



## David A. Lerner

PARTNER

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### Practice Areas

Banking, Bankruptcy & Creditors' Rights Law

Cannabis Law

Consumer Financial Litigation

Real Estate Litigation & Title Insurance Law

### Education

- Syracuse University College of Law, J.D., 1983
- University of Cincinnati, cum laude, B.A.; cum laude, B.S., 1980
- Hebrew University, 1977-1978

### Admissions

New York, 1984

Texas, 1984

U.S. Court of Appeals, Tenth Circuit, 1985

Michigan, 1991

U.S. Court of Appeals, Sixth Circuit, 1990

U. S. District Court, Eastern District of Michigan, 1990

U. S. District Court, Western District of

David A. Lerner is a partner in the firm's Bloomfield Hills office and a member of Plunkett Cooney's Banking, Bankruptcy & Creditors' Rights Practice Group.

Mr. Lerner has represented banks, other financial institutions, creditors and title insurance companies in bankruptcy proceedings in Texas and Michigan since 1984. His experience includes enforcement of secured creditors' rights and financing of debtors' operations. Mr. Lerner also has extensive experience in the representation of debtors-in-possession, trustees, landlords, purchasers and other secured parties in both bankruptcy and out of court proceedings. Mr. Lerner is a certified mediator and was certified in both consumer and business bankruptcy law.

### Representative Client Work

- Represented creditor in contested Chapter 13 regarding fraud and successor liability
- Local counsel to university defeating bankruptcy trustee seeking to recover Plus Loan proceeds
- Counsel to private investment purchaser of \$93,000,000 in \$363 auction sale assets in Ciber, Inc. bankruptcy case
- Successfully challenged trustee attempt to avoid mortgage
- Represents creditors in receiverships and assignment for benefit of creditors
- Represented bankruptcy trustees
- Local counsel to landlords in MC Sporting Goods case

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Michigan, 1998

- Represented bank in Chapter 11 of dairy farm reorganization
- Represented bank in reorganization of multi-tenant office building as well as steel fabrication facility
- Represents banks in Chapter 12 bankruptcy proceedings
- Defends clients in preference and fraudulent transfer actions
- Representation of leading mortgage companies in multiple bankruptcy matters through title insurance underwriters
- Representation of debtors in possession of major corporations in ongoing Chapter 11 bankruptcy proceedings in West Virginia
- Representation of international insurance companies as creditors in Chapter 11 automotive supplier proceedings
- Representation of Michigan municipalities as creditors in bankruptcy cases
- Representation of creditors in defense of preference actions filed by debtors and creditor committees in Chapter 11 proceedings
- Representation of creditors in Chapter 7, 11 and 13 cases, both in consumer and business bankruptcy cases
- Regularly conducts seminars for banks, title insurance agents and companies in Michigan and Ohio, as well as professional organizations, including the Michigan Land Title Association, American Law Firm Association Bankruptcy Practice Group, American Bankruptcy Institute, Michigan Judicial Conference, Federal Bankruptcy Association/Western District

### Notable Cases

- Unsecured Creditor Committee Counsel in Mortgage Corporation of America Bankruptcy case
- Debtor's Counsel in Sure Shot
- *In Re Butcher*, 35 F.Supp 2d 554 (W.D., MI 1998), 1995 WL 578193 (E.D., MI 1995)
- *In Re Mann*, 201 BR 910 (E.D., MI 1998) (E.D., MI 1995)
- *In Re Valentine*, 196 BR 386 (E.D., MI 1996)
- Debtor counsel – Highlander Alloys, Inc., Southern District of West Virginia

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- Counsel for Indian tribe in Greektown bankruptcy case
- *In re Sutter*, 665 F3d 722 (6th Cir., 2012)
- *General Electric v Wickard*
- *General Electric v Gainey*

### **PROFESSIONAL AFFILIATIONS**

- State Bar of Michigan (Creditor Rights and Real Property Sections)
- New York Bar Association
- Detroit Consumer Bankruptcy Association
- American Law Firm Association (Bankruptcy Practice Group)
- American Bankruptcy Institute
- Federal Bar Association (Bankruptcy Co-Chair)
- Walter Shapero Bankruptcy Symposium Organization (Trustee)

### **Honors & Recognitions**

- Best Lawyers in America® for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2015 - 2024
- Top Lawyer in Banking and Creditors / Debtors Rights, Dbusiness magazine, 2018