



## DAVID L. GOING

### PARTNER

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Dave Going is a respected bankruptcy practitioner and commercial litigator guiding distressed businesses, lenders and creditors in complex insolvency proceedings. He provides targeted, strategic advice in the handling of business reorganizations, bankruptcy litigation and creditor's rights issues.

As a bankruptcy litigator, Dave has both defended and prosecuted fraudulent conveyance actions arising from alleged Ponzi schemes, leveraged buyouts and insider transactions.

A fellow in the American College of Bankruptcy, Dave is a recognized authority on bankruptcy-related issues. He speaks and writes on these topics regularly for professional and trade groups. An adjunct faculty member at the Washington University School of Law, Dave co-teaches a course on Chapter 11 reorganizations.

### EDUCATION

- Washington University School of Law (J.D., 1983)
  - Washington University Law Quarterly (Senior Editor, 1982-1983)
- Duke University (A.B., 1980)

### PROFESSIONAL ACTIVITIES

- The Missouri Bar (Vice-Chair, Commercial Law Committee 2004-2005)
- Illinois State Bar Association
- Bar Association of Metropolitan St. Louis (The Bankruptcy Practice Memorial Fund - former Selection Committee member, former Co-Chairman, Bankruptcy Section)
- Washington University School of Law (Adjunct Professor, 2005-present; Adjunct Professor Service Award, 2013)
- American Bankruptcy Institute
- Turnaround Management Association (Former Board of Directors, Missouri Chapter)
- National Association of Credit Managers
- American College of Bankruptcy Eighth Circuit Admissions Counsel (2011-2014)
- American College of Bankruptcy Distinguished Service Award Committee, Eighth

### SERVICES AND INDUSTRIES

Bankruptcy and Financial  
Restructuring  
Financial Services  
Franchising and Distribution

### ADMISSIONS

Missouri  
Illinois  
U.S. District Court, Eastern  
District of Missouri  
U.S. District Court, Western  
District of Missouri  
U.S. District Court, Southern  
District of Illinois  
U.S. District Court, Eastern  
District of Michigan

Circuit Representative

## CHARITABLE AND CIVIC INVOLVEMENT

- Boy Scouts of America, Greater St. Louis Area Council, Grand Towers District, Former Finance Chairman
- Former Trustee: Endowment Funds of Christ Church Cathedral

## ACCOLADES

- American College of Bankruptcy, Fellow (2010, 21st Class)
- *The Best Lawyers in America*®; Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Bankruptcy Litigation (2005-present); Lawyer of the Year (2016, 2018)
- *Missouri/Kansas Super Lawyers*® (2008, 2010-present); *Super Lawyers*®, Business Edition (2011-2014)
- AV® Peer Review Rated, *Martindale-Hubbell*

## EXPERIENCE

### **Counsel to Coal-Mining Company in Chapter 11 Proceedings**

Served as co-counsel to the largest private-sector coal company in the world in its Chapter 11 bankruptcy proceedings.

### **Counsel to Bond Holders in Chapter 11 Proceedings for Telecom Company**

Served as counsel to bond holders in Chapter 11 bankruptcy proceedings for a telecommunications and fiber optic network company.

### **Counsel to Noteholders for Footwear, Furniture Maker in Chapter 11 Proceedings**

Served as counsel to the noteholders in Chapter 11 bankruptcy proceedings for a footwear and furniture maker.

### **Counsel to Private Equity Sponsor for Financial News and Data Provider**

Served as counsel to the equity sponsor for a financial news and data provider in its Chapter 11 bankruptcy proceedings.

### **Counsel to Reclaiming Creditors for Discount Drug Store Chain**

Served as counsel to the reclaiming creditors for a chain of discount drug stores in its Chapter 11 bankruptcy proceedings.

### **Counsel to Reclaiming Creditors for Major Steel Manufacturer**

Served as counsel to the reclaiming creditors for an East Coast steel manufacturing company in its Chapter 11 bankruptcy proceedings.

### **Counsel to Senior Secured Lenders for Large Supplier of Welding Products**

Served as counsel to the senior secured lenders for a large supplier of welding products in its Chapter 11 bankruptcy proceedings.

### **Counsel to Supplier, Lender in Chapter 11 Proceedings**

Served as counsel to both the supplier and lender in Chapter 11 bankruptcy proceedings for a building products company.

