



AMY J. SWEDBERG

Partner

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OVERVIEW

Amy Swedberg focuses her legal practice primarily on assisting lenders and other commercial creditors, asset purchasers, and adversary proceeding defendants with creditor rights and bankruptcy issues. She is an experienced litigator in the bankruptcy courts in Minnesota and other jurisdictions. Amy also assists lenders in real estate foreclosures, receiverships, pursuing loan collateral, negotiating workouts, and drafting commercial loan documentation.

Amy's experience includes the representation of creditors in major chapter 11 bankruptcies including Delta Air Lines, Petters Company, Magnetation LLC, Polaroid, Essar Steel, Gander Mountain, Toys "R" Us, Interstate Bakeries, Premier Entertainment, and United Homes.

SELECTED EXPERIENCE

- *In re: Archdiocese of Saint Paul and Minneapolis* (Bankr. D. Minn. 2015). Assisted with the representation of the Committee of Parish Creditors, comprised of over 100 parishes facing hundreds of clergy abuse claims, in the Archdiocese Chapter 11 reorganization. Obtained tens of millions of dollars in insurance coverage settlements under missing insurance policies, which settlements were part of the \$210 million settlement of Archdiocese and Parish clergy abuse claims, and represented the largest settlement by a diocese in bankruptcy to date in the United States.
- Successfully defended bank in appeal of bankruptcy court order dismissing single-asset real estate debtor's chapter 11 bankruptcy case to permit foreclosure of downtown St. Paul property.
- Represented multiple equipment financing companies in securing expedited repossession of aircrafts, equipment, and other loan collateral.
- Represented indenture trustee in bankruptcy of sub-prime mortgage lender with \$500 million notes.
- Assisted lenders in foreclosure of commercial real property by action and by advertisement.

AREAS OF PRACTICE

Financial Services

- Loan Workouts, Creditor Remedies & Bankruptcy Representation

Litigation

- Business Litigation

BAR ADMISSIONS

Minnesota, 1996

U.S. District Court

- Minnesota, 1997
- W.D. Wisconsin, 2009

U.S. Court of Appeals

- Eighth Circuit, 2018
- Ninth Circuit, 2014

EDUCATION

University of Minnesota Law School

J.D., *magna cum laude*, 1996

Honors: Order of the Coif, Phi Kappa Phi

University of St. Thomas

B.A., *summa cum laude*, 1993

Economics

- Represented several purchasers of assets in Section 363 bankruptcy sales, including national restaurant franchisor in franchisee bankruptcies, boat manufacturer, and dairy farms operator.
- Represented indenture trustee in airline bankruptcy involving municipal bond debt issuances for airport improvements and successfully challenged true lease vs. secured debt distinction.
- Represented secured lender in obtaining *ex parte* seizure order against debtor who had secreted assets.
- Negotiated favorable settlements in multiple avoidance actions filed by bankruptcy trustees, including fraudulent transfer, insider preference, and 90-day preference claims.
- Borrower's co-counsel in negotiating \$325 million senior secured credit facilities
- Initiated involuntary bankruptcy filing and successfully defended debtor's attempted dismissal of case.
- Represented asset-based lenders in debtor-in-possession (DIP) financing transactions.
- Represented indenture trustee in successfully challenging Section 363 bankruptcy sale procedures and opposing extension to exclusivity period to obtain meaningful distribution on bond claims.
- Successfully defended lender in trade creditor lawsuits brought after liquidation of loan collateral.
- Represented several creditors in successfully obtaining non-dischargeable judgments in bankruptcy.

LEADERSHIP & COMMUNITY

- Minnesota State Bar Association: Bankruptcy Section, President and Chair 2015-2016, Vice Chair 2014-2015, Secretary 2013-2014, Treasurer 2012-2013; Education Chair 2011-2012; Editor-in-Chief, *Bankruptcy Bulletin* 2009-2011; Editorial Board, *Bankruptcy Bulletin* 2006-2009
- Hennepin County Bar Association
- Depart Smart: Board of Directors 2016-present
- International Women's Insolvency & Restructuring Confederation: Minnesota Chapter, Board of Directors 2015-present
- Turnaround Management Association – Minnesota Chapter: Board of Directors 2012-present, President 2018, President Elect 2017; Chair of Network of Women (NOW) Committee 2010-2017
- Parkettes Alumni Foundation: President 2018; Board of Directors 2018
- American Bankruptcy Institute
- Meritas: Creditors' Rights and Bankruptcy Section, Co-Chair 2006-2012
- Women Presidents' Organization: Minnesota Chapter 2010-2015
- Financial Women International: Board of Directors 2008-2009
- Minnesota Women Lawyers

SELECTED HONORS

- **North Star Lawyer**, Minnesota State Bar Association, 2015-2016 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)

SELECTED PRESENTATIONS

- "5 Bankruptcy Tips for In-House Counsel Advising on IP Matters," Midwest IP Institute, Minnesota CLE, 2019
- "ABC's: Are They as Easy as 1, 2, 3?" panel member, TMA Minnesota, 2019
- "Alternatives to Bankruptcy," panel member, MidAmerica Regional Conference, Turnaround Management Association, 2018
- "Sale and Assignment of Litigation Claims in Bankruptcy," MSBA Bankruptcy Section CLE, 2018
- "SCAMS, SOUNDELS AND SCANDELS: Real-Life Supervillains," panel member, Turnaround Management Association Minnesota Chapter, 2017
- "Hot Topics in Business Bankruptcy Roundtable," moderator, 2016 Bankruptcy Institute, Minnesota CLE, 2016
- "Deeds-in-Lieu of Foreclosure," BOOT CAMP: Foreclosure and Loan Workout Procedures, National Business Institute, 2016
- "Strategic Bankruptcy in Foreclosure," BOOT CAMP: Foreclosure and Loan Workout Procedures, National Business Institute, 2016

