KRIEG DEVAULT

Kay Dee Baird

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Ms. Baird advises clients who are involved in creditor/debtor disputes, and often participates in bankruptcy proceedings, foreclosure proceedings, receivership proceedings and other collection matters. She chairs the firm's Creditors' Rights/Bankruptcy Practice. Ms. Baird primarily works with creditors, however, she advises both individual and institutional creditors and also represents receivers. In the area of litigation, Ms. Baird assists clients in various types of civil litigation depending on the needs of the particular client. Ms. Baird's litigation experience ranges from small litigation matters to class action litigation and includes topics such as overdraft litigation, lender liability claims, FDCPA litigation and shareholder disputes. Ms. Baird has assisted a wide array of clients in such litigation, including individuals, institutional clients, and nationally known corporations. In addition to work in Creditors' Rights and Litigation, Ms. Baird also has experience in transactions involving commercial law and experience in rendering non-consolidation opinions and true sale opinions for lending transactions. Ms. Baird has also testified before the Indiana legislature with regards to legislation which affects financial institutions and collaborated in the drafting of such legislation.

Ms. Baird has a vast array of employment experience which helps her understand the needs of her clients. Ms. Baird's experience ranges from working for a small family owned business to working for large national corporations. Ms. Baird's experience as a law clerk in the civil court arena also helps her assist clients. Also, Ms. Baird gained significant experience while working as a Summer Associate with Krieg DeVault in the Summer of 2008.

Education

- J.D., *cum laude*, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, 2009
- B.S. in Accounting and Finance, *High Distinction*, Indiana University, Indianapolis, Indiana, 2006
  - Kelley School of Business

Bar & Court Admissions

- Indiana (2009)
- U.S. District Court for the Northern District of Indiana (2009)
- U.S. District Court for the Southern District of Indiana (2009)

Practices

- Creditors' Rights and Bankruptcy
- Litigation and Dispute Resolution
- Financial Services Litigation

Industries

- Financial Services

Representative Experience

- Represented financial institution in class action overdraft litigation in the matter entitled *Old National Bank v. Steven Kelly, et al.*, 31 N.E.3d 522 (Ind. Ct. App. 2014)
- Represented several landlords in *In re Marsh Supermarket Holdings, LLC*, Case No. 17-11066 (Bankr. S.D. Ind.)
- Represented several landlords in *In re ITT Educational Services, Inc.*, Case No. 16-07207 (Bankr. S.D. Ind.)
- Represented several landlords in *In re hhGregg, Inc., et. al.*, Case No. 17-01302 (Bankr. S.D. Ind.).
- Represented secured creditor foreclosure dispute in *LaPlace Indiana, LLC, et. al. v. Lakeland West Capital XXIV, LLC*, Cause No. 49A02-1612-MF-02902 (Ind. Ct. App. 2018).
- Represented CCRC facility in *Indiana Family and Social Services Administration v. Trilogy Health Services, LLC*, Cause No. 49A05-1207-PL-358 (Ind. Ct. App. 2013)
- Represented largest unsecured creditor in In re Ellis, Case No. 10–16998–AJM–7A (Bankr. S.D. Ind., Indianapolis Div.), reported at 2011 WL 5147551 (October 27, 2011)
- Assisted in the representation of various regional banking institutions, corporations, and individuals in order to help resolve creditor/debtor disputes in state court as well as bankruptcy court;
- Assisted in the representation of regional banking institutions in litigation brought against such institutions (including class action litigation);
- Assisted in the representation of clients in commercial transactions governed by the Indiana Uniform Commercial Code;
- Assisted in the representation of a national corporation in CERCLA litigation; and
- Assisted in the representation of a PRP Group as the Trustee at a CERCLA site.

Professional Associations

- Former Central States Bankruptcy Workshop Board Member, American Bankruptcy Institute
- Former President of Commercial and Bankruptcy Law Section, Indianapolis Bar Association
- Former Member, Sagamore Inn of Court
- Former Member, Indiana State Bar Association
- Former Member, Indiana Association for Corporate Renewal

Civic Involvement

- Board Member, Shelbyville Central Education Foundation

Awards & Recognitions

- Indiana Super Lawyers Rising Stars, 2016-2019
- Order of the Barristers, Robert H. Staton Intramural Moot Court Competition, Indiana University School of Law - Indianapolis

Seminars & Presentations

- Presenter, "Developments facing receiverships and related issues in the creditors' rights area," IndyBar, October 11, 2022
- Presenter, Association of Corporate Council Trivia Challenge, 2018 & 2019
- Presenter, "Selecting and Advocating Expert Witnesses," 25th Annual Central States Bankruptcy Workshop, 2018
- Presenter, "The Intersection of the FDCPA and the Bankruptcy Code," and "Bankruptcy and Marijuana," Indianapolis Bar Association's Neil Shook Advanced Consumer Bankruptcy Roundtable, 2018
- Presenter, "Significant Decisions in Recent Ponzi Scheme Cases," Leonard H. Opperman Chapter 11 Roundtable, 2014
- Presenter, "Applicability of the Absolute Priority Rule to Individual Chapter 11 Debtors," Leonard H. Opperman Chapter 11 Roundtable, 2012

Publications

- Co-Author, "New Indiana Law Will Clarify How Financial Institutions May Make Changes to Deposit Account Agreements", March 13, 2024
- Author, "Your Customer is Heading Towards Bankruptcy, What Should You Do Now?" June 23, 2022
- Co-Author, "Indiana Financial Institutions Continue to be Targeted in Class Action Overdrafts and NSF Lawsuits," February 3, 2021
- Co-Author, "A Hospital's Bankruptcy Filing Dramatically Changes the Equation for Medical Powers," June 8, 2020
- Co-Author, "Are You a "Health Care Business" for Bankruptcy Purposes?" May 1, 2019
- Contributor, *Strategic Alternatives For and Against Distressed Businesses*, Chapter 25 (Indiana), 2019 & 2020 editions