



## David J. McCarty

Partner

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### PRACTICE AREAS

- Bankruptcy and Restructuring

### INDUSTRIES

- Financial Services
- Food and Beverage

## OVERVIEW

David J. McCarty is a partner in the Finance and Bankruptcy Practice Group.

### Areas of Practice

Mr. McCarty specializes in bankruptcy, restructurings, creditors' rights and commercial law. He has represented a wide variety of constituencies in bankruptcy, restructurings and troubled debt matters, including secured creditors, unsecured creditors, indenture trustees, creditors' committees, trustees and purchasers.

## EDUCATION

- J.D., Harvard University, 1977, *cum laude*
- B.A., Claremont Men's College, 1974, *summa cum laude*

## EXPERIENCE

### Representative Clients

U.S. Bank, Comerica Bank, Union Bank of California, Northrop Grumman Corporation, Unified Western Grocers.

### Representative Matters

**People's Choice Home Loan.** Represent mortgage warehouse lender with \$270 million outstanding in Chapter 11 case for subprime lender.

**Ownit.** Represent indenture trustee in connection with repurchase claims in Chapter 11 case for subprime lender.

**PacSun.** Represent agent bank on \$25 million in development financing in Chapter 11 case involving commercial and residential development.

**Cooper Commins.** Represented construction lenders in connection with Chapter 11 case involving partially completed condominium project.

**Northwest Airlines.** Represent indenture trustee for \$235 million in bonds and member of creditors committee.

**Adelphia Communications.** Represent indenture trustee for \$1.7 billion in notes and

member of creditors committee.

**Internet Corporation.** Represent indenture trustee for \$175 million in notes and member of creditors committee in Chapter 11 case for automotive industry supplier to OEMs and Tier 1s.

**Kistler Aerospace.** Represented large aerospace subcontractor/supplier with \$46 million claim and member of creditors committee.

**Fedco.** Represented supplier to membership/discount retail chain and member of creditors committee.

**Illuminations.** Represented subordinated debt holder and member of creditors committee in Chapter 11 case for retailer.

**Fleming Foods.** Represented prospective purchaser for portions of Flemings wholesale grocery distribution business.

**Leap Wireless.** Represented indenture trustee for \$743 million in notes and member of creditors committee.

**General Chemical.** Represented indenture trustee for \$100 million in notes and member of creditors committee.

**American Plumbing and Mechanical.** Represented indenture trustee for \$95 million in notes and member of creditors committee.

**Loewen.** Represented indenture trustee for \$350 million in notes.

**SonicBlue.** Represent indenture trustee for \$106 million in notes.

**IT Group Inc.** Represented large engineering/construction firm involved in projects with this Chapter 11 debtor.

**Excite@Home.** Represented large software company/internet company in contractual relationship with this Chapter 11 debtor.

**MedPartners.** Represented large health plans in Chapter 11 case for health care network with over one million members.

**(Unnamed Company).** Represented agent bank in workout and out-of-court sale of manufacturer company relating to \$130 million in syndicated loans.

**Alestra.** Represented indenture trustee for \$570 million in notes in connection with exchange offer and related litigation.

**Riverstone Networks.** Represented indenture trustee for \$132 million in notes in litigation related to dispute over asserted defaults.

**A&J Cheese.** Represented agent bank on \$56 million in financing in receivership involving cheese company.

**Dutra Group.** Represented lead bank for \$60 million in financing in Chapter 11 case for dredging and quarry company.

### **HONORS**

- Who's Who Legal: California, 2008, 2009
- The BTI Client Service All-Star Team for Law Firms 2009, 2010
- Best Lawyers of America (Banking Law and Bankruptcy and Creditor-Debtor Rights Law), 2009, 2010
- Southern California Super Lawyer, 2008, 2009, 2010

### **MEMBERSHIPS**

- Member, Financial Lawyers Conference
- Past Chair, Commercial Law and Bankruptcy Section, Los Angeles County Bar Association
- Member, Business Bankruptcy Committee, American Bar Association
- Past Chair and Board Member, Bankruptcy Battleground West, America Bankruptcy Institute