



## Bradley R. Duncan

brad.duncan@hcmp.com

direct: 206.470.7625

fax: 206.623.7789

## Professional Overview

Brad advises lenders and other business clients in insolvency, creditors' rights and other litigation matters in state and federal courts. He has over 30 years' experience in all phases of the insolvency process and has litigated matters around the country in a variety of bankruptcy and other courts. Brad's clients have ranged from international technology, wireless and energy companies to national and regional lenders to a trustee in a large, multijurisdictional bankruptcy to midsize local businesses. Brad's long experience with this diverse set of clients has led him to place a particular premium on the things those clients value most – the delivery of practical, actionable advice, supported by first-rate written product, at a fair price.

## Representative Matters

- Lead counsel for prevailing party in *Northwest Wholesale v. Pac Organic Fruit Fruit, LLC, et al.*, 184 Wn.2d 176, 357 P.3d 650 (2015), cert. denied \_\_\_ U.S. \_\_\_ (2016), in which the Washington Supreme Court rejected contrary federal bankruptcy court case law to become the first state appellate court in the country to hold that the dissociation provisions of a state limited liability statute are not preempted by the so-called "*ipso facto*" provisions of the United States Bankruptcy Code.
- Lead counsel for Chapter 7 trustee in major bankruptcy proceeding in Montana related to Yellowstone Mountain Club, including financial investigations and the assertion of complex claims in multiple adversary proceedings in a number of jurisdictions.
- Representation of international technology company in connection with licensing and debt issues in bankruptcy proceeding of major game developer in Delaware.
- Representation of international wireless carrier in bankruptcy proceeding in Washington of major wireless access reseller.
- Representation of prominent regional lender in a variety of matters, including complex litigation arising from failure of major propane supplier in Montana; investigation and litigation in bankruptcy involving failed development of large apartment project in Tacoma; and complex litigation arising out of lender's financing and acquisition of large Pacific Northwest-based equipment lease portfolio.

- Representation of New York-based independent system operator in bankruptcy proceedings around the country, including in many of the largest energy bankruptcies filed in the last 15 years, and generally in connection with creditor and other issues arising from administration of system operator's markets.
- Representation of major national lender in bankruptcy proceeding of 20-store restaurant chain in Florida for which client had provided senior secured financing.
- Representation of major national lender in restructuring of senior secured financing for large mid-Atlantic restaurant chain.
- Representation of committee of potentially responsible creditors in asserting hundreds of millions of dollars in claims and litigating complex claim treatment and recovery issues in bankruptcy of property owner in Missouri.
- Representation of California-based organic fruit broker through trial in litigation over insolvency and failure of fruit packing house in Eastern Washington.
- Represented debtor through confirmed plan of reorganization in bankruptcy case involving \$100 million in secured debt and sale of assets at seven steel manufacturing and fabrication facilities around the country.
- Represented debtor through confirmed plan of reorganization in bankruptcy case involving apartment building located in Seattle.
- Represented receiver of insolvent Seattle-based cancer research organization, including successful sale of intellectual property out of receivership proceeding.

## Articles and Presentations

- Brad has delivered presentations to several organizations and at several CLE events over the years.
- Presenter, "Opportunities in Distressed Real Estate Investing," HCMP Bankruptcy & Insolvency Webinar, May 27, 2020.
- Presenter, "Bankruptcy and Workout Issues," HCMP Lender Services Seminar, March 27, 2018.

## Professional and Civic Involvement

- Turnaround Management Association
- American Bar Association
- American Bankruptcy Institute
- Disciplinary Hearing Officer, Washington State Bar Association

## Honors / Awards / Prior Experience

- Repeatedly recognized by *The Best Lawyers in America*® in the fields of Bankruptcy Creditor Debtor Rights and Insolvency & Reorganization Law, most recently for 2022.
- A/V Preeminent Lawyer, Martindale Hubbell.
- Ranked a Leading Individual for Bankruptcy/Restructuring by *Chambers USA*, 2018.
- Named as a “Top Lawyer” in Washington, D.C., and Virginia by *The Washingtonian* magazine and *Virginia Business Magazine*.
- Partner, Davis Wright Tremaine LLP, Seattle, Washington, 2005 - 2015
- Associate and Partner, Hunton & Williams, Washington, D.C. and McLean, Virginia, 1992 - 1999; 2001 - 2005
- General Counsel, Etensity, Inc., 1999 - 2000
- Associate, Arnold & Porter, Washington, D.C., 1987 - 88; 1990 - 92
- Law Clerk to the Hon. Charles R. Richey, United States District Court for the District of Columbia, 1988 - 89

## Education

- J.D., Cornell Law School, 1987  
Articles Editor, *Cornell Law Review*  
Rieff Prize, Outstanding Student Note, *Law Review*, Vol. 87
- B.A., University of Puget Sound, summa cum laude, 1984

## Bar/Court Admissions

- Washington State Courts
- A number of federal courts





BRADLEY  
DUNCAN

## Personal

Brad lives in the Snoqualmie Valley with his wife Cheryl, to whom he has been married for nearly 30 years, and is the father of four children. He is a voracious reader, fly-fisherman, golfer and fitness nut who will drone on forever about CrossFit if you give him a chance (so don't).