

David S. Kupetz

Partner

Los Angeles

david.kupetz@troutman.com

D 213.687.6774



David's more than 35 years of experience in restructuring positions him as a trusted advisor in high-stakes bankruptcy and insolvency matters across diverse industries.

OVERVIEW

David brings a wealth of experience in distressed transactions, crisis avoidance, workouts, restructurings, bankruptcies, receiverships, insolvency matters, and creditor rights. He represents a diverse range of clients, including debtors in Chapter 11 reorganization cases and out-of-court restructurings, secured and unsecured creditors, creditors' committees, assignees for the benefit of creditors, and buyers/sellers of distressed businesses and assets. David's clients span various industries, such as finance, consumer goods, franchises, manufacturing, retail, health care, hospitality, real estate, technology, media, and telecommunications.

David is known for his strategic approach to insolvency and bankruptcy situations, providing tailored solutions that help clients navigate complex financial challenges. He works on behalf of his clients to avoid costly litigation whenever possible, while advocating for their interests in court when necessary. David's comprehensive understanding of both in-court and out-of-court restructuring processes informs his well-rounded and practical advice.

REPRESENTATIVE MATTERS

- Counsel to Care Enterprises, Inc., a skilled nursing facilities chain, as debtor-in-possession.
- Counsel for Pantogran LLC in its acquisition of the Center for Autism & Related Disorders (CARD).
- Counsel to Ocean Pacific Sunwear, Ltd., an apparel company, as debtor-in-possession.
- Counsel to the County of Los Angeles as creditor.
- Counsel to General Electric Capital Corporation as secured lender.
- Counsel to Litton Industries, Inc., as creditor.
- Counsel to Boston West, LLC, known as Boston Markets, a quick-service restaurant chain, as debtor-in-possession.
- Counsel to ExxonMobil Corporation as creditor.
- Counsel to Honda Trading Co. as creditor.
- Counsel to CKE Restaurants as creditor.

- Counsel to San Diego Television, Inc., a media company, as debtor-in-possession.
- Counsel to South Bay Pizza, Inc., a restaurant group, as debtor-in-possession.
- Counsel to the Official Committee of Unsecured Creditors' of Transgo Corp.
- Counsel to the Out-of-Court Unsecured Creditors of Aura Systems, Inc.
- Counsel to Snow Valley, LLC, a ski resort, as debtor-in-possession.
- Counsel to Gardenburger, Inc., a meat alternative products business, as debtor-in-possession.
- Counsel to eStyle, Inc., a brick-and-mortar and online retailer, as debtor-in-possession.
- Counsel to American Home, a furniture retailer, as debtor-in-possession.
- Counsel to No Fear Retail Stores, Inc., a retailer and licensor, as debtor-in-possession
- Counsel to Webalo, Inc., a technology company, as debtor-in-possession.
- Counsel to Electronic Sensor Technology, Inc., a technology company, as debtor-in-possession.
- Counsel to Ventura Port District as debtor in Chapter 9 case.
- Counsel to Agron, Inc., a consignment vendor to Sports Authority.
- Counsel to Shiekh Shoes, LLC, a retailer, as debtor-in-possession.
- Counsel to the Official Committee of Creditors of VER Technologies.
- Counsel to City of Hermosa Beach in out-of-court settlement.
- Represented the Town of Mammoth Lakes in restructuring negotiations.
- Counsel to Mad Dogg Athletics, Inc., spinning bikes and programs, as debtor-in-possession.
- Counsel to Glostation USA and Affiliates, a virtual reality company known as Sandbox VR, as debtor-in-possession.
- Represented assignees, distressed businesses, creditors, and buyers in hundreds of assignments for the benefit of creditors.
- Represented debtors, creditors, and creditor groups in numerous out-of-court restructurings.
- Represented various local public entities in out-of-court negotiations with creditors, workouts, and restructurings that have allowed them to avoid Chapter 9 and represented other government entities and creditors in connection with Chapter 9 cases.
- Worked with numerous buyers implementing acquisitions through Chapter 11 cases, assignments for the benefit of creditors, and foreclosures.

AWARDS

- *Global Restructuring Review 100* (2023)
- *Best Lawyers in America®*: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (2023-2026)
- *California Super Lawyers®*: Bankruptcy (2005-2024)

TOP AREAS OF FOCUS

- Bankruptcy + Restructuring
- Commercial Mortgage-Backed Securities Special Servicing
- Debt Finance
- Financial Services
- Litigation + Trial

ALL AREAS OF FOCUS

- Bankruptcy + Restructuring
- Commercial Mortgage-Backed Securities Special Servicing
- Debt Finance
- Debtor + Committee Representations
- Distressed Mergers + Acquisitions
- Financial Services
- Litigation + Trial

EDUCATION AND CERTIFICATIONS

EDUCATION

- UC College of the Law, San Francisco, J.D., 1986
- University of California, Santa Barbara, B.A., 1983

BAR ADMISSIONS

- California

COURT ADMISSIONS

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. Bankruptcy Court, Central District of California
- U.S. Bankruptcy Court, Eastern District of California
- U.S. Bankruptcy Court, Northern District of California
- U.S. Bankruptcy Court, Southern District of California
- U.S. Court of Appeals, Ninth Circuit
- Supreme Court of the United States

