

## DAVID B. WHEELER

*Member, Financial Restructuring*

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David Wheeler brings more than 30 years of experience in guiding clients through debt recovery in loan workouts, bankruptcy, foreclosure, and collection in state and federal courts. A S.C. certified specialist in the area of debtor-creditor law, Dave has practiced in bankruptcy courts throughout the nation. He is familiar with all facets of the law necessary for the successful application of long-term strategies to maximize recoveries for his clients.

Author and frequent lecturer on leading-edge bankruptcy and creditors' rights issues, Dave provides his commercial bankruptcy and restructuring clients sophisticated counsel across a full spectrum of creditor representation issues. A South Carolina Supreme Court certified specialist in bankruptcy and debtor/creditor law, he works largely in commercial bankruptcies and foreclosures on behalf of creditors, including handling claim objections and preference claim defense nationwide, with frequent appearances in the Southern District of New York and Delaware.

Dave's clients range from individual creditors to banking institutions and South Carolina's largest utility. Recognizing that resolution short of court action may be the most beneficial course for a client, Dave has extensive experience in out-of-court workouts, where his knowledge of all facets of creditor and real estate law set him apart.

His services to clients include preferences, utility bankruptcy, liquidation plans, claim objection defense and litigation, Chapter 7 and 11 bankruptcy, foreclosure, involuntary bankruptcy filing, receivership and receiver sales, and fraudulent conveyance actions.

### Notable

- *Best Lawyers in America*, Bankruptcy and Creditor-Debtor Rights / Insolvency and Reorganization Law, 2009-2022

### Capabilities

Bankruptcy & Financial Restructuring

### Education

J.D., University of South Carolina, 1983

B.S., University of South Carolina, 1979

### Admissions

South Carolina, 1983

U.S. District Court for the District of Eastern Michigan

U.S. District Court for the District of South Carolina

Fourth Circuit Court of Appeals

### Other Areas of Law

Bankruptcy and Restructuring  
Foreclosure, Claim and Delivery  
Homeowner Association Law

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- *Best Lawyers in America*, Charleston Bankruptcy and Creditor-Debtor Rights / Insolvency and Reorganization Law "Lawyer of the Year," 2022
- *South Carolina Super Lawyers*, 2008-2022
- *Charleston Business Magazine* 2021 Legal Elite, Bankruptcy and Creditors Rights, 2021
- Member, Avoidance Actions Advisory Sub-Committee to the American Bankruptcy Institute to Study the Reform of Chapter 11
- Member, South Carolina Law Institute committee revising non-profit corporation framework
- Former Board Member, South Carolina Supreme Court Bankruptcy and Debtor/Creditor Law Specialization Board
- Former Member, American Bankruptcy Institute Board of Directors

### Affiliations

- Certified Specialist: Bankruptcy Law, Debtor-Creditor Law, Supreme Court of South Carolina
- South Carolina Bar Association
- South Carolina Bankruptcy Law Association
- Former Board of Directors, American Bankruptcy Institute (2008-2014)
- Former Board Member, South Carolina Supreme Court Bankruptcy and Debtor/Creditor Law Specialization Board
- Law Clerk to Honorable William M. Catoe, Jr., United States Magistrate, District of South Carolina, 1983-1984; Honorable J. Robert Martin, United States District Senior Judge, District of South Carolina, 1984

### Representative Experience

- Represented petitioning creditors in involuntary Chapter 11
- Represented law firm against co-counsel's Chapter 11 case
- Represented seller/landlord against restaurant debtor in Chapter 11
- Represented franchisor against franchisee debtor in Chapter 11
- Represented seller/secured creditor against supermarket Chapter 11 debtor
- Represented utility against coal supplier debtors in Chapter 11
- Represented senior secured lender in transition and sale of second-tier auto supplier in non-judicial workout and involuntary bankruptcy
- Represented limited partner in acquisition of controlling interest of alternative energy supplier
- Represented utility supplier and purchaser in negotiation and recovery of \$9.5 million contract rejection claim

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- Represented utility in negotiation and recovery of \$107.5 thousand contract rejection claim
- Secured dismissal of \$458 thousand preference claim against trade creditor
- Secured dismissal of \$172 thousand preference claim against trade creditor