- "Avoidance Actions 101: Common Chapter 5 Claims and the Uniform Voidable Transactions Act," moderator, 2015 Bankruptcy Institute, Minnesota CLE, 2015
- "New Uniform Voidable Transfers Act (UVTA)," The Effective Civil Litigator, Minnesota CLE, 2015
- Clark Whitmore and Amy Swedberg to Present at Minnesota CLE's 2014 Bankruptcy Institute
- "Current Issues in Fraudulent Transfer Law," moderator, 2014 Bankruptcy Institute, Minnesota CLE, 2014
- "Mock Hearings – Examples of What to Do and Not to Do in Trial," panel member, 2014 Bankruptcy Institute, Minnesota CLE, 2014
- "Litigation Skills and Techniques for Bankruptcy Lawyers," moderator, 2013 Bankruptcy Institute, Minnesota CLE, 2013
- "Advanced Preference Defenses: Leveraging New Value, Ordinary Course, Contemporaneous Exchange and Other Key Defenses," webinar, Strafford Publications, 2012
- "TOUSA, RadLAX, and more – The Impact of Recent Case Law on Restructuring Professionals," moderator, Turnaround Management Association Mid-America Regional Conference, 2012
- "Everything You Wanted to Know About Claims But Were Afraid to Ask," Minnesota CLE Bankruptcy/Debtor-Creditor Webcast Series, 2013
- "Ponzi Schemes: Strategies for Defending Clawback Litigation," webcast, co-presenter, Minnesota CLE, 2012
- "Advanced Preference Defenses," panel member, Minnesota CLE Bankruptcy/Debtor-Creditor Webcast Series, 2012
- "Advanced Preference Defenses," panel member, 2011 MSBA Bankruptcy Institute, Minnesota CLE, 2011
- "Florida Distressed Real Estate: Practical Solutions," Maslon Seminar, 2011
- "Common Bankruptcy Issues Facing Corporate Counsel," presentation to Association of Corporate Counsel Small Law Department Committee, 2011
- "Boot Camp: Foreclosure and Loan Workout Procedures," National Business Institute, 2011
- "Ponzi Scheme Clawback Lawsuits – What Are They Anyway, and How Could They Affect Me, My Family, and My Clients?" MSBA Civil Litigation Section, 2011
- "Bankruptcy Issues: How to Mitigate Risk," presentation to Association of Corporate Counsel Small Law Department Committee, 2010
- "Section 363 Sales and the Controversial *Clear Channel* Decision," presentation to the Bankruptcy Section of the Minnesota State Bar Association, 2010
- "Section 363 Sales and the *Polaroid* Auctions," presentation to Creditor's Rights and Bankruptcy Section and Financial Services Section of Meritas, 2010
- "Attorneys' Liens in Client's Intellectual Property," presentation to legal client, 2009
- "Bankruptcy Law: Common Customer and Vendor Issues," presentation to client's corporate counsel, 2009
- "Working Through the Retail Slump," presentation to Turnaround Management Association, 2009
- "Real Estate Loan Workouts: Successful Strategies and Potential Pitfalls," Maslon Speaker Series, 2008
- "Distressed Real Estate and Bankruptcy Issues," presentation to bank client, 2008
- "Noteholder Claims for Prepayment Premiums, Default Interest and Attorneys' Fees in Chapter 11 Bankruptcy," presentation to client, 2007
- "Beyond the UCC Filing: Perfection Methods, Debtor Name Changes, Organizational Restructuring, Transfers of Collateral, Landlord and Mortgage Waivers," presentation to bank client, 2007
- "Representing Trade Creditors: BAPCPA and Beyond," presentation at Annual Bankruptcy Institute for Minnesota CLE, 2007
- "Representing Hedge Funds in Distressed Public Note Situations," presentation to Creditor's Rights and Bankruptcy Section, and Financial Services Section of Meritas, 2006
- "The Effect of the New Bankruptcy Laws on the Landlord and the Tenant," presentation at Landlord Tenant Law Update seminar sponsored by Sterling Education, 2006
- "When the Tenant Files Bankruptcy," presentation at Landlord Tenant Law Update seminar sponsored by Sterling Education, 2005
- "Commercial Lending from Start to Finish," National Business Institute (NBI), 2004
- "Bankruptcy Strategies," presentation to client, 2002

- "How to Collect a Judgment Once You Have It," Appellate Practice and Judgments, Hennepin County Bar Association, 2001
- "Pre-Workouts: A Guide to Early Intervention," presentation to bank client, 2001

SELECTED PUBLICATIONS

- "Introduction: What is a Claim?; Types of Claims; Filing a Proof of Claim; Allowance of Claims and Objections to Claims; Post-Petition Claims; Subordination of Claims," *Bankruptcy Practice in Minnesota Deskbook*, Minnesota CLE, 2012
- "Top Ten Common Bankruptcy Issues Facing Corporate Counsel," *Association of Corporate Counsel*, 2011