

# Snell & Wilmer

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## Bradley R. Duncan

Counsel | Seattle

Tel. 206.741.1403

[bduncan@swlaw.com](mailto:bduncan@swlaw.com)

### Main Bio

Brad has over 35 years' experience advising lenders and other business clients in insolvency, creditors' rights and other litigation matters in state and federal courts. He has represented clients in all phases of the insolvency process and has litigated a broad range of matters around the country in a variety of bankruptcy and other federal and state courts. Brad's clients have ranged from international technology, wireless and energy companies to national and regional lenders, to manufacturing and maritime clients, to a trustee in a large, multijurisdictional bankruptcy, to midsize local businesses.

### Representative Experience

- Lead counsel in *Northwest Wholesale v. Pac Organic Fruit LLC*, in which the Supreme Court of Washington held for the first time at the state level that a member's bankruptcy results in a dissociation that does not violate the *ipso facto* provisions of the Bankruptcy Code
- Represented major West Coast shipbuilder in Jones Act dispute arising from construction of a \$70 million fishing trawler
- Represented major Pacific Northwest stockyard in Section 363 bidding for assets of large bankrupt farming operation in Eastern Washington
- Represented Silicon Valley venture fund in providing DIP and exit financing under confirmed Chapter 11 plan of Seattle-based biotech firm
- Represented group of creditors in commencement of involuntary Chapter 11 proceeding against Seattle-based developer of high-end industrial battery technology
- Lead counsel for Chapter 7 trustee in major bankruptcy proceeding related to a private members' community, including financial investigations and the assertion of complex claims in multiple adversary proceedings in a number of jurisdictions
- Represented international technology company in connection with licensing and debt issues in bankruptcy proceeding of major game developer
- Represented international wireless carrier in bankruptcy proceeding of major wireless access reseller
- Represented prominent regional lender in a variety of matters, including complex litigation from failure of major propane supplier; investigation and litigation in bankruptcy involving failed development of large apartment project; and complex litigation arising out of lender's financing and acquisition of large Pacific Northwest-based equipment lease portfolio

- Represented New York-based independent system operator in bankruptcy proceedings around the country in connection with creditor and other issues arising from administration of system operator's markets
- Represented large national lender in bankruptcy proceeding of 20-store restaurant chain for which client had provided senior secured financing
- Represented major national lender in restructuring of senior secured financing of large mid-Atlantic restaurant chain
- Represented committee of potentially responsible creditors in asserting hundreds of millions of dollars in claims and litigated complex claim treatment and recovery issues in bankruptcy of property owner in Missouri
- Represented debtor through confirmed plan of reorganization in bankruptcy case involving \$100 million in secured debt and sale of assets at seven steel manufacturing and fabrication facilities around the country
- Represented debtor through confirmed plan of reorganization in bankruptcy case involving apartment building located in the Pacific Northwest
- Represented receiver of insolvent Pacific Northwest-based cancer research organization, including sale of intellectual property out of receivership proceeding

## Education

- Cornell Law School (J.D., 1987)
  - *Cornell Law Review*, Articles Editor
  - *Law Review*, Vol. 87, Rieff Prize, Outstanding Student Note
- University of Puget Sound (B.A., *summa cum laude*, 1984)

## Professional Memberships & Activities

- Turnaround Management Association
- American Bar Association
- American Bankruptcy Institute
- Washington State Bar Association
  - Disciplinary Hearing Officer

## Representative Presentations & Publications

- "Opportunities in Distressed Real Estate Investing," Presenter, HCMP Bankruptcy & Insolvency Webinar (May 27, 2020)
- Bankruptcy and Workout Issues," Presenter, HCMP Lender Services Seminar (March 27, 2018)

## Professional Recognition & Awards

- The Best Lawyers in America®
  - Bankruptcy Creditor Debtor Rights (since 2014)
  - Insolvency & Reorganization (since 2014)
- Chambers USA: America's Leading Lawyers for Business®, Bankruptcy/Restructuring (2020)
- Top Lawyer, The Washingtonian (2002-2005)

## **Previous Professional Experience**

- Hillis Clark Martin & Peterson, Partner (2015-2022) (Seattle)
- Davis Wright Tremaine LLP, Partner (2005-2015) (Seattle)
- Hunton & Williams, Partner (1992-2005) (Washington, DC and McLean, Virginia)
- Etensity, Inc., General Counsel (1999-2000)
- Arnold & Porter, Associate (1987-1988, 1990-1992)
- United States District Court for the District of Columbia, Law Clerk to the Honorable Charles R. Richey (1988-1989)

## **Bar Admissions**

- Washington

## **Court Admissions**

- Supreme Court of Washington
- United States District Court, Eastern District of Washington
- United States District Court, Western District of Washington