

Contact

David M. Hillman

Partner

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David M. Hillman is the Global Co-Chair of the Restructuring Group and co-head of the Private Credit Restructuring Group.

David has 30 years of experience with an emphasis on representing private credit lenders, private funds, sovereign wealth funds and other alternative lenders and distressed investors in special situations and restructurings both in and out of court. He has substantial experience in every phase of restructuring and distressed investing, including credit bid sales under section 363, debt-for-equity swaps, chapter 11 plans, out-of-court restructurings and foreclosures, as well as navigating inter-creditor issues involving liability management transactions the relative rights of majority and minority lenders. David also litigates the issues facing private credit lenders, including issues involving plan confirmation, solvency, valuation, inter-creditor disputes, financing and cash collateral disputes, fraudulent transfers, equitable subordination, recharacterization, breach of fiduciary duty and similar disputes.

David has been recognized as an Outstanding Restructuring Lawyer by *Turnaround & Workouts.* He was also listed as a “leading individual” in bankruptcy/restructuring by *Chambers USA*, which noted that interviewees praised him as “wonderful to deal with,” “very effective” and an “excellent litigator and strategist” who “thinks outside the box.” *Chambers* also noted that David is “an excellent counselor for distressed

situations with significant litigation elements” and “a terrific, conscientious and focused lawyer.” Additionally, he has been recognized as a leader in his field by New York Super Lawyers as well. A member of the American Bankruptcy Institute, David speaks frequently on bankruptcy-related topics including recent decisions affecting secured creditor rights and preparing creditors for bankruptcy risks.

Matters

Private Credit Restructuring and Ad Hoc Groups

- Ad hoc group of first lien lenders (including Marathon and Arbour Lane) in the Chapter 11 cases of Avenger Flight Group, structuring a $43.5M DIP facility and a $125M credit bid sale strategy for an FAA-regulated flight simulator operator.
- Ad hoc group of second lien lenders (including Ares and Blue Owl) in the restructuring of approximately $2.8B of funded debt for Hearthside Food Solutions, reaching a global settlement that eliminated approximately $1.9B in debt and secured $200M in new equity capital.
- Ad hoc group of excluded lenders in the chapter 11 case of design, engineering and manufacturing company Robertshaw.
- Ad hoc group of excluded lenders in the chapter 11 case of global technology solution provider ConvergeOne.
- Sixth Street as FILO ABL lender and DIP lender in the chapter 11 case of retailer 99 Cents Stores.
- KKR, Ares and BlackRock as first lien lenders in the out of court recapitalization of a national facility management services provider.
- Ares as first lien and second lien lender in the chapter 11 case of footwear producer Shoes for Crews.
- Brighton Marine as creditor in the chapter 11 case of health system Steward Health Care.

- Sixth Street Capital as FILO ABL agent in the chapter 11 case of retailer Bed Bath & Beyond.
- Owl Rock Capital (now Blue Owl) as first lien lender and agent (holding more than $160 million), DIP lender and credit bidding stalking horse buyer in the chapter 11 case of oil-field services company Cleveland Integrity Services.
- Ad hoc group of private credit lenders holding first lien debt of roughly $500 million in the out-of-court restructuring of a sponsor-owned health care services business.
- Ad hoc group of private credit lenders holding first lien debt of roughly $150 million in the out-of-court restructuring of a sponsor-owned human resource/consulting services company.
- Ad hoc group of private credit lenders holding more than $300 million in the out-of-court change of control restructuring of a sponsor-owned retail company.
- Ad hoc group of private credit lenders holding first lien debt of roughly $250 million in connection with a cross-border out-of-court restructuring of a sponsor-owned business in the financial services sector.
- First lien agent on behalf of lenders holding first lien debt of roughly $200 million in connection with an out-of-court restructuring of a sponsor-owned health care services company.
- First lien agent on behalf of lenders holding first lien debt of $200 million in connection with an out-of-court restructuring of a sponsor-owned oil field services company.
- Second lien lender and preferred equity holder in connection with an out-of-court restructuring of a sponsor-owned infrastructure services company.
- Ad hoc group of private credit lenders holding first lien debt of roughly $275 million, as prepetition first lien lenders, DIP lenders and stalking horse credit-bidding buyer in connection with the chapter 11 case of exploration & production company Nine Point Energy.
- Ad hoc group of private credit lenders holding first lien debt of approximately $75 million, as prepetition first lien lenders, DIP lenders and stalking horse

credit-bidding buyer in connection with the chapter 11 case of stationary and gift retailer Paper Source, Inc.

