

Elliot M. Smith

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Overview

Elliot has a broad and versatile corporate, litigation, and finance practice, drawing on extensive experience advising clients in corporate insolvency, distressed lending and investing, restructuring, and bankruptcy matters. He regularly represents clients in complex Chapter 11 proceedings in courts across the country.

His clients include debtors, creditors' committees, secured lenders, indenture trustees, unsecured creditors, asset purchasers, executive management teams, landlords, and preference defendants, among other parties in interest. His experience extends to a variety of industries, including steel, mining, automotive, senior living, restaurant, retail, e- commerce, manufacturing, and oil and gas.

Elliot also has extensive experience representing and counseling his creditor clients in connection with exercising rights and remedies under the Uniform Commercial Code, formulating strategies for responding to customer and supplier distress, and in connection with minimizing insolvency related risk. In the distressed M&A context, his experience includes representing and counseling bidders and purchasers in section 363 bankruptcy sales, as well as in out-of-court transactions involving aspects of insolvency risk and related strategic considerations. Elliot's fifteen years of experience and his ability to bring to bear a broad mix of legal skills has uniquely positioned him to be able to provide quick and thoughtful analysis, strategic advice, and good counsel to his clients in very stressful circumstances.

Representative Matters

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Represented guarantor and its subsidiary borrowers in connection with a $530,000,000 syndicated mortgage loan secured by a portfolio of 35 shopping center assets located across the nation.

- Counsel to the largest non-insider unsecured creditor and member of the Official Committee of Unsecured Creditors in the chapter 11 case of In re Lapeer Industries, Inc. (E.D. Mich.).
- Counsel to the debtors and debtors in possession in the Chapter 11 cases of In re OGGUSA, Inc. et al. (E.D. Kentucky) (f/k/a GenCanna Global USA, Inc.). The Debtors were primarily engaged in the development of hemp genetics and the production and distribution of wholesale and white-label hemp-derived cannabinoid products, including CBD, to customers throughout the United States and internationally. The Debtors successfully conducted an expedited dual-track process to identify available alternatives for maximizing value under challenging circumstances and closed a section 363 sale of substantially all assets for consideration in excess of $75 million.
- Advising an indenture trustee/lender in connection with negotiating and favorably settling a dispute with a not-for-profit issuer and borrower with respect to all outstanding debt obligations.*
- Advising an indenture trustee for multiple bond issuances in connection with a financially distressed senior living facility that resulted in a full refinance of existing bond debt.*
- Representing a commercial landlord in the Chapter 11 cases of New Creative Enterprises (S.D. Ohio).*
- Representing the owner/lender of a cabinetry manufacturing portfolio company in the Chapter 11 cases of Luxe Cabinetry, LLC (C.D. California).*
- Representing the senior secured lender in the Chapter 11 cases of PowerPlus Electric, LLC (E.D. Kentucky).*

Credentials

EDUCATION

- University of Maryland Francis King Carey School of Law, 2004, J.D.
- Ner Israel Rabbinical College, 2001, BTL

BAR & COURT ADMISSIONS

- Ohio
- New York
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the District of Colorado

Awards & Recognition

- Listed, *The Best Lawyers in America®,* Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2016-2027
- Listed, Ohio Super Lawyers – Rising Stars, 2012-2013, 2015-2019
- Recognized as an “Associate to Watch”, Chambers USA 2019, Bankruptcy/Restructuring in Ohio, Band 2
- Next Generation Program of the National Conference of Bankruptcy Judges, Class of 2012

News & Insights

- 126 Benesch Attorneys Recognized in 2027 Best Lawyers® Rankings
  August 20, 2026 | Press Releases
- 129 Benesch Attorneys Recognized in 2026 Best Lawyers® Rankings
  August 21, 2025 | Press Releases
- Elliot Smith Quoted in Crain's Cleveland Business | “Commercial bankruptcies are increasing - and there's more to come”
  August 26, 2024
- 132 Benesch Attorneys Recognized in 2025 Best Lawyers® Rankings
  August 14, 2024 | Press Releases
- Elliott Smith mentioned in Crain's Cleveland Business | "A corporate bankruptcy storm is brewing"
  August 23, 2023 | Media Mentions
- Best Lawyers in America® Rankings 2024
  August 17, 2023 | Press Releases
- U.S. News & World Report - Best Lawyers Rankings 2023
  August 18, 2022 | Press Releases
- Benesch's Chapter 11 Debtor Representation Awarded "Transaction of the Year"
  November 16, 2021 | Announcements
- Kalpesh K. Shah, Katherine A. Smith and Samuel J. Ruggio mentioned in Law360 | "St. Jude Medical Wins Atty Fees In Catheter Method IP Suit"
  October 26, 2021 | Press Releases
- U.S. News & World Report - Best Lawyers Rankings 2022
  August 19, 2021 | Press Releases

Speaking & Events

PAST EVENTS

- Third-Party Releases in Chapter 11 Bankruptcy | Elliot M. Smith
  August 31, 2022 | Speaking Engagement