

# Lucas L. Schneider

He/Him

## PARTNER

lucas.schneider@stinson.com

Direct: 303.376.8414

Office: Denver



**Lucas' diverse experience in business law, commercial contracting and civil litigation, both in-house and in private practice, gives him added insight when representing creditors in bankruptcy.**

An accomplished litigation and transactional attorney, Lucas helps clients maximize cost-effective recoveries for creditors, whether on behalf of lenders, utilities or equipment lessors. He has litigated preference and fraudulent transfer claims, administrative claims, cure payments and exceptions to discharge, from New York to California.

Lucas has prior experience in insurance defense and general civil litigation, in private practice and as in-house counsel at a Fortune 200 telecommunications company, litigating on behalf of clients with business disputes, collections and real estate disputes, including those related to permitting, easements, trespass and nuisance claims. Lucas has tried over two dozen cases, with four tried to juries.

## EXPERIENCE

Litigated and obtained a \$6.8 million dollar judgment, \$22,000 in cash, valuable releases, and five-figures of value of replevined, contested inventory in a Colorado hemp receivership.

## PRACTICES & INDUSTRIES

Bankruptcy & Creditors' Rights

## ADMISSIONS

Colorado

Wisconsin

U.S. District Court for the Western District of Wisconsin

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the District of Colorado

## EDUCATION

Marquette University Law School, J.D.

University of Wisconsin-Madison, B.S., History and History of Science

- *The Badger Herald* – News writer

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## Lucas L. Schneider

Resolved a contested cure dispute on behalf of a utility creditor in the SDTX bankruptcy court, obtaining \$1.5 million dollars in cash, negotiating to close three years of future business with the debtors backstopped by an additional \$1 million dollar cure upon any default.

Successfully defended a \$1.5 million fraudulent transfer and preference lawsuit in New Jersey bankruptcy court.

Resolved and returned more than \$50 million to clients in workouts in 2022.

Independently tried an objection to the plan in *In re Windstream Holdings, Inc., et al.*, Case No. 19-22312, arguing the plan was not feasible due to the debtors' lack of reserving for cure claims with critical vendors. Ultimately resolved the cure, administrative claims, and practical considerations with an eight-figure settlement.

Litigated and resolved, through two distinct settlements with a national brick and mortar retailer and its 363 purchaser, cure and administrative claims valued at seven-figures, strategically collaborating with the client's business personnel to leverage the resolution.

Lucas successfully litigated and negotiated a seven-figure cure payment on behalf of a utility in a telecom bankruptcy in the SDNY.

He obtained dismissal of an insurance client on claims of the client receiving fraudulent transfers.

He managed litigation with outside counsel on a \$500,000 mechanic's lien case involving technical space in California.

He managed and litigated a multimillion dollar creditor claim related to extensive equipment installed in a hotel/casino, obtaining contempt findings against the opposition and a writ to marshals to assist in retrieval.

He has investigated, negotiated and resolved pre-suit matters regarding issues such as restoration of technical space, a long-haul fiber hut erroneously sold at a property tax sale, and franchise fee disputes.

He represented a Colorado power supply seller in a suit against a Georgia-based purchaser. After defeating the purchaser in motion practice in Colorado, he obtained a Rule 37 judgment for over \$200,000, domesticated the same in Georgia with co-counsel, and garnished over half of the judgment value.

Lucas represented a Wisconsin-based private creditor in a work-out with a Colorado-based real estate developer; he was responsible for initially extending the applicable note and deed of trust while overseeing the satisfaction of a subordinated carryback loan, followed by advising on and preparing a forbearance agreement after the note matured without full payment.

## Lucas L. Schneider

Represented a first lien secured lender in a Utah bankruptcy, obtaining super priority administrative claim status, ultimately recovering, foreclosing and liquidating generally all located tangible collateral and intellectual property, retroactively renegotiating for added collateral, foreclosing and selling the same at trustee's sale, followed by obtaining a dismissal of one adversary proceeding claim then leveraged for a beneficial settlement.

Negotiated to file a comprehensive proof of claim for multiple insurer/client subrogation claims valued at seven-figures that was filed in a rental car company mega bankruptcy case, leveraging the same for both a favorable assumption of an integral executory contract and exclusion of the underlying subrogation claims from the allowance/disallowance process.

### PROFESSIONAL & CIVIC ACTIVITIES

Robert J. Parins Inns of Court

- Vice-President, 2013-2014

American Bankruptcy Institute

Turnaround Management Association

Colorado Bar Association

Colorado Preservation, Inc.

- Board Member, 2019-2020
- Pro Bono Counsel, 2020-present

### NEWS

Schneider Builds Case for Preventing Broad Releases of Contractual Duties in *ABI Journal*

11.09.2023

Schneider Explores Insolvency Issues and Opportunities in *Colorado Real Estate Journal* Guest Column

09.09.2022

Advantages of Rule 66 Receiverships Outlined in *Colorado Banker* Article by Lucas Schneider

05.27.2022

Lucas Schneider Publishes on Proactive Risk Mitigation in *Colorado Banker* Magazine

05.27.2021

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# Lucas L. Schneider

Attorney Lucas Schneider Publishes on Insurance and Bankruptcies in the *ABI Journal*

01.06.2021

## SPEAKING ENGAGEMENTS

"Vendor and Borrower Workouts: Resolving Claims and Resuming the Relationship", ACC Colorado, October 2022

"Lifecycle of a Loan," Independent Bankers of Colorado Lender Summit, June 16, 2022

"Customers with Questionable Credit? Strategies & Tips to Mitigate Insolvency Risk," Colorado Association of Corporate Counsel Webinar, October 12, 2021

"Today for Tomorrow: Proactive Risk Mitigating Steps for Lenders," Independent Bankers of Colorado Annual Conference, September 16, 2021

Judge/Court Commissioner Panel, Host, Robert J. Parins Inns of Court, February 13, 2014

Managing Vendor and Borrower Workouts  
Resolving Claims and Resuming the Relationship  
12.13.2022

Today for Tomorrow: Proactive Risk Mitigating Steps for Lenders  
06.23.2021

## PUBLICATIONS

"Curing What Actually Ails You," *ABI Journal*, November, 2023

"Automatic Stay," *ABI Journal*, September 28, 2022

"Today For Tomorrow – Proactive, Risk Mitigating Steps For Lenders," *Colorado Banker Magazine*, Pub. 10 2020-2021 Issue 6, April 2021

"When Insurance Meets Bankruptcy," *ABI Journal*, January 2021

Research assistant to Prof. Ralph C. Anzivino, for "The Disappointed Expectations Test and the Economic Loss Doctrine," 92 Marq. L. Rev. 749, 2009

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