

Davor Rukavina

Shareholder Dallas
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Education

J.D. from Texas Tech University School of Law

B.A. from Whitman College

Bar Admissions

Supreme Court of Texas

Texas

United States Court of Appeals for the Second, Fifth and Federal Circuits

United States District Court for the Eastern, Northern, Southern and Western Districts of Texas

United States Supreme Court

Related Practices

Bankruptcy, Restructuring & Insolvency
- Asset Acquisitions
- Committees
- Creditors
- Cross-Border Insolvency
- Debtors
- Insolvency Litigation
- Receiverships
- Trustees

Litigation

Overview

Davor represents virtually every type of party in litigation and bankruptcy proceedings across the country, including debtors in possession, Chapter 11 trustees, Chapter 7 trustees, landlords and creditors. Davor also regularly litigates a wide variety of commercial litigation matters in numerous bankruptcy and non-bankruptcy courts and in arbitration, and has argued multiple appeals before the United States Court of Appeals for the Fifth Circuit. Davor "first chairs" his own Chapter 11 cases, commercial litigation matters and appeals, and takes pride at having an efficient and experienced Munsch Hardt team ready to tackle any bankruptcy, reorganization or litigation matter.

In addition, he serves as an Adjunct Professor at SMU Dedman School of Law, where he teaches advanced corporate restructuring, having previously taught at Texas Wesleyan School of Law, now Texas A&M University School of Law. Davor began his career as a clerk for the Honorable Robert L. Jones, United States Bankruptcy Judge for the Northern District of Texas.

Davor regularly publishes scholarly articles, including in various Law Reviews, and regularly presents speeches at regional and national CLEs, Bench Bars and the Inns of Court.

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Appellate

Related Industries

Financial Services
Energy
Hospitality
Real Estate

Achievements

Chambers USA – Leaders in Their Field, Bankruptcy/Restructuring – Texas (2017-2019, 2021-2023)

D Magazine – Best Lawyers in Dallas (2019, 2021, 2023)

Thomson Reuters – Texas Rising Stars (2008-2017)

Woodward/White, Inc. – Best Lawyers in America, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (2020-2024)

Memberships

American Bar Association

Dallas Bar Association

DFW Association of Young Bankruptcy Lawyers

Honorable John C. Ford American Inn of Court

State Bar of Texas

Languages

Speaks Croatian

Experience

Manufacturing Reorganization

Served as debtor's counsel to ZPower, LLC in its Chapter 11 reorganization. ZPower is an international manufacturer of cutting-edge microbatteries with manufacturing facilities in California.

Staffing Company Reorganization

Served as debtor's counsel to Trendsetter, et al., one of the largest Texas based PEO and staffing companies in its successful reorganization. The case included the confirmation of a Chapter 11 plan of reorganization on cramdown against its largest creditor.

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Hospitality Representation

Served as debtor's counsel to BPP Texas, et al., owners and operators of 22 Wyndham branded hotels in its successful Chapter 11 case filed in the Eastern District of Texas.

Waste Management Services Reorganization

Served as debtor's counsel to GLM DFW, Inc., an international waste management and recycling services company, in its successful reorganization.

Real Estate Developer Reorganization

Served as debtor's counsel to RealTex, a Texas based real estate developer specializing in residential and mixed-use developments across the state, in its successful Chapter 11 case.

Debtor Representation

Successful Chapter 11 reorganization of "Frisco Square," the premier mixed-use development in the quickly-growing City of Frisco, Texas. The case included substantial litigation regarding various alleged property interests, and led to a comprehensive, multi-party consensual plan with the largest banks in the City of Frisco and 100 percent payment to creditors.

Debtor Representation

Successful Chapter 11 reorganization of four Hyatt Place hotels in the State of Texas, on a cramdown of the secured lender. The case involved an important issue of the proper cramdown rate of interest under the Supreme Court's *Till* precedent and the use of the new value exception to the absolute priority, and was affirmed by the Fifth Circuit. *See In the Matter of Texas Grand Prairie Hotel Realty, LLC*, 710 F.3d 324 (5th Cir. 2013).

Debtor Representation

Successful Chapter 11 reorganization of a national waste management and recycling firm, including extensive litigation against third parties for tortious interference and business disparagement.

Debtor Representation

Successful Chapter 11 reorganization of the largest national Golden Corral franchisees and Denny's franchisees with nearly 50 locations on cramdown, including substantial litigation against the franchisor, tort claimants and others.

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Debtor Representation

Successful Chapter 11 reorganization of a large, Arlington, Texas-based church after its bishop was convicted of multiple counts of sexual assault, including the defense of multiple causes of action for sexual assault, resulting in a comprehensive settlement.

Fiduciary Litigation

Represented the plaintiff against a title insurance company for breach of fiduciary duty, resulting in sizable judgment after trial, including attorney's fees.

IP Litigation

Represented the plaintiff against the largest national chicken producer in a trademark infringement case, resulting in a sizable judgment after trial, including attorney's fees.

Covenants Not to Compete

Represented the plaintiff in a large, quiet title action against more than 100 defendants regarding covenants running with the land under Arizona law, leading to a final judgment of quiet title in favor of the plaintiff.

Breach of Contract

Represented the plaintiffs against a large, multinational corporation for breach of contract and tortious interference, which settled for an undisclosed amount after years of litigation and a favorable opinion. *See Teraforce Technology v. Vista Controls Inc.*, 379 B.R. 626 (Bankr. N.D. Tex. 2007).

Commercial Litigation

Represented the plaintiff trustee against a homestead claimant, resulting in the denial of homestead. This was an important judgment regarding the use requirements for a Texas rural homestead. *See Mitchell v. Stringfellow*, 2010 WL 4850736 (E.D. Tex. 2010) and *Mitchell v. Stringfellow*, 434 B.R. 412 (E.D. Tex. 2010).

