvency Section, October 8, 2013
- Speaker, "Ponzi Scheme Bankruptcies," Mid-Atlantic Institute on Bankruptcy and Reorganization Practice, September 20, 2013

## INSIGHTS

- Author, Due to COVID-19, Most Pennsylvania Businesses Ordered to Cease Operations, *McGuireWoods Legal Insights*, March 20, 2020
- Author, Purchasing Assets of Employers in MEPs: Withdrawal Liability as a Successor, *McGuireWoods Legal Insights*, July 2, 2018
- Co-author, "Small Business Deadlines," *ABI Journal*, March 2017
- Author, R&I Update: Hot Topics in Oil and Gas Restructurings, Volume 5, *McGuireWoods Legal Insights*, December 14, 2016
- Author, Third Circuit Enforces Make-Whole Premium for Notes Accelerated by

- Bankruptcy Filing, *McGuireWoods Legal Insights*, December 2, 2016
- Author, R&I Update: Hot Topics in Oil and Gas Restructurings, Volume 4, *McGuireWoods Legal Insights*, September 16, 2016
  - Author, R&I Update: Hot Topics in Oil and Gas Restructurings, Volume 3, *McGuireWoods Legal Insights*, May 19, 2016
  - Author, R&I Update: Hot Topics in Oil and Gas Restructurings, Volume 2, *McGuireWoods Legal Insights*, March 10, 2016
  - Author, R&I Update: Hot Topics in Oil and Gas Restructurings, Volume 1, *McGuireWoods Legal Insights*, February 10, 2016
  - Author, JPMorgan Scores Major Victory in Ongoing Lehman Bankruptcy, *McGuireWoods Legal Insights*, October 12, 2015
  - Author, Restructuring and Insolvency Update: Title Insurance May Not Save Secured Lenders from Priming Mechanic's Liens, *McGuireWoods Legal Insights*, April 21, 2015
  - Co-author, "Seventh Circuit Stumble," *The Bankruptcy Strategist*, October 2013
  - Co-author, "Damages Control: How to Use Nonbankruptcy Claims Facilities to Resolve Mass Tort Liabilities," *Corporate Counsel*, March 2011
  - Co-author, "Reorganization," *Bankruptcy in Virginia*, 2011
  - Co-author, "Substantial Contribution Claims," *The Bankruptcy Strategist*, December 2010
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