**Counsel to Tier 1 Automotive, Aviation Manufacturers in Chapter 11 Proceedings**

Served as counsel to numerous trade creditors, including Tier 1 suppliers, in automotive and aviation industry manufacturer's Chapter 11 proceedings.

**Counsel to University, Foundation in Bankruptcies of Business Trust**

Served as counsel to a public university and its foundation in bankruptcies of a business trust and its affiliates, which owned hotels, a ballpark and other assets valued at over \$1 billion.

**Counsel to Unsecured Creditors Committee for Business Process Outsourcing Company**

Served as counsel to the unsecured creditors committee for a business process outsourcing company in the bankruptcies of a group of equity-sponsored debt collection companies.

**Counsel to Unsecured Creditors Committee for National Trucking Company**

Served as counsel to the unsecured creditors committee for a national trucking company in its Chapter 11 bankruptcy proceedings.

**Counsel to Vehicle Service Contract Dealer in Chapter 11 Proceedings**

Served as counsel to a vehicle service contract dealer in its Chapter 11 bankruptcy proceedings.

**Defended International Freight and Utility Processor in Avoidance Actions**

Served as primary bankruptcy counsel for an international freight and utility processor in the defense of avoidance actions brought in multiple jurisdictions.

**Counsel to Various Parties on Executory Contracts in Bankruptcy**

Represented trade creditors, critical vendors and non-debtor parties to executory contracts in the bankruptcies of automotive OEMS and Tier 1 suppliers, chemical companies, pipeline owners, and contractors and airplane manufacturers.

**Preference Action Defense for Public Utilities**

Representation of public utilities in the defense of preference actions.

**Prosecution and Defense of Fraudulent Conveyance Actions for Multiple Clients**

Prosecuted and defended fraudulent conveyance actions arising from alleged ponzi schemes, leveraged buyouts and alleged non-statutory insider transactions.

**Representation of Private Equity Group in Purchase of Golf Courses**

Represented a private equity group in the purchase of golf courses through bankruptcy sales.

**Representation of Secured Lenders in Golf Course Owner Bankruptcies, Workouts**

Represented the secured lenders in the bankruptcies and workouts of the owners of operating golf courses.

**Representation of Secured Lenders in Agricultural Company Bankruptcy Proceedings**

Represented the secured lenders in Chapter 12 and agricultural Chapter 11 bankruptcy cases.

**Representation of Trade Creditors in 503(b), Reclamation Claims**

Represented numerous trade creditors asserting Section 503(b) and/or reclamation claims against debtors, including general contractors, manufacturers and fabricators.

**Representation of Acquirers of Shuttered Lead Mine**

Represented the acquirers of a shuttered lead mine containing rare earth minerals.

**Representation of Bankrupt Companies in Alleged Patent Infringement Cases**

Represented parties alleged to have infringed patents of bankrupt telecommunications and manufacturing companies.

**Implemented Strategy for \$1.7 Billion Headquarters Deal for National Intelligence Agency**

Created and implemented a complex strategy that allowed a municipality to acquire land for a new \$1.7 billion headquarters facility for a national intelligence agency. The complex deal for the facility, which will help the municipality keep 3,100 jobs, involved countless negotiations, the use of eminent domain, and landing \$131 million in state funding to buy and clear the site.

**Representation of Equity Holders in Athletic Accessory Company Bankruptcy**

Represented equity holders in the bankruptcy of a seller of hologram bracelets, necklaces and pendants asserted to improve athletic performance.

**Representation of the Single-Largest Creditor for an Automotive Service Contracts Company**

Represented the single-largest creditor in a bankruptcy case for a seller of after-market vehicle service contracts to consumers. The case was concluded through the confirmation of a plan providing for the release and permanent injunction of claims of 43 states attorneys general and over 600,000 consumers.

**Representation of Vehicle Service Contract Dealer in Underwriter Bankruptcy**

Represented a vehicle service contract dealer in the bankruptcy of the underwriter of the program.

**Counsel to the Unsecured Creditors Committee for a Petroleum Producer and Marketer**

Served as counsel to the unsecured creditors committee for a petroleum producer and marketer in its Chapter 11 bankruptcy proceedings.