SPEAKING ENGAGEMENTS

- Speaker, "What Every Litigator Should Know About the Impact of Bankruptcy on Arbitration," California Lawyers Association, July 25, 2025.
- Speaker, "Restructuring Options for Companies in Financial Distress," Expert Webcast, October 15, 2024.
- Speaker, "Recognizing and Resolving Financial and Legal Issues Encountered by Distressed Health Care Businesses," Locke Lord, July 16, 2024.
- Speaker, "Restructuring Support Agreements," California Bankruptcy Forum Annual Insolvency Conference, May 19-21, 2023.
- Speaker, "Commercial Real Estate Economic Outlook," American Bankruptcy Institute, January 18, 2023.
- Speaker, "2022 Nuts and Bolts: Fundamental Issues Arising in Bankruptcy Cases, Article 9 of the Uniform Commercial Code, and Appellate Advocacy," Financial Lawyers Conference, October 6-7, 2022.
- Speaker, "Recession Readiness: Are You Prepared?" Small Business Investor Alliance, September 14, 2022.

PUBLICATIONS

- Author, "Collier Handbook for Creditors' Committees," *LexisNexis*, 2026.
- Author, "3M and the Use of the Bankruptcy Code and Power of the Bankruptcy Court to Stay Actions Against Non-Debtors," *Norton Annual Survey of Bankruptcy Law*, 2024 edition, *Thomson Reuters*, February 2025.
- Author, "Collier Handbook for Creditors' Committees," *LexisNexis*, 2025.
- Co-author, "Too Much of a Good Thing: Congress Allows Increased Subchapter 5 Eligibility Level to Expire," *Locke Lord QuickStudy*, June 27, 2024.
- Author, "Collier Handbook for Creditors' Committees," *LexisNexis*, January 2024.
- Author, "The Great Office Space Reset: Problems and Solutions for Tenants and Landlords," *Thomson Reuters Westlaw*, May 18, 2023.
- Co-author, "Last Dance? Third Circuit Shuts Down J&J Affiliate's Chapter 11 Case Predicated on 'Texas Two-Step'," *Locke Lord QuickStudy*, March 2, 2023.
- Author, "Collier Handbook for Creditors' Committees," *LexisNexis*, January 2023.
- Author, "Purdue Pharma and the Nonconsensual Release of Direct Claims Against Non-Debtors," *Norton Annual Survey of Bankruptcy Law*, 2022.
- Author, "Collier Handbook for Creditors' Committees," *LexisNexis*, 2022.
- Author, "FERC Cannot Usurp Bankruptcy Court's Power Over Contract Rejection," *Daily Journal*, August 24, 2022.
- Author, "Court Unravels Purdue Bankruptcy Plan Protecting Sacklers," *The Los Angeles Daily Journal*, January 4, 2022.
- Author, "Bankruptcy Estate Claims Eclipse Shield of Sovereign Immunity," *The Los Angeles Daily Journal*, June 22, 2021.
- Co-author, "Legal Challenges Facing Retail Landlords, Tenants," *Western Real Estate Business*, April 28, 2021.
- Author, "Using Support Agreements to Streamline Chapter 11 Reorganizations," *Lawyer Monthly*, 2021.
- Author, "ABCs As an Alternative to Bankruptcy for Implementing Distressed Transactions," *The Bankruptcy Strategist*, March 2021.
- Author, "Mere Retention of Property Doesn't Violate a Bankruptcy Automatic Stay," *The Los Angeles Daily Journal*, January 19, 2021.
- Author, "Collier Handbook for Creditors' Committees," *LexisNexis*, 2021.
- Author, "The Supreme Court's Cautionary Tale Limiting Federal Common Law in Bankruptcy is Only Part of the Story," *Norton Journal of Bankruptcy Law and Practice*, Vol. 30, No. 1, 2021.
- Co-author, "Local Governments Must Plan Without Delay for Post-Pandemic Fiscal Realities," *PublicCeo.com*, May 11, 2020.
- Co-author, "Navigating the Fiscal Impacts of the COVID-19 Pandemic," *The Los Angeles Daily Journal*, May 11, 2020.
- Author, "ABCs for Salvaging Deflated Start-Ups, Distressed Businesses," *Bloomberg Law*, April 8, 2020.
- Co-author, "Cities and Counties Face Fiscal Challenges in the Pandemic Era," *American City & County*, April 1, 2020.
- Co-author, "Deal Approval Paves Way Toward PG&E's Reorganization," *The Los Angeles Daily Journal*, February 7, 2020.
- Author, "Supreme Court Says Ordinary Understanding of 'Final Decision' Isn't Dispositive in Bankruptcy Appeals," *The Los Angeles Daily Journal*, January 16, 2020.
- Co-author, "Bankruptcy Court Rejects 'Material Adverse Effect' Claim," *The Los Angeles Daily Journal*, January 13, 2020.
- Author, "Collier Handbook for Creditors' Committees," *LexisNexis*, 2020.