

DOWNEY BRAND



Dale Ginter Of Counsel

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

916.520.5353 | Direct
dginter@downeybrand.com

Practice Areas

Bankruptcy & Insolvency | Financial Institutions | Insurance

Dale Ginter has represented senior secured creditors (banks, insurance companies, hedge funds), committees, and debtors in all chapters of bankruptcy.

Dale's industry experience includes energy (electricity, natural gas and petroleum), agriculture, retail, grocery stores, and manufacturing. He regularly obtains the appointment of receivers for his clients and has expertise in California's complex foreclosure laws and handling foreclosures. Because of his background in the title insurance industry, Dale has a significant real estate lending and transactional practice.

Experience

- **Farm Credit West.** In a recent dairy chapter 11 Dale helped the client to obtain full payment of over \$30 million, including default interest, prepayment premiums, attorney's fees and costs
- **Farmers & Merchants Bank.** A receiver was appointed over the borrower's farming operation and the collateral sold. In another chapter 11 case the Bank was fully paid, including interest, fees and costs
- **MetLife.** Dale has assisted MetLife in obtaining full payment in multiple cases, including two winery borrowers, several large dairies and an orchard crop farmer. In most cases MetLife obtained full payment, including default interest, prepayment premiums, attorney's fees and costs.
- **Sutter Health.** The client saved about \$10 million because Dale advised it to terminate a natural gas purchase contract with Enron shortly after its chapter 11 filing

Energy

- In the Pacific Gas and Electric Company case Dale led the DowneyBrand team that represented Merced Irrigation District in helping to defeat PG&E's first proposed chapter 11 plan which provided for the breakup of PG&E
- Litigated the rights of non-debtor counterparties to many types of agreements that are used in the energy industry such as power purchase and natural gas purchase contracts. In that context Dale has

considerable experience and expertise in “forward (commodities) contracts”, “swap agreements”, “repurchase agreements” and “master netting agreements”

Agricultural

- Dale has represented numerous financial institutions and insurance companies recover their loans from financially troubled farming enterprises
- PACA, the Perishable Agricultural Commodities Act, is quite familiar to Dale as he has had to enforce the creditors’ PACA rights in bankruptcy

Real Estate

- In re Big Black Dogs, LLC was a small chapter 11 case in which Dale assisted the Debtor in successfully reorganizing a motel and small strip mall
- Extensive experience with the sale, lending, foreclosure, distressed real estate workouts and restructurings and bankruptcies involving all types of real estate, including agricultural property, forest property, industrial property, retail, office, and multi-family rental housing

Retail

- Dale has been involved in many retail restructurings and bankruptcies including grocery store chains, Montgomery Ward, K-Mart, Linen’s N Things, Circuit City, car and truck dealership bankruptcies

Banks and Financial Institutions

- Dale has represented lenders and financial institutions in all chapters of bankruptcy, foreclosure proceedings, receiverships, loan restructurings and workouts
- Silverpoint Capital. In numerous cases Dale has obtained the appointment of a receiver to collect rents and be the property manager. He has also successfully defeated attempts by debtors to “cram down” reorganization plans that would harm the client’s investment
- In the IRM case which involved over 50 properties, 100 partnerships and 2000 investors Dale led the Downey Brand team that restructured all of these into a single, public limited liability company which ultimately resulted in an excellent recovery for the investors

Professional & Community Service

- California Bar Association, 1981-present
- American Bar Association, 1981-present
- Sacramento County Bar Association, Former Member
- American Bankruptcy Institute, 1990-present
- California Bankruptcy Forum, 2000-present

- Sacramento Valley Bankruptcy Forum, 2000-present
- California and Sacramento Receiver's Forum, 2000-present
- Sacramento Sierra Chapter of the American Red Cross, Board of Directors, 1990-1996; Chapter Chairman, 1995-1996
- Quoted frequently by Bloomberg News and Reuters regarding the municipal bankruptcies of the Cities of Detroit, Stockton, San Bernardino and Valley
- TV and radio interviews regarding municipalities with local NBC and Fox affiliates, as well as BBC
- Various Continuing Legal Education Programs, Panelist and Speaker

Education

- J.D., University of the Pacific, McGeorge School of Law, 1981
- B.A., Moravian College and Theological Seminary, 1972

Honors & Rankings

- AV Preeminent® Rating by Martindale-Hubbell®
- Best Lawyers in America®, Bankruptcy & Creditor Debtor Rights/Insolvency & Reorganization Law, Litigation-Bankruptcy, 2006-2021
- Best Lawyers® 2019 Litigation-Bankruptcy "Lawyer of the Year" in Sacramento
- *Super Lawyers*, Northern California Super Lawyer, Creditor Debtor Rights, 2010-2020
- *Sacramento Magazine*, Top Lawyer, Bankruptcy & Creditor/Debtor, 2015-2020