- Fortress Capital Corp as first lien lender in connection with chapter 11 bankruptcy case of Alpha Media (radio broadcasting) involving a contested priming DIP dispute.
- Ad hoc group of cross-over holders holding first lien debt in excess of $850 million in connection with an out-of-court restructuring of an international energy company.
- Private credit lender holding first lien claims in excess of $200 million in connection with an out-of-court equity turnover from a private equity sponsor of a marketing and technology company.
- New Mountain as 1L lender (holding more than $200 million), DIP Lender and stalking horse credit bidding buyer in the chapter 11 case of Benevis, a dental service organization provide management services to 150 dental practices in 16 states.
- Second lien lenders holding more than $300 million in connection with the out-of-court restructuring of IPC, a technology communications provider with roughly $1 billion of total funded debt.
- Group of private credit lenders holding more than $300 million of first lien term debt of Westmoreland Resource Partners LP, a coal mining company, in connection with its chapter 11 case, that featured a credit bid purchase with a strategic operating partner, the sale of other non-core collateral to third parties, significant litigation to address material legacy labor liabilities and a host of other environmental, surety, reclamation and regulatory issues.
- Private credit lender holding a $100 first-out obligation under a $150 million unitranche facility in connection with the chapter 11 case of RadioShack Corp., which involved bankruptcy court litigation to enforce an “agreement among lenders” between the first-out and last-out lenders.*
- Group of private credit lenders holding term loans under $265 million first lien facility in connection with the chapter 11 case of Allied Holdings, an automotive transport company, which featured an involuntary chapter 11 filing,

a credit bid acquisition and significant intra-lender litigation stemming from the equity sponsor's purchase of a majority of the first lien debt and its actions as the alleged "requisite lender."*

- Group of private credit lenders holding more than $80 million of first lien term debt in connection with the chapter 11 case of Global Geophysical, a company providing seismic data solutions to the global oil and gas industry, which involved litigation over a heavily-contested priming DIP loan from a group of unsecured bondholders leading to a refinancing at par plus a make-whole premium.*
- Group of private credit lenders holding approximately $140 million of second lien notes in connection with the chapter 11 case of Real Mex Restaurants Inc., which featured litigation from a creditors' committee to challenge an ultimately successful credit bid to acquire the business involving nearly 200 restaurants and nearly 11,000 employees.*
- Numerous other first and second lien private credit lenders in connection with chapter 11 restructurings (including PHI, Marshall Broadcasting, Milagro Oil, & Gas, Everything But Water, Digital Domain, Highway Technologies, CRS Reprocessing, Global Motorsports) and private credit lenders in connection with out of court restructurings, Article 9 asset and equity foreclosures.

*at prior firm

Company-Side and Other Restructurings

- Murray Metallurgical Coal Holdings, LLC, a metallurgical coal mining company, in connection with its restructuring of approximately $270 million of debt through their chapter 11 bankruptcy cases, which involves an expeditious section 363 sale of one coal mine and a contemplated credit bid sale of another pursuant to a plan of reorganization, as well as roughly $69 million in senior and junior DIP facilities (mining).
- Creditors' Committee in Maxus Energy Corp. bankruptcy cases (energy).*
- Ad hoc group of equity holders in Republic Airways Holdings, Inc. (regional airline).*

- Ad hoc group of unsecured bondholders of Seventy Seven Energy Group (oil & gas).*
- Ad Hoc group of bondholders in chapter 11 case of GSI Group, Inc. et al. (manufacturing).*
- Creditors' committee in Global Power Equipment Group et al. (manufacturing).*

*at prior firm

Distressed M&A*

- Affiliates of Murray Energy Corporation in connection with its acquisition of assets from chapter 11 debtor Mission Coal Company (energy).
- Murray Energy Corporation in connection with its acquisition of assets from chapter 11 debtor Armstrong Energy Corporation (energy).
- A bidder for 21 skilled nursing facilities in chapter 11 cases of 4 West Holdings, Inc., et al. (healthcare).
- Albertsons Companies as stalking horse bidder in chapter 11 cases of Central Grocers Inc. (supermarkets).
- Albertsons Companies as purchaser in chapter 11 cases of Haggen Holdings LLC et al. (supermarkets).
- Numerous credit bidding acquisitions on behalf of secured creditors.

*at prior firm

Bankruptcy-Related Litigation*

- Numerous defendants in connection with fraudulent transfer litigation in Boston Generating LLC (energy).
- Cerberus Partners LP, Lubert-Adler and Klaff Realty LP in $1 billion fraudulent transfer action in connection with the chapter 11 bankruptcy case of Mervyn's LLC (retail).

- Cerberus Partners in connection with fraudulent transfer in connection with chapter 11 case of Residential Capital (financial).
- Equity Sponsor litigation in connection with chapter 11 case of KB Toys (retail).
- Equity Sponsor litigation in connection with chapter 11 case of Twinlab (retail).
- Representing independent director in connection with chapter 11 restructuring of Hollander Sleep Products, including investigation of potential claims against sponsor.

*at prior firm

Practices

Restructuring, Asset-Based Lending, Financial Restructuring and Special Situations, Private Credit Restructuring, Special Situations, Hybrid Capital

Industries

Private Capital, Real Assets

Education

Albany Law School of Union University, J.D.
State University of New York College at Oneonta, B.A.

Admissions & Qualifications

New York

Court Admissions

U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Third Circuit
U.S. District Court, New York, Southern District
U.S. District Court, New York, Eastern District

Memberships

American Bankruptcy Institute

New York City Bankruptcy Assistance Project (Steering Committee)

VALCON Advisory Board

Awards & Recognition

BTI Consulting Group: Client Service All-Star, 2026

Turnarounds & Workouts: Outstanding Restructuring Lawyers of 2024

Chambers USA: New York: Bankruptcy/Restructuring 2022-2026

New York Super Lawyers 2011-2022

The Legal 500 United States: Restructuring (including Bankruptcy): Corporate 2020-2025

JD Supra Readers' Choice: Bankruptcy 2025