







# David A. Foraker

Partner

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 @millernashllp

**“Having focused on insolvency matters for 40 years, I have confronted almost every problem that a financially-troubled business or its various constituents can encounter. I pride myself on being focused, well-organized, and a detail-oriented problem solver. I enjoy solving complex business issues and strive to develop practical, innovative, and cost-effective strategies to achieve my clients’ business objectives.”**

David Foraker focuses his practice on bankruptcy, receiverships, foreclosures, out-of-court workouts, and other matters relating to debtor-creditor relationships, as well as business transactional matters in the context of insolvent businesses. David has represented banks and other lenders, loan servicers, landlords, key vendors, asset purchasers, investors, creditors’ committees, receivers, insurance companies, and other parties affected by financially troubled businesses across a broad spectrum of industries. He has been listed in *Oregon Super Lawyers* for bankruptcy and creditor/debtor rights since 2006, including as a Top 10 Oregon Super Lawyer.

## Professional Activities

- Oregon State Bar Association
  - Debtor-Creditor Section Executive Committee, 2004, 2015-2016
  - Debtor-Creditor Section Subcommittee on Local Bankruptcy Rules, 2007
  - Debtor-Creditor Newsletter, Editorial Board Member, 1986-present
- American Bar Association, member
- Northwest Bankruptcy Institute Planning Committee, 2001-2003, 2015-2017
- Turnaround Management Association, Northwest Chapter, member
- American Bankruptcy Institute, member

## Representative Experience

### Bankruptcy & Creditors’ Rights

- Represented lender in connection with the enforcement of loans totaling more than \$37 million in connection with the foreclosure of private university campus properties located in Portland, Oregon, and in Boise, Idaho.

## Education

J.D., University of Oregon School of Law, 1981

B.S., St. Cloud State University, *summa cum laude*, 1978

## Bar Admissions

Oregon, 1981

## Court Admissions

U.S. Court of Appeals for the Ninth Circuit, 1985

U.S. District Court, District of Oregon, 1981

- Represented special servicer of \$31.5 million securitized loan in connection with the foreclosure and acquisition of the retail mall located in downtown Salem, Oregon, commonly known as Salem Center.
- Represented multiple landlords in chapter 11 case concerning Mattress Firm and certain of its affiliates.
- Represented publicly-traded temporary workforce company that provided workforce solutions to Sears in its chapter 11 case.
- Represented ex-wife in connection with her unpaid claims for spousal support and equalizing judgment in her ex-husband's chapter 11 case.
- Represented agricultural lender in connection with the enforcement of \$11 million secured loan that was restructured in borrowers' chapter 11 case in judicial and nonjudicial foreclosure of farm properties, livestock, farm equipment, and related collateral.
- Represented general receiver in state court receivership concerning 15 insolvent investment companies that owe their investors more than \$75 million.
- Represented chief restructuring officer for a national senior living provider in a federal court receivership that resulted in a sale transaction for nearly \$1.5 billion.
- Represented plywood and veneer manufacturer in documenting and collecting on \$27 million mediated settlement of disputes arising out of a breach of contract.
- Appointed to serve as the future claimants representative for unknown and minor abuse victims in the chapter 11 case concerning the Roman Catholic Archdiocese of Portland and to serve as the examiner in the chapter 11 case concerning the owner of the multipurpose arena in Portland originally known as the Rose Garden.

## Publications

- "Westlaw Practical Law Bankruptcy," *Local Bankruptcy Rules: Oregon* (2017)

## Presentations

- "Even When You Win, You Lose: Threatening Bankruptcy as a Means of Settling Civil Litigation," Federal Bar Association, Oregon Chapter CLE, panelist (Feb. 2020)
- "Evaluating & Addressing the Weight of Authority Across Jurisdictions," Federal Bar Association (Apr. 2018)
- "Guarantor and Suretyship Issues in Bankruptcy: What Practitioners Really Need to Know," Oregon State Bar, Debtor-Creditor Section CLE, panelist (2015)
- "When Disaster Strikes in Chapter 11: Administrative Insolvency, Structured Dismissal, and Other Issues," 26th Annual Northwest Bankruptcy Institute, panelist (2013)
- "Reorganizing Companies with Mass Tort Liability," Turnaround Management Association, 12th Annual Cross-Border Conference, panelist (2011)
- "Structuring Multiple Entities/Individuals in Bankruptcy," Oregon State Bar, Debtor-Creditor Section CLE and Annual Meeting, panelist (2009)

## Recognition & Honors

- Selected for inclusion as an Oregon Super Lawyer, 2006-present
  - Top 10 Oregon Super Lawyers, 2016
  - Top 50 Oregon Super Lawyers, 2013-present
- Selected for inclusion in *The Best Lawyers in America*® (Portland, OR)
  - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2014-present; "Lawyer of the Year," 2017
  - Commercial Transactions/UCC Law, 2021-present

## Personal Activities

David enjoys playing ice hockey, hiking, and kayaking.