

John E. Sullivan III

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General Background

John E. Sullivan III is a founding member of the Cleveland law firm of Sullivan & Sullivan, Ltd. Mr. Sullivan represents debtors, creditors, and other interested parties in collections, bankruptcy and asset protection matters. As part of his practice, he advises clients on the use of onshore and offshore trusts and companies as well as the use of U.S. exempt property laws, and is actively involved in structuring and implementing asset protection plans. He is also involved in estate and probate matters. Mr. Sullivan frequently speaks on matters related to asset protection and asset recovery, and has numerous publications to his credit, including a law review article cited in the annotations to the Uniform Fraudulent Transfers Act and another law review article cited in the official Commissioner's Comments to the Uniform Trust Code.

Education

- Boston College, 1980 (B.A. in History and Economics)
- University of Texas School of Law, 1984 (J.D.)

Professional Organizations and Affiliations

Mr. Sullivan is a member of the following organizations and committees:

- International Tax Planning Association
- Offshore Institute (based in the Isle of Man in the Irish Sea)
- Cleveland Estate Planning Council
- Ohio State Bar Association ("OSBA")
- OSBA Creditor Access to IRA Committee (part of Estate Planning, Trust, and Probate Law Section)
- OSBA Banking, Commercial & Bankruptcy Law Committee and Bankruptcy Law Sub-Committee
- Greater Cleveland International Lawyers Group

Mr. Sullivan also previously served as a member of the Website Committee of the Cleveland Estate Planning Council.

Court Admissions

- State Courts:
- Ohio
 - Illinois
 - Massachusetts (Inactive)
- Federal Courts:
- U.S. Supreme Court
 - U.S. Tax Court
 - U.S. Court of Appeals, Sixth Circuit
 - U.S. Court of Appeals, Fifth Circuit
 - U.S. District Court, Northern District of Ohio
 - U.S. District Court, Northern District of Texas
 - U.S. District Court, District of New Jersey

Types of Matters Handled

Planning & Probate:

Foreign Situs Asset Protection Trusts
Foreign and Domestic LLCs
Notes, Guaranties, and Cognovits
Receivership Income Tax Issues

Wills, Trusts, and Powers of Attorney
Exempt Property Planning
Property Titling
Secured Transactions

Litigation:

Asset Recovery, Including

- Enforcing Notes & Guaranties
- Complex Collections
- Garnishments
- Levies and Attachments

Complex Discovery, Including:

- Interstate Discovery
- International Discovery
- Bank Records Discovery

Fraudulent Transfers
Prejudgment Asset Freezes
Offshore Trust Matters
Constructive and Resulting Trust Issues
Veil Piercing Issues
Representation of Federal Receivers

Bankruptcy, Including:

- Adversary Proceedings
- Discharge of Debt Proceedings
- Voluntary Petitions
- Involuntary Petitions

Civil RICO, Including:

- Money Laundering
- Mail Fraud
- Wire Fraud

Bank Secrecy Act Issues
Attorney-Client Privilege Matters
Contempt of Court Issues
Charging Order Issues
Workouts
Estate Disputes

John E. Sullivan III: Publications and Cases

Law Review

Articles: *Gutting the Rule Against Self-Settled Trusts: How the New Delaware Trust Law Competes With Offshore Trusts*, 23 Delaware J. Corp. Law 423 (1998), cited by the National Conference of Commissioners On Uniform State Laws in the Official Comment to § 505 of the proposed Uniform Trust Code.

Future Creditors and Fraudulent Transfers... Important Limits to Fraudulent Transfers Law for the Asset Protection Planner, 22 Delaware J. Corp. Law 955 (1997), cited in annotations to 7A Uniform Laws Annotated, Part II, Uniform Fraudulent Transfers Act (1999).

Oil and Gas Securities Litigation, 8 Eastern Min. Law Inst. 16-1 (1987).

Co-Author: Diamond, Diamond & Sullivan, *International Trust Laws & Analysis*, published by Kluwer Law International (1998 to present; includes prior time as contributing editor). Jurisdictions covered by Mr. Sullivan include:

Brunei	Montserrat
China (PRC)	Nevada
Colorado	Nevis
Cook Islands	Rhode Island
Delaware	South Africa
Hong Kong	St. Lucia
Isle of Man	St. Kitts
Macau	Others
Montana	

Contributing

Author: Diamond & Diamond, *Capital Formation and Investment Incentives Around the World*, published by Matthew, Bender (1998 to 2000; includes prior time as contributing editor).

