



Daniel P. Winikka, Partner | Email: danw@lfdslaw.com | Phone: 214-572-1740

Dan's practice focuses on corporate restructurings, outside general counsel services, and commercial and bankruptcy litigation.

Dan's ability to meticulously connect all the dots in highly complex business restructuring cases reflects a rare breadth of experience other boutique firms are hard pressed to match. Dan has led representations of both debtors and committees in large, complex Chapter 11 cases, as well as borrowers in out of court restructurings. During nearly two decades practicing in one of the nation's largest and most prominent international law firm restructuring groups, Dan skillfully guided debtors, committees, and secured and unsecured creditors through Chapter 11 reorganizations and liquidations, including several cross-border insolvencies, and out of court debt restructurings. He also has substantial experience in commercial litigation, distress acquisitions and dispositions and other corporate matters.

Dan has experience in a wide variety of industries, including technology, oil and gas, metals and mining, chemicals, homebuilding and building materials, mortgage servicing, textiles, automotive and retail. In all of his engagements, Dan brings to bear a strong finance and accounting background and broad experience on corporate matters.

After practicing as a CPA, Dan began his legal career clerking on the Delaware Chancery Court – the most sophisticated business dispute court in the country. In recent years, he has utilized his unique blend of skills and experience to provide general counsel services, including serving as interim general counsel for a publicly traded video software solutions company through its Chapter 11 reorganization and serving as general outside corporate counsel for a growth-stage private LED display and LED lighting company.

Dan has received a number of awards, including being listed among *D Magazine's* Best Lawyers and *Super Lawyers*. He is a contributing editor to *Norton Bankruptcy Law and*

Practice treatise and *Aspatore's Inside the Minds* series. He has published articles on numerous topics, including issues in oil and gas restructurings, intercompany claims, rights offerings, plan confirmation issues, credit bidding, securities laws issues in bankruptcy and 363 sales. Dan also has moderated and participated on panels at several national and regional restructuring conferences.

He is a member of the Association of Insolvency and Restructuring Advisors and the American Bankruptcy Institute.

Representative Cases

- Counsel for oil and gas exploration and development company in connection with its chapter 11 reorganization involving the sale of approximately \$80 million of assets pursuant to its reorganization plan.
- Served as interim corporate counsel for publicly traded video software solutions company throughout its successful chapter 11 reorganization.
- Represented growth-stage LED display and LED lighting company in negotiating and consummating a joint venture. Currently serving as outside general corporate counsel to the joint venture.
- Represented post-confirmation liquidation trust in Chapter 11 filed by dental practice management company.
- Represented creditor's committee in Chapter 11 case of retail seller of household products.
- Represented creditors' committee in Chapter 11 cases for memory chip manufacturer involving the sale of assets of over \$200 million. Successful resolved approximately \$1.7 billion in intercompany claims with German parent company and confirmed liquidation plans co-proposed with debtors.
- Counsel for privately held chain of 60 convenience stores in the Southeast in an expedited investigation of inaccurate reporting to its secured lender and out-of-court restructuring of its secured bank debt.
- Represented equity committee in chapter 11 cases of technology companies and plan confirmation litigation that led to negotiated resolution where pre-bankruptcy stockholders retained majority of shares of reorganized entity
- United States counsel for debtors in Canada/U.S. cross-border insolvency filing and sale of substantially all assets of leading producer, marketer and distributor of packaged ice in a transaction that the Turnaround Management Association recognized as Transaction of the Year for the Mid-Sized Company category.
- Represented major automotive parts supplier in litigation and resolution of substantial environmental claims asserted in its chapter 11 proceedings
- Represented liquidators appointed for bank in foreign receivership proceeding in jurisdiction fight with the U.S. receiver the SEC appointed in major financial fraud proceedings.

- Represented private equity firm in connection with foreclosures and chapter 11 filings of certain of its manufacturing portfolio companies.
- Represented major metals mining, refining and fabrication company and subsidiaries in multi-year chapter 11 reorganization, involving over \$1 billion in asset sales, as well as labor, pension, environmental and mass tort liabilities.
- Represented purchaser of mortgage loan servicing business from chapter 11 debtor in post-closing disputes and litigation of significant administrative claims.
- Represented secured lender in obtaining dismissal of chapter 11 case filed by owners of office building in attempt to avoid foreclosure.
- Represented major textile manufacturer in chapter 11 reorganization involving over \$1 billion in liabilities.
- Represented debtors in a chapter 11 restructuring of one the largest animal-feed producers in the U.S. with more than \$750 million in debt.
- Represented potential asset purchaser and co-proponent of chapter 11 plan with official unsecured creditors' committee in the chapter 11 case of oil and gas development and exploration company.
- Bankruptcy counsel for potentially responsible party in chapter 11 environmental estimation trial of debtors' share of liability at a site in which the United States EPA asserted that the environmental liability exceeded \$400 million.
- Counsel for senior lender in the chapter 11 case of major oil and gas development and exploration company.
- Represented distressed investment fund holding 95 percent of debt in the \$125 million chapter 11 liquidation case of a major eye physician practice management company.
- Counsel for joint venture partner in connection with issues relating to production joint-venture agreements and related claims against leading chemicals manufacturer and its affiliated debtors in their chapter 11 cases.
- Represented secured creditor group in connection with the complex post-confirmation litigation with the chapter 7 trustee relating to potential environmental and indemnity obligations following foreclosure of a refinery.

