



David E. Runck

Shareholder | david.runck@fmjlaw.com

David Runck represents clients in litigation matters involving all types of distressed and defaulted commercial loans. He represents lenders as creditors in bankruptcy cases, foreclosures, receiverships, debt restructurings and loan workout negotiations. He also represents clients in civil litigation in state and federal courts. David has extensive experience assisting all types of creditors (including secured and unsecured lenders, creditors' committees, indenture trustees, bondholders, equipment finance and leasing companies, and real estate lessors) to maximize their recovery in default situations.

Before joining FMJ, David was a Vice President at Wells Fargo Bank, N.A., where he served as an indenture trustee for bondholders in defaulted municipal bond transactions. Prior to Wells Fargo, he was a partner in the Financial Services department of a large Minneapolis law firm.

David was a law clerk for the Honorable Nancy C. Dreher at the U.S. Bankruptcy Court for the District of Minnesota and the U.S. Bankruptcy Appellate Panel for the Eighth Circuit. While in law school, he was an editor of the *Annual Review of Banking Law*.

Specific examples of David's experience include:

- Lead counsel for the Official Committee of Unsecured Creditors in the Chapter 11 cases of *In re Petters Company, Inc.* and *In re Petters Group Worldwide, LLC*, representing creditors who are owed in excess of \$3 billion
- Successfully argued numerous appeals before the U.S. Court of Appeals for the Eighth Circuit, the U.S. Bankruptcy Appellate Panel for the Eighth Circuit, and the Minnesota Court of Appeals
- Lead counsel for the Petitioning Unsecured Creditors in the involuntary Chapter 7 liquidation of *In re Home Valu, Inc.*
- Representing indenture trustees and bondholders in distressed tax-exempt projects such as hospitals, assisted living facilities, educational facilities, public power plants, industrial development projects, multifamily housing and real estate development projects
- Advising indenture trustees on fiduciary duties and matters relating to corporate trust default administration
- Representing real estate lenders and receivers in state law receiverships and judicial foreclosure actions
- Advised asset-based lenders on lien perfection and priority issues under Article 9 of the Uniform Commercial Code

Power of the Big.
Spirit of the Small.

Fafinski Mark & Johnson, P.A.
Flagship Corporate Center
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Eden Prairie, MN 55344
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- Representing commercial equipment finance companies in litigation under Article 2A of the Uniform Commercial Code and collateral repossessions
- Successfully argued *In re Dial Business Forms, Inc.*, 273 B.R. 594 (Bankr. W.D. Mo. 2002), *aff'd* 283 B.R. 537 (B.A.P. 8th Cir. 2002) (named "Decision of the Week" by *The National Law Journal* (Oct. 2002))
- Named "Rising Star" by *Minnesota Law & Politics*
- Named a 2011 Minnesota "Super Lawyer"

Education:

Boston University School of Law (JD, 1996)
Brandeis University (BA, *cum laude*, 1993)

Clerkship:

Hon. Nancy C. Dreher
U.S. Bankruptcy Court for the District of Minnesota
U.S. Bankruptcy Appellate Panel for the Eighth Circuit

State Bar Admissions:

Minnesota (1999)
Massachusetts (inactive) (1997)

Federal Bar Admissions:

U.S. Supreme Court (2003)
U.S. Court of Appeals, Eighth Circuit (2001)
U.S. District Court, District of Minnesota (1999)
U.S. District Court, Northern District of Illinois (2008)

Professional Memberships and Associations:

American Bankruptcy Institute
Bankruptcy Practice Committee, U.S. Bankruptcy Court for the District of Minnesota
Minnesota State Bar Association, Bankruptcy and Civil Litigation Sections
National Association of Bond Lawyers, Associate Member

Presentations and Publications:

Defaults, Workouts & Bankruptcy Issues in Public Finance, National Association of Bond Lawyers 32nd Bond Attorneys' Workshop (Sept. 2007)

Chapter 11 Secured Claim Valuation: Does My Pre-Petition Security Interest Attach to Post-Petition Collateral?, Minnesota State Bar Association (Oct. 2004)

Equipment Leasing in Minnesota, Lorman Education Services CLE presentation (Feb. 2004)

Everything You Ever Wanted to Know About Equipment Leasing But Were Afraid to Ask, CLE presentation (Oct. 2003)

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In re Dial Business Forms, Inc.: Eighth Circuit BAP Holds That Priority Language in a Chapter 11 Plan "Trumps" Article 9, MSBA Bankruptcy Bulletin (Apr. 2003)

An Analysis of the Community Development Banking and Financial Institutions Act and the Problem of "Rational Redlining" Facing Low-Income Communities, 15 Annual Review of Banking Law 517 (1996)

Developments in Banking Law 1994: The Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, 14 Annual Review of Banking Law 1 (1995)

Practice Areas:

Bankruptcy & Insolvency
Commercial Litigation
General Litigation

Practice Philosophy:

"I do my best to add positive value to often difficult situations. In addition to finding the best solution for our clients' legal needs, I make sure that I listen to our clients, communicate with them frequently, and keep things moving forward."

The Rest of the Story:

David lives in a local Twin Cities suburb with his wife (Sam), stepdaughter (Jessica), and their two cats. He enjoys spending time with his friends and family, going to movies and reading books.

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