



## John Zummo

### Partner

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Mr. Zummo is a member of the firm's litigation practice group. Mr. Zummo has over 24 years of experience in all aspects of litigation, including over 30 trials, as well as in bankruptcy matters and alternative dispute resolution. Prior to entering private practice, Mr. Zummo served as a Judge Advocate in the United States Navy and as a Special Assistant U.S. Attorney. In private practice, Mr. Zummo has focused his practice on representing corporate clients in complex litigation and insolvency matters throughout the United States.

Mr. Zummo handles a wide range of litigation matters, including: post mergers and acquisitions disputes; securities fraud litigation (defense); common law fraud claims; creditor's rights litigation; claims arising out of commercial real estate development projects and transactions; and general business disputes. Mr. Zummo also has significant experience handling insolvency-related matters, including bankruptcy main case and adversary proceedings, and out of court workouts. Below is a list of representative matters Mr. Zummo has handled.

Mr. Zummo has received many accolades and awards, including being recognized as an Illinois Super Lawyer (2012–2023) and as an Illinois Leading Lawyer (2014–2016).

Prior to joining Gutnicki LLP, Mr. Zummo was affiliated with Katten Muchin Rosenman LLP, Reed Smith LLP, and Vedder Price, P.C.

Mr. Zummo is admitted to practice in Illinois and the federal jurisdictions listed in the Court Admissions section of this page. In addition, he has been admitted *pro hac vice* and/or acted as counsel in matters pending in state and/or federal courts in Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

## Experience

### Representative Matters

- Represented the purchaser in litigation in New York County, New York to specifically enforce an agreement for the purchase and sale of a \$50 million health care services business. In that action, Mr. Zummo obtained a judgment ordering the sellers to close the sale and to pay the purchaser profits accruing after the original closing date.
- Represented a financial institution in litigation involving claims under the Securities Act of 1933 and common law claims arising out of the issuance of more than \$1 billion of residential mortgage-backed securities. In that action, the Securities Act claim against Mr. Zummo's client was dismissed with prejudice and the state law claims were dismissed without prejudice. The opinion is reported at 938 F.Supp.2d 440. The state law claims were settled without Mr. Zummo's client paying any portion of the settlement amount.
- Represented the purchaser in an arbitration action to recover its deposit in a failed \$160 million acquisition. In that action, Mr. Zummo obtained an award in favor of the purchaser plus an award of costs and attorneys' fees.
- Represented an international manufacturer of automotive components in a multi-jurisdictional dispute arising out of its acquisition of a U.S. company, including litigation in the Southern District of New York and in the First Tier Tribunal (Tax) of the United Kingdom.
- Represented the defendant in fraudulent transfer action in the United States District Court for the Northern District of Illinois. In that action, Mr. Zummo obtained summary judgment in favor of his client.
- Represented health care services provider in arbitration arising out of union grievance seeking a retroactive increase to the minimum new hire rate under collective bargaining agreement. In that action, Mr. Zummo obtained an award in favor of the employer.
- Obtained summary judgment in favor of a financial institution on its claims for breach of contract, fraud, and conversion—including a punitive damages award—in litigation that was pending in the Circuit Court of Cook County.
- Represented the construction lender in mechanic's litigation arising out of a \$43.1 million hotel development.

- Represented a senior secured creditor in a bankruptcy adversary proceeding to determine the allocation of over \$22 million in proceeds from the 363 sale of the debtor's assets. In that action, Mr. Zummo tried and defeated the claims of several mechanic's lien claimants that asserted liens on the proceeds from the 363 sale of the debtor's assets. The opinion is reported at 393 B.R. 372.
- Represented a member of the lending group in the workout of a \$200 million syndicated revolving and term loan credit facility.
- Negotiated an out-of-court resolution to a dispute between a member of a lending group and the administrative agent regarding allocations in a multi-million-dollar loan syndication.
- Represented a financial institution in a putative class action suit in which the lead plaintiff alleged violations of the Truth in Lending Act, the Fair Debt Collection Practices Act, and the Illinois Consumer Fraud Act. Mr. Zummo obtained the dismissal of all claims, with prejudice, on a motion to dismiss. The opinion is reported at 2003 WL 25765398.
- Represented a hedge fund and its manager in a series of matters arising out of the misappropriation of funds by an introducing broker.
- Represented an equipment finance lessor in a federal district court action in which a defaulting lessee asserted various lender-liability claims against the lessor. In that action, Mr. Zummo obtained the dismissal of all the lessee's claims against the financial institution (the opinion is reported at 2008 WL 2114867), leaving only the lessor's counterclaims for breach of the leases. Ultimately, all the lessee's obligations were resolved amicably.
- Represented a financial institution in claims against defaulting guarantors of a commercial borrower's obligations under a multi-million-dollar asset-based revolving and term loan credit agreement. In that action, Mr. Zummo obtained the dismissal of defendants' lender-liability counterclaims, persuaded the court to strike all affirmative defenses, and obtained summary judgment in favor of the lender on all claims. The opinions are reported at 2006 WL 6000465 and 2007 WL 5417734.
- Member of team that represented defendants in a high-profile SEC and DOJ investigations, and related securities fraud (1934 Act) litigation.
- Represented an international producer and seller of coffee in litigation to enforce

its rights under a distribution agreement.

- Represented a financial institution and global medical equipment manufacturer in the receivership of a regional medical center.
- Represented a financial institution in litigation in Texas state court against a personal guarantor of a multi-million-dollar commercial loan obligation. In that action, Mr. Zummo defeated two attempts by the guarantor to use the principal obligor's bankruptcy to forestall the litigation and obtained summary judgment against the guarantor.
- Represented a bank in actions to enforce its rights against commercial borrowers and collateral located in two different states. This matter involved two state court litigation actions and two chapter 11 bankruptcy proceedings. Both bankruptcy cases were dismissed. Thereafter, Mr. Zummo obtained a replevin order, a multi-million-dollar monetary judgment, a final order for possession of personal property collateral, and a judgment of foreclosure on the real property collateral.
- Member of team that obtained summary judgment on behalf of an audit committee member and outside general counsel of a publicly-traded corporation on common law fraud, negligent misrepresentation, and Illinois Consumer Fraud Act claims arising out of a \$74 million equipment lease securitization. The opinion is reported at 2004 WL 1977572.

## Education

- Marquette University, B.A.; *cum laude*
- University of Illinois Chicago John Marshall Law School, J.D.; *cum laude*, *Order of the Coif*

## Admissions

- Illinois, 1997
- District of Columbia, 1999 (inactive)

## Court Admissions

- U.S. District Court, N.D. IL, 1997 (trial bar)
- U.S. Bankruptcy Court, N.D. IL, 1997
- U.S. Court of Appeals, 7th Cir., 2003
- U.S. Court of Appeals, 4th Cir., 2007
- U.S. District Court, W.D. MI, 2013
- U.S. Bankruptcy Court, W.D. MI, 2013
- U.S. District Court, E.D. MI, 2013
- U.S. District Court, CO, 2015
- U.S. District Court, N.D. IN, 2015
- U.S. Bankruptcy Court, N.D. IN, 2015