

**Name:** David M. Banker

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**I. Profession Accrediting Agency or Jurisdiction Date of Admission**

Attorney	New York	January 2001
Attorney	New Jersey	November 2000
Attorney	Southern District of New York	January 2002
Attorney	Eastern District of New York	December 2003
Attorney	District of Delaware	September 2008
Attorney	Northern District of New York	January 2019
Attorney	Colorado	March 2019

**II. Professional Organization Date of Admission Active/Inactive**

American Bankruptcy Institute		Active
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**III. General professional experience:**

I am a partner in Montgomery McCracken Walker & Rhoads LLP's U.S. Bankruptcy and Financial Restructuring Group. My practice focuses on creditors' rights in the context of complex bankruptcies, including providing counsel to unsecured creditors' committees, institutional trade creditors, plan trustees, investment funds, secured lenders, and lessors. I have extensive experience defending and prosecuting preference and fraudulent conveyance actions in numerous jurisdictions throughout the country.

**IV. General pertinent experience:**

I have served as a mediator for the Sears/Kmart, Fyre Festival, Patriot National, Loehmann's, Furniture Brands, GT Advanced Technologies, Vivaro, and WireflyMobile bankruptcy cases. I have participated in numerous mediations on behalf of plaintiffs and defendants related to preference and fraudulent conveyance law, ranging from less than \$50,000 to over \$10 million in dispute.

I represented the unsecured creditors' committees in Tuesday Morning, Orchids Paper, CST Industries, Willowood USA Holdings, Centerstone Linen, Prestige Industries, Noranda Aluminum, Borders Group, SP Newsprint, Gourmet Express, Chef Solutions, Advanced Marketing Services, Koen Book Distributors, Solaris Industries, and Xtera Communications.

I advise clients through all stages of the bankruptcy process, including pre-bankruptcy planning, negotiating the sale of claims, and defending claim objections. I represent the interests of secured creditors with respect to automatic stay litigation, adequate protection, cash collateral, and debtor-in- possession financing. I also work extensively with lessors in negotiations over the terms of the assumption and cure of leases, adequate protection orders, and claims related to lease rejection.

I am frequently invited to author articles and lecture on legal issues including trade creditors' rights and remedies, and bankruptcy litigation.

**V. Mediation training:**

American Bankruptcy Institute/St. John's University 40-Hour Bankruptcy Mediation Training

**VI. Pertinent bankruptcy training:**

See III above.

My full biography may be found at the following link:  
<https://www.mmwr.com/attorney/david-m-banker/>

**VII. General pertinent business or legal experience:**

See III and IV above.

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<https://www.mmwr.com/attorney/david-m-banker/>