David Weitman

Partner

Dallas
+1.214.939.5427

David.Weitman@klgates.com

OVERVIEW

David Weitman is a partner in the firm's Finance practice. He primarily represents lenders in the bankruptcy area, including banks, financial institutions, hedge funds, and acquirers of distressed debt. David counsels these parties relating to debtor-in-possession financing, loan review, lender liability prevention, perfection of liens, confirmation, lift of stay, and other bankruptcy proceedings. He has substantial experience in multi-lender debtor-in-possession financings, post-confirmation financing, cash collateral financings, secured transactions, debt restructurings, corporate reorganizations and workouts, acquiring businesses and assets out of bankruptcy, negotiating, structuring and drafting corporate litigation settlements and documentation, pre-bankruptcy workouts and pre-bankruptcy planning and strategies, prosecuting involuntary bankruptcies, and representing banks as indenture trustees in bankruptcy. In addition, he has been responsible for case management of bankruptcy, insolvency, and creditors' rights lawsuits prosecuted nationally and internationally.

David also counsels corporate and banking clients in real estate acquisition and development, construction, intellectual property, international letters of credit, computer agreements, leveraged buyouts and equipment leasing.

In recent years, David's practice has involved substantial work representing secured lenders in oilfield service and energy exploration and production company restructurings and bankruptcy proceedings.

David has been named to *D Magazine*'s 2017, 2021-2024 Best Lawyers in Dallas list for Bankruptcy and Workout and *D Magazine*'s 2016 Best Lawyers in Dallas list for Banking and Finance. David was part of a team of K&L Gates lawyers in 2022 that won the 21st Annual M&A Advisor Awards in the category of Healthcare/Life Sciences Deal of the Year (between US$10MM and US$100MM). In February 2023, David was also part of another team of K&L Gates lawyers that won the 17th Annual Turnaround Award for Distressed M&A Deal of the Year (US$25MM - US$50MM).

ACHIEVEMENTS

- Recognized in *The Best Lawyers in America®* for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law in Dallas, 2024

PROFESSIONAL / CIVIC ACTIVITIES

- Dallas Bar Association
- American Bar Association
- American Bankruptcy Institute
- Volunteer Judge preparing SMU Bankruptcy Moot Court Team for Annual Conrad B. Duberstein Bankruptcy Moot Court Competition, with SMU Team winning First Place, February 2020
- Volunteer Judge preparing SMU Bankruptcy Moot Court Team for Annual Conrad B. Duberstein Bankruptcy Moot Court Competition, with SMU Team winning First Place, February 2019

SPEAKING ENGAGEMENTS

- Speaker, "Loan Workouts Presentation" to the American Bankers Association Graduate Commercial Lending School at Southern Methodist University, May 2016.
- Speaker, Dallas Bar Association, Bankruptcy Bar Section, "Debtor-In-Possession Financing, Local Practice and National Trends," April 2010.

EDUCATION

- B.A., Syracuse University, *(magna cum laude)*
- J.D., University of Notre Dame Law School, *(Associate Editor, Notre Dame Law Review)*
- M.B.A., University of Notre Dame

ADMISSIONS

- Bar of Texas
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Western District of Texas

THOUGHT LEADERSHIP *POWERED BY HUB*

- May 2022, May 2022 Accolades
- May 2021, May 2021 Accolades

NEWS & EVENTS

- 31 March 2023, K&L Gates Recognized on Two Distressed M&A Deal of the Year Awards

AREAS OF FOCUS

- Aviation Finance
- Corporate and Acquisition Finance
- Debt Capital Markets
- Maritime
- Real Estate Acquisitions and Dispositions
- Real Estate Finance
- Real Estate Joint Ventures
- Restructuring and Insolvency

INDUSTRIES

- Aviation
- Transportation and Logistics

REPRESENTATIVE EXPERIENCE

- Representation of post-petition financing entities of debtors in national bankruptcy proceedings.
- Representation of financial institutions in national retail bankruptcies, including Clothestime Stores, Inc., Homeland Stores, Inc., Fine Furniture, Inc., Retail Concepts, Inc., Babbages, Inc. (NeoStar, Inc.), Old America, Inc., and CompuAdd, Inc.
- Representation of numerous purchasers of assets out of bankruptcy proceedings.
- Representation of major creditor in health care bankruptcy proceeding under Subchapter V of Chapter 11 of the Bankruptcy Code, working in tandem with health care lawyers in our firm.

- Representation of purchaser of assets of a major supplier of sleep apnea testing and sleep kits in Chapter 11 bankruptcy proceedings, working in tandem with health care lawyers in our firm.
- Representation of purchaser of assets of a distressed entity engaged in providing remote cardiac monitoring services, working in tandem with health care lawyers in our firm.
- Representation of purchaser of assets of a distressed entity engaged in the manufacture of products used in the respiratory therapy business, working in tandem with health care lawyers in our firm; such entity subsequently filed under Chapter 11 of the Bankruptcy Code.
- Representation of creditors in connection with enforcing their rights and remedies against discrete items of collateral in bankruptcy proceedings in numerous business contexts in litigation involving the automatic stay, adequate protection (use of cash collateral), appointments of Chapter 7 and Chapter 11 trustees, disclosure statement and confirmation hearings, extensive valuation and feasibility contests, and fraudulent conveyance and preference defense litigation.
- Representation of a secured creditor with a first lien on a 100-acre grain elevator and terminal facility located on the Houston ship channel, in the debtor's Chapter 11 proceeding, which involved multiple competing plans of reorganization.
- Representation of commercial lessors in national retail bankruptcies and the bankruptcies of manufacturing and distribution companies in Texas, Washington, and other states.
- Represented a private equity firm as aircraft lessor in the national bankruptcy proceedings of ATA Holdings.
- Representation of hedge funds in acquisition of distressed debt and thereafter collection on same in bankruptcy proceedings or out-of-court workouts throughout the United States.
- Representation of Chapter 11 Trustee and later Plan Trustee in all facets, including sales of assets, disclosure statement, plan confirmation, claims allowance, prosecution of causes of action (against officers and directors).
- Representation of a mortgage company and a purchaser of US$250 million of first lien loans on congregate care facilities from the RTC. In that regard we represented their interests in state court and bankruptcy proceedings to affect a foreclosure of their liens.
- Served as lead counsel in connection with a US$140 million workout of a syndicated loan provided to a conglomerate of health care companies, secured primarily by the accounts receivable, cash deposits, inventory, equipment, books and records, and equity interests of approximately 50 affiliated loan parties of the borrower.
- Represented a global asset-based lender in connection with its second largest loans and charter agreements with a leading provider of maritime transportation services, which emerged from bankruptcy after two years, resulting in the complete assumption of all of the client's debt and executory contracts.
- Representation of lenders to nursing homes and health care facilities in connection with the restructuring of their loans.

- Represented a multinational financial services company as senior secured creditor in connection with numerous forbearance agreements with an oilfield service company.