

David Guess

(In Memoriam)

Areas of Practice & Industry Specialties



This page is dedicated to the life and memory of David Guess

[David Matthew Guess – Obituary \(oceansidemortuary.com\)](https://oceansidemortuary.com)

David Guess was a Shareholder in the Firm's Orange County office, and a member of the Insolvency & Financial Law Group. Mr. Guess represented a broad range of clients in both in-court and out-of court restructurings, including secured and unsecured creditors, creditors' committees, secured and unsecured creditors, debtors, trustees, and asset purchasers. Mr. Guess' experience particularly involved in health care, real estate, retail, and restaurant bankruptcies. Mr. Guess was named the 2022 Orange County "Lawyer of the Year" for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law by Best Lawyers. He was also named a "Top 40 Under 40" Emerging Leader in Insolvency Practice by the American Bankruptcy Institute in 2018. He has been listed as a Southern California Super Lawyer since 2015.

Representative Matters

- Represented senior secured ABL lender in connection with its \$80 million pre-petition ABL facility and \$80 million DIP ABL facility in the pre-packaged chapter 11 case of iQor.
- Represented senior secured lender and asset purchaser of Souplantation and Sweet Tomatoes, and represented asset purchaser of Hot Dog on a Stick.
- Represented as debtor's counsel six different publicly traded and privately owned national retailers, a developer of a high-end residential resort community with nearly \$1 billion in liabilities, and a publicly traded manufacturer of "Class A" motor homes.
- Represented trustee of a commercial real estate developer, including in litigation with the co-owners of the real estate holding companies and in the sale of the commercial real estate.
- Represented defendants in two different multi-billion dollar fraudulent transfer cases.
- Represented in approximately fifty appeals a debtor in mass asbestos bankruptcy case.
- Represented 420-bed acute care hospital debtor in appeals from its chapter 11 plan confirmation order, and represented purchaser of assets of aerospace and defense company debtor in appeal from bankruptcy court sale approval order.
- Represented hedge fund in connection with \$1.6 billion note in the Lehman Brothers case.

Publications

- Improving the Odds of Success for Retail Bankruptcies, *Turnaround Management Association Journal of Corporate Renewal*, January 1, 2020
- Contract Assumption – A Potent Defense to Preferences and Fraudulent Transfers, *American Bankruptcy Institute Unsecured Trade Creditors Newsletter*, April 1, 2019

- Rule 2004 Discovery Severely Limited After Invocation of Fifth Amendment Privilege Against Self-Incrimination, *American Bankruptcy Institute Commercial Fraud Committee Newsletter*, March 1, 2019
- State Sovereign Immunity Bars Adversary Proceeding Concerning Tax Refunds, *American Bankruptcy Institute Bankruptcy Litigation Committee Newsletter*, February 1, 2019
- The Delaware Bankruptcy Court Once Again Adopts the Narrow View of Stern v. Marshall, *American Bankruptcy Institute Business Reorganization Committee Newsletter*, January 1, 2019

Presentations

- Speaker, "Retail Bankruptcies: Steps to Salvage Business in Advance (or Instead) of Filing," American Bankruptcy Institute Winter Leadership Conference, December 2, 2016
- Speaker, "The Latest Crush: Revisions to the UFTA and Other Insolvency Laws," California Bankruptcy Forum 27th Annual Insolvency Conference, May 15, 2015
- Speaker, "Bankruptcy & Arbitration: Conflicting Policies, Uncertain Results," Los Angeles Bankruptcy Forum, January 1, 2015
- Speaker, "LLC Membership Interests as Collateral and as Property of the Bankruptcy Estate: Value More "Limited" Than You May Think," Financial Lawyers Conference, November 6, 2014

Education

Mr. Guess earned his J.D. *Order of the Coif* from UCLA School of Law, where he graduated 4th in his class and where he was an Editor for the UCLA Law Review. He received his B.A. *magna cum laude* from UCLA.

Court Admissions

- Supreme Court of the United States
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit

Community

- Turnaround Management Association
 - Southern California Chapter Vice President, 2021-2022
 - Southern California Chapter Secretary, 2020
 - Southern California Chapter Board Member, 2018-Present
 - Advisory Board Member, 7th Western Regional Conference, 2015
- American Bankruptcy Institute
 - Conference Co-Chair, Bankruptcy Battleground West Conference, 2021-Present
 - Advisory Board Member, Bankruptcy Battleground West Conference, 2015-2017, 2020-Present
 - Advisory Board Member, Southwest Bankruptcy Conference, 2017-2019
- California Bankruptcy Forum

- Board Member, 2019-Present
- Conference Co-Chair, 28th Annual Insolvency Conference, 2016
- Los Angeles Bankruptcy Forum
 - Vice President, 2021-Present
 - Program Chair, 2020-2021
 - Secretary, 2019-2020
 - Board Member, 2015-Present
- Orange County Bankruptcy Forum
 - Board Member, 2018-2021
- Speaker and Fundraiser, Passing of the Gavel Ceremony for the Chief Bankruptcy Judge of the U.S. Bankruptcy Court for the Central District of California, 2022
- Mediation Program for the U.S. Bankruptcy Court for the Central District of California
 - Pro Bono Volunteer Mediator, 2013-Present
- Mediation Program for the U.S. Bankruptcy Court for the Southern District of California
 - Pro Bono Volunteer Mediator, 2018-Present