



KUTAKROCK

Bankruptcy, Restructuring and Creditors' Rights

kutakrock.com



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Bankruptcy is a signature practice of Kutak Rock. With a deep bench of attorneys located coast to coast who focus their practice in whole or in part to representing clients in bankruptcy, restructuring and creditors' rights matters, we can help clients wherever need arises. Our experience spans virtually every industry and includes high-profile and complex cases.

When creditors and debtors are faced with a potential bankruptcy filing, time is of the essence to ensure that financial interests are protected. Kutak Rock's bankruptcy, restructuring and creditors' rights group has the depth of experience required to help clients protect their interests, mitigate losses and achieve the best possible solution.

We represent trade creditors, lenders and other creditors, debtors, and committees of varying size wherever they need us. The group has completed hundreds of engagements in virtually every state in the country. Through the firm's experience in bankruptcy courts throughout the U.S., our attorneys offer not only a sophisticated understanding of the latest developments and strategies, but also a current, practical and working knowledge of the national environment in which they are applied. Because litigation can be cost-prohibitive, in addition to our litigation skills before judges, we assist clients with negotiated resolutions outside of the courtroom. We aggressively defend our clients' business interests in alignment with their goals and this often includes swift settlements.

Our bankruptcy group regularly handles significant bankruptcy and creditors' rights representations for a wide range financial institutions and other constituents. The depth and experience

of the group provides both litigation strength and transaction experience, and our nationally recognized expertise in finance, real estate, tax, environmental, public finance and litigation, in addition to bankruptcy, provides each client with the comprehensive representation necessary to address the nature of the problem and to design resourceful and practical solutions appropriate for the client's particular situation or role in a matter.

By working closely with clients at every stage of the transaction, from term sheet through closing, our attorneys offer practical advice regarding loan structuring issues, due diligence risks, negotiation of transaction documents, analysis of credit risks and security, cash management issues and intercreditor arrangements.

We routinely collaborate with experts in other areas of the firm to provide our clients with in-depth and decisive recommendations and potential alternatives. In addition, our team facilitates the tempo of each transaction and we manage the counterparties who are involved to keep transactions moving in an efficient manner. These project management skills, paired with our expertise, enable our attorneys to effectively assist lenders and borrowers in multi-state transactions and portfolio deals.

Our representative experience includes:

- National, regional and local banks in all aspects of reorganizations, workouts, and liquidations
- Debtor-in-possession lenders
- Buyers of assets in 363 bankruptcy sales
- Investors in acquiring distressed paper
- Chapter 11 plan sponsors and exit financing providers
- Litigation of avoidance actions
- Ad hoc groups and creditors throughout the debtor's capital structure
- Debtors in all aspects of reorganizations, workouts, and liquidations
- Real estate landlords and tenants in bankruptcy and other distressed scenarios
- IP licensors and licensees in bankruptcy and other distressed scenarios
- Creditor committees representation
- Chapter 11 trustees, plan administrators, and liquidating trustees
- Trustees, holders, letter of credit providers, derivative counterparties and insurers in connection in connection with distressed bond financings and chapter 9 bankruptcy cases, involving municipalities





About Kutak Rock

Kutak Rock is a leading U.S. law firm with 500+ lawyers and locations coast to coast. The firm serves commercial and governmental clients in business and corporate, public finance, litigation and real estate law.

National reach. Local market presence. For more than 50 years, Kutak Rock has served business and governmental clients across the United States. Many of our attorneys are recognized leaders in their practices, both locally and nationally. Our national footprint lets us assist you wherever your legal needs arise, and our local market presence helps us understand your place in the business and civic communities we share.

The experience you need, and the bench strength you want. With more than 500 attorneys serving clients in the full range of transactional and litigation services, Kutak Rock is well-prepared to assist you with virtually any legal matter or project, regardless of scope or scale. We represent clients in transactions of all types in venues across the country. Our litigators appear in state and federal courts (including appellate courts) and before specialized administrative tribunals. Our cumulative experience, paired with a focus on innovation and creativity, inspires client confidence.

An enduring value proposition. Kutak Rock is differentiated by our fundamental commitment to delivering high-quality legal service at a fair price. Our definition of value—achieving the desired outcome while using resources efficiently—fosters predictability and cost-effectiveness. We are committed to being intelligent about your business, mindful of your ever-evolving business objectives and focused on meeting the unique challenges and opportunities you face. Our goal is to deliver true value and earn your loyalty through high-quality client experiences, one matter at a time.

Diversity + Inclusiveness + Engagement. We were founded on a commitment to a diverse and equal opportunity work environment and to improving diversity in the legal profession. Our pledge has evolved into a firmwide culture that encourages every person at Kutak Rock to take responsibility for fostering an inclusive and diverse workplace, in addition to being an example for others to follow.

- Agribusiness
- Alternative and Renewable Energy
- Antitrust
- Asset Securitization
- Automotive Manufacturer/Dealer
- Banking and Financial Services
- Commercial Lending and Structured Finance
- Consumer Protection Defense
- Corporate and Securities
- Corporate Finance
- Corporate Governance
- Corporate Social Responsibility
- EB-5 Finance
- Employee Benefits and Executive Compensation
- Energy—Oil and Gas
- Federal Practice and National Security
- Firearms Industry
- Franchise and Distribution
- Government Relations
- Health Care
- Insurance and Risk Management
- Intellectual Property
- Loan Modifications and Restructuring
- Mergers and Acquisitions
- Private Investment Funds
- Real Estate Investment Trusts (REITs)
- Retail
- Securities Regulation
- Tax
- Tax Credits
- Technology

Real Estate

- Acquisitions and Dispositions
- Commercial Leasing
- Commercial Lending
- Construction and Development
- Environmental Law
- Health Care Real Estate
- Private Equity and Hedge Transactions
- Public and Affordable Housing
- Real Estate Investment Trusts (REITs)
- Sale-Leaseback—Real Estate
- Tax Credits
- Workouts and Distressed Assets

Litigation

- Antitrust
- Bankruptcy, Restructuring and Creditors' Rights
- Business and Class-Action Litigation
- Construction Litigation
- E-Discovery and Records Management
- Employment Law
- Energy—Oil and Gas
- Energy and Environmental Litigation
- Financial Services Litigation
- Government Disputes
- Health Care Litigation
- Insurance Litigation, Management and Supervision
- Intellectual Property Litigation
- Labor Law
- Mediation and Arbitration Neutrals
- Privacy and Data Security Litigation
- Product Liability, Mass Torts and Personal Injury
- Professional Negligence
- Public Finance Litigation
- Real Estate Litigation
- Risk Management
- Securities Litigation
- Telecommunications Litigation

Public Finance

- Charitable Organizations/501(c)(3)
- Credit Enhancement
- Derivatives and Investment Products
- Energy Finance
- Higher Education
- Housing
- Industrial Development Bonds
- K-12 Education
- Public-Private Partnerships (P3)
- State Tax and Spending Limitations
- Student Loans
- Tax 103
- Tax Credits
- Transportation
- Tribal Finance
- Workouts and Bankruptcy in Public Finance