Asset Protection Strategies (Planning with Domestic and Offshore Entities) (Alexander Bove, Editor) (2002) (Author of Chapter 19, *The Often Overlooked Role of Disclosure In Asset Protection Planning*), published by American Bar Association.

Diamond & Diamond, *Tax Havens of the World*, published by Matthew, Bender (2000 - Present).

Feature

Pieces: *Discovery and Its Effect on Secrecy-Based Asset Protection Plans*, Estate Tax Planning Advisor (Panel Publishers - Aspen Publishing), Vol. 1, Issue 7, August 2002, p. 1.

Mechanical Issues: The Tools of Formal Discovery, Estate Tax Planning Advisor (Panel Publishers - Aspen Publishing), Vol. 1, Issue 7, August 2002, p. 6.

Specific Discovery Targets: Sources of Information, Estate Tax Planning Advisor (Panel Publishers - Aspen Publishing), Vol. 1, Issue 7, August 2002, p. 8.

Informal Discovery Tools, Estate Tax Planning Advisor (Panel Publishers - Aspen Publishing), Vol. 1, Issue 7, August 2002, p. 9.

The Often Overlooked Role of Disclosure In Asset Protection Planning: Part II, The Asset Protection Journal (Aspen Publishing, Inc.), Summer 2000, Vol. 2, No. 2, p.1, included in American Bar Association compendium on asset protection planning.

Global Assets, Business in Africa, p. 46, April 2000.

The Often Overlooked Role of Disclosure In Asset Protection Planning: Part I, The Asset Protection Journal (Aspen Publishing, Inc.), Spring 2000, Vol. 2, No. 1, p. 1, included in American Bar Association compendium on asset protection planning.

Asset Protection Planning: Insulating Landman Assets From Creditor Claims, Landman Magazine, May/June 1999, reprinted with permission by Illinois State Bar Association in Vol. 26, No. 1 *Mineral Law* (November 1999) (official newsletter of ISBA mineral law section).

Asset Protection Planning: Insulating Client Assets From Creditor Claims, Cleveland Bar Journal, October 1998 (cover story).

Reported
Cases:

Javitch v. Capwill, 284 F.Supp.2d 848 (N.D. Ohio 2003) (lead role for receiver-plaintiff in connection with litigation over RICO's "operation and management" test).

Columbia Natural Resources, Inc. v. Tatum, 58 F.3d 1101 (6th Cir. 1995), cert. denied (significant role in successfully arguing that RICO's "pattern" requirement was Constitutional).

Columbia Gas Trans. Comp. v. An Exclusive Natural Gas Easement (a/k/a/ "McCullough"), 962 F.2d 1192 (6th Cir. 1992) (minor role in case dealing with condemnation of mineral rights under the federal Natural Gas Act).

Significant
Unreported
Cases:

- *AmeriTrust Company National Association v. Byrom, et al.*
Geauga County, Ohio, Court of Common Pleas
Case No. 92 M 000097

Represented parties in multi-million dollar collections suit that involved an offshore trust structure; also involved in related civil litigation in the Cook Islands and defending person who was the target of a subsequent federal criminal fraud investigation and a resulting criminal mail fraud information.

- *Liberte Capital Group, LLC vs. James Capwill, et al.*
U.S. District Court, N.D. Ohio, Eastern Div.
Case No. 5:99 CV 0818

Represent two federal receivers appointed by a federal court in connection with significant fraud loss case (estimated loss of \$30 - \$50 Million). Also involved in significant companion suits, including a civil RICO suit alleging mail fraud, wire fraud, money laundering, and fraudulent transfers; bankruptcy discharge litigation; and other matters.

- *Bank of America v. Brian D. Weese, et al.*
Circuit Court for Baltimore County, Maryland
Case No. 03-C-01-001892

Represented witness subpoenaed to provide deposition testimony regarding settlement of a \$16,000,000 offshore trust.

- *National City Bank v. Gruttadauria, et al.*
Ohio Court of Common Pleas, Cuyahoga County
Case No. JLD 162385

Represented victim of broker accused of stealing as much as \$125 Million from numerous victims over 15 year period. Retained to advise on matters regarding Delaware LLC law and effect of statutory charging order provisions on an LLC that the client and broker co-owned. Charging order issues arose in litigation commenced by a major bank creditor and in related litigation commenced by the SEC.

John E. Sullivan III: Speaking Engagements

Mr. Sullivan has made numerous presentations regarding asset protection and debtor-creditor issues, many of them having been delivered for professional continuing education credit, and some having been delivered “in house” to accounting or law firms. His presentations include appearances in Ohio, Illinois, New York, California, and Nevada. A detailed list of his presentations is available upon request.