Honors

- AV Preeminent (highest possible) Rating by Martindale-Hubbell, reflecting the confidential opinions of members of the bar and judiciary
- *Texas Super Lawyer* 2012, 2013, 2014 and 2015, *Texas Rising Star* 2004 and 2005 (*Texas Super Lawyer* and *Texas Rising Star* recognitions are Thomson Reuters Services)
- *D Magazine* "Best Lawyers in Dallas" – 2014, 2015, 2016 (Bankruptcy and Workout)
- Selected to *The Best Lawyers in America* – 2017
- Contributing editor, *Norton Bankruptcy Law and Practice* treatise
- Contributing editor, *Aspatore's Inside the Minds*

Professional Memberships

- Texas, U.S. Courts of Appeals for the Third and Fifth Circuits
- U.S. District Courts for the Northern, Southern, Western and Eastern Districts of Texas

Publications and Presentations

- "When Business Efficiency and Bankruptcy Collide: Resolving Intercompany Claims." Norton Journal of Bankruptcy Law and Practice, August 2012
- "Reinstatement of Debt: Having Your Cake and Eating It Too." Pratt's Journal of Bankruptcy Law, July/August 2012
- "Rights Offerings in Bankruptcy: More Than New Capital." Journal of the Association of Insolvency & Restructuring Advisors, December/January 2011
- "The Effect of Bankruptcy on Major Oil and Gas Agreements." Coauthor, Oil & Gas Financial Journal, December 1, 2009
- "The Declining Use of Chapter 11 as a Reorganization Tool, Aspatore Thought Leadership: Bankruptcy and Restructuring Chapter 11 Strategies in 2009." Aspatore Books, February 2009
- "Will Bankruptcy Courts Limit the Right to Credit Bid?" Norton Journal of Bankruptcy Law & Practice, December 2008
- "Shepherding a Company through a Complex Chapter 11 Restructuring," Inside the Minds: Winning Legal Strategies for Emerging from Bankruptcy, Aspatore Books, June 2008
- "Exemption from Securities Laws (Code § 1145), Chapter 115." Norton Bankruptcy Law and Practice treatise, Third Edition, 2008
- "When Do Rights of First Refusal Constitute an Unenforceable Restriction on Assignment in Bankruptcy?" Journal of the Association of Insolvency & Restructuring Advisors, October/November 2007
- "Focus on Feasibility." Pratt's Journal of Bankruptcy Law, April/May 2007
- "The Broad Scope of Subordination of Claims Under Section 510(B) of the Bankruptcy Code." Coauthor, The Annual Survey of Bankruptcy Law, 2002
- **Panelist** – Dallas Bar Association Bankruptcy & Commercial Law Section, "Fraudulent Transfer Damages: Creditor Windfall, Creditor Claims Cap or Equitable Determination By the Court?", October 2015
- **Panelist** – Association of Insolvency & Restructuring Advisors Webinar, "Fraudulent Transfers – A Legal and Valuation Perspective," June 2014
- **Moderator** – AIRA Energy Seminar, Dallas, Texas, "Oil and Gas Issues in Distressed Companies," September 2012

- **Moderator** – AIRA 28th Annual Bankruptcy and Restructuring Conference, San Francisco, California, “Competing Plans and Related Confirmation Issues,” June 2012
- **Moderator** – American Bankruptcy Institute 20th Annual Spring Meeting, Baltimore Maryland, “Intercreditor Issues in Complex Bankruptcies,” April 2012
- **Speaker** – State Bar of Texas Webinar, “Recent Developments in Bankruptcy: Proposed U.S. Trustee Fee Guidelines and Trends in the Use of Enterprise Valuation,” February 2012
- **Speaker** – “Bankruptcy Reorganization Plan Strategies: Debt Reinstatement and Indubitable Equivalent,” September 2011
- **Moderator** – AIRA 27th Annual Bankruptcy and Restructuring Conference, Boston, Massachusetts, “Intercompany Claims and Issues in Complex Bankruptcies,” June 2011
- **Panelist** – Turnaround Management Association’s Annual Restructuring Workshop, Dallas, Texas, “U.S. Restructuring Update,” September 2010
- **Panelist** – AIRA 26th Annual Bankruptcy and Restructuring Conference, San Diego, California, “Will the Sun Set on Unsecured Creditors? LBO Litigation in the Midst of a Financial Crisis,” June 2010
- **Panelist** – Texas Bar 2010 Advanced Business Bankruptcy Seminar, Dallas, Texas, “The Financing Landscape and Recent Trends in Loans to Distressed Companies,” June 2010
- **Moderator** – AIRA 25th Annual Bankruptcy and Restructuring Conference, Orlando, Florida, “In-Court vs. Out-of-Court Restructurings,” June 2009
- **Panelist** – National Association of Corporate Directors, Denver, Colorado, “Issues for Directors of Financially Distressed Companies,” September 2008
- **Moderator** – AIRA 24th Annual Bankruptcy and Restructuring Conference, Las Vegas, “Credit Bidding: Stacking the Deck in Favor of the Secured Lender/Distressed Investor,” June 2008
- **Speaker** – 21st Annual Advanced ALI-ABA Course of Study, San Francisco, California, “Buying a Distressed or Bankrupt Company,” March 2006

Education

- The University of Texas at Austin (J.D. 1995; Order of the Coif; Articles Editor, Texas Law Review)
- Baylor University (B.B.A. 1988)