Avoidance Litigation + Appeal

Represented a defendant law firm in avoidance action brought by the trustee, successfully trying the issue of what constituted property of the estate for avoidance purposes and successfully defended the decision on two appeals. *See Reed v. Rabe (In re Grotjohn)*, 356 B.R. 393 (Bankr. N.D. Tex. 2006), *aff'd*, 376 B.R. 496 (N.D. Tex, 2007), *aff'd*, 289 Fed. Appx. 702 (5th Cir. 2008).

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Insolvency Litigation

Successfully represented a defendant landlord in a lien priority lawsuit. *See In re GSYS Enters. Inc.*, 343 B.R. 568 (Bankr. N.D. Tex. 2006).

Receiverships

Successfully represented a prepetition receiver regarding the authority of the receiver to file a voluntary Chapter 11 petition for his entity, a matter of first impression. *See In re StatePark Bldg. Group Ltd.*, 316 B.R. 466 (Bankr. N.D. Tex. 2004).

Trustee Representation

Successfully represented a trustee defendant against specific performance action, resulting in an important opinion regarding the enforceability of specific performance against a bankruptcy trustee. *See GBL Holding Co. Inc. v. Blackburn/Travis/Cole, Ltd.*, 331 B.R. 251 (N.D. Tex. 2005).

Appeal

Successfully represented a trustee before the Fifth Circuit regarding the preservation of claims and causes of action under confirmed plan, leading to important precedent substantially reducing the Fifth Circuit's prior *United Operating* line of cases. *See Spicer v. Laguna Madre Oil Gas (In the Matter of Texas Wyoming Drilling, Inc.)*, 647 F.3d 547 (5th Cir. 2011).

Appeal

Successfully represented post-confirmation debtors before the Fifth Circuit regarding the appropriate rate of cramdown interest to a secured creditor under *Till*, leading to an important precedent authorizing the formula approach. *See In the Matter of Texas Grand Prairie Hotel Realty, LLC*, 710 F.3d 324 (5th Cir. 2013).

Appeal

Successfully represented an appellant before the Fifth Circuit leading to the reversal of the district court's decision. This resulted in an important precedent regarding a debtor's standing to contest and appeal the allowance of claims. *See In re Mandel*, 641 Fed. Appx. 400, 2016 WL 874359 (5th Cir. 2016).

Arbitration

Successfully represented multiple defendants/respondents against breach of contract, fraud and breach of fiduciary claims, resulting in a take nothing judgment and an award of substantial fees and costs in favor of the defendants/respondents.

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Arbitration

Successfully represented plaintiffs/claimants against a landlord for wrongful termination of lease and damages, resulting in judgment against the landlord.

Newsroom

Press Release: 'Best Lawyers in America®' Names 54 Munsch Hardt Attorneys to its 2024 List and Two as 'Lawyers of the Year'

Press Release: Chambers USA 2023 Directory Highlights Munsch Hardt Practices + Attorneys

Press Release: Eight Munsch Hardt Lawyers Recognized in D Magazine's 2023 List of "Best Lawyers in Dallas"

Press Release: Munsch Hardt Attorneys Honored as 2023 'Best Lawyers in America®,' 'Ones to Watch', and 'Lawyer of the Year'

Press Release: Six Munsch Hardt Practice Groups and 12 Lawyers Ranked by Chambers USA 2022

Press Release: Munsch Hardt Attorneys Honored as 2022 'Best Lawyers in America', 'Ones to Watch' and 'Lawyer of the Year'

Press Release: Chambers USA 2021 Rankings Include Six Munsch Hardt Practice Groups and Ten Attorneys

Speech: Bankruptcy Tips for the Non-Bankruptcy Practitioner

Press Release: Eleven Munsch Hardt Attorneys Named "Best Lawyers in Dallas" by D Magazine

Press Release: Munsch Hardt Attorneys Honored as '2021 Best Lawyers in America' and 'Ones to Watch'

Speech: Hotel Owners + The Novel Coronavirus Webinars

Press Release: Twenty-Five Munsch Hardt Attorneys Honored as '2020 Best Lawyers in America'

Press Release: Chambers USA 2019 Ranks Five Munsch Hardt Practice Groups and Seven Lawyers

Press Release: Eight Munsch Hardt Attorneys Selected for D Magazine's 2019 'Best Lawyers in Dallas' List

Press Release: Munsch Hardt Again Recognized as Industry Leader in 2018 Chambers USA

Press Release: Munsch Hardt Increases Practice, Individual Rankings in 2017 Chambers USA

In The News: Billionaire Kelcy Warren Sued Over $20 MM Cancer Center Loan

Press Release: Six Munsch Hardt Attorneys Recognized as 2016 Texas Super Lawyers Rising Stars

Press Release: Munsch Hardt Attorneys Recognized by Super Lawyers as 2015 Rising Stars

Press Release: Munsch Hardt Attorneys Recognized as 2014 Rising Stars by Super Lawyers

Press Release: Thomson Reuters Names Munsch Hardt Attorneys 2013 Rising Stars

In The News: Vanderra to seek final OK to tap DIP, cash

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Speech: Issues and Challenges In Real Estate Cramdown Confirmation Cases

Press Release: Four Munsch Hardt Attorneys Named Texas Rising Stars

Press Release: Munsch Hardt Attorneys are Named Rising Stars

Press Release: Five Munsch Hardt Attorneys Named Texas Rising Stars 2010

Press Release: Munsch Hardt Announces Attorney Promotions

Press Release: Five Munsch Hardt Attorneys Achieve Texas Rising Stars Honors

Article: Ethical Issues and Malpractice Prevention: Preparation of the Schedules and the Statement of Financial Affairs

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