MASLONLLP



AMY J. SWEDBERG

Partner

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OVERVIEW

Recognized nationally as a 2020-2026 Leading U.S. Bankruptcy & Restructuring Lawyer by Lawdragon 500, Amy Swedberg represents lenders and other commercial creditors, asset purchasers, indenture trustees and adversary proceeding defendants with creditor rights and bankruptcy issues. She is an experienced litigator in the bankruptcy courts in Minnesota and other jurisdictions. Amy also assists lenders, bankruptcy trustees, and receivers in commercial real estate foreclosures, litigating fraudulent transfer claims, recovering assets, and negotiating workouts.

Amy's experience includes the representation of creditors and asset purchasers in major Chapter 11 bankruptcies, including Delta Air Lines, Petters Company, Barney's, Granite City, Polaroid, Essar Steel, Gander Mountain, Toys "R" Us, Interstate Bakeries, Premier Entertainment, and United Homes.

SELECTED EXPERIENCE

- Assisted lenders in providing debtor-in-possession (DIP) financing and exit financing under confirmed Chapter 11 plans.
- Represented asset purchasers in Section 363 bankruptcy sales, including multi-brand dining and entertainment corporation, national restaurant franchisor, manufacturer and distributor of office supplies, multinational boat manufacturer, and dairy farms operator.
- Successful in obtaining *ex parte*, prejudgment order for garnishment of bank accounts before funds could be transferred to offshore accounts.
- Represented indenture trustee in multi-million dollar recovery of excess deposits securing general indemnity bonds issued to bankrupt company.
- Represented receiver in the operation and sale of multi-state, franchised businesses.

AREAS OF PRACTICE

Financial Services
- Commercial Loan Documentation
- Loan Workouts, Creditor Remedies & Bankruptcy Representation

Litigation
- Business Litigation

BAR ADMISSIONS

Minnesota, 1996

U.S. District Court
- Minnesota, 1997
- Wisconsin, W.D., 2009

U.S. Court of Appeals
- Eighth Circuit, 2018
- Ninth Circuit, 2014

EDUCATION

University of Minnesota Law School
J.D., *magna cum laude*, 1996
Honors: Order of the Coif, Phi Kappa Phi

University of St. Thomas
B.A., *summa cum laude*, 1993
Economics

- Negotiated favorable settlements in bankruptcy avoidance actions alleging claims for fraudulent transfer, insider preference, and 90-day preference.
- Successful in obtaining multiple, non-dischargeable judgments for creditors in Chapter 7 bankruptcy proceedings.
- Represented bank in obtaining *ex parte*, emergency appointment of receiver for hotel and other businesses.
- Represented Unsecured Creditor Committees in several local business bankruptcies.
- *In re: Archdiocese of Saint Paul and Minneapolis* (Bankr. D. Minn. 2015). Assisted with representation of the Parish Creditor Committee, comprised of over 100 parishes facing clergy abuse claims, and obtained tens of millions of dollars in insurance coverage settlements under missing insurance policies, which settlements were part of the $210 million settlement, the largest settlement by a diocese in bankruptcy to date in the United States.
- Successfully defended bank in appeal of bankruptcy court order dismissing debtor's Chapter 11 bankruptcy case to permit foreclosure of downtown St. Paul property.
- Represented multiple equipment financing companies in securing expedited repossession of aircrafts, equipment, and other loan collateral.
- Represented indenture trustee in bankruptcy of subprime mortgage lender with $500 million notes.
- Represented indenture trustee in airline bankruptcy involving municipal bond debt issuances for airport improvements and successfully challenged true lease vs. secured debt distinction.
- Represented secured lender in obtaining *ex parte* seizure order against debtor who had secreted assets.
- Initiated several involuntary bankruptcy proceedings for creditors and successfully defended debtors seeking dismissal of cases.

LEADERSHIP & COMMUNITY

- International Women's Insolvency & Restructuring Confederation: Minnesota Chapter, Board of Directors 2015-2025, Chair 2021-2022, Membership Director 2023-2025
- Turnaround Management Association: Global Board of Trustees 2021-2023
- Turnaround Management Association - Minnesota Chapter: Board of Directors 2012-2018, President 2018, President Elect 2017; Network of Women (NOW) Committee 2010-present, Chair 2010-2017
- Minnesota State Bar Association: Bankruptcy Section, President and Chair 2015-2016, Vice Chair 2014-2015, Secretary 2013-2014, Treasurer 2012-2013; Education Chair 2011-2012; Editor-in-Chief, *Bankruptcy Bulletin* 2009-2011; Editorial Board, *Bankruptcy Bulletin* 2006-2009
- Minnesota Women Lawyers
- Twin Cities Diversity in Practice: Racial Equity Challenge – 2021 Certified
- Maslon UPLIFT: Legal Institute for Teens: Volunteer Coach
- Hennepin County Bar Association
- Parkettes Alumni Foundation: President 2018-present; Board of Directors 2018-Present
- American Bankruptcy Institute
- Meritas: Creditors' Rights and Bankruptcy Section, Co-Chair 2006-2008; Chair 2008-2012
- Financial Women International: Board of Directors 2008-2009
- Women Presidents Organization: Minnesota Chapter 2010-2025
- Depart Smart: President, 2019-2020; Board of Directors 2016-2020

SELECTED HONORS

- **Recognized in the Circle of Excellence,** Top Women in Finance, *Finance & Commerce*, 2024
- **Selected for inclusion in *The Best Lawyers in America*®**, 2024-2027
- **Notable Women in Banking and Finance**, *Twin Cities Business*, 2024
- **500 Leading Global Bankruptcy and Restructuring Lawyers**, Lawdragon, 2020-2026 (*The list of attorneys is recognized for their remarkable skills in financing, structuring, litigating, and creating a pathway forward for companies seeking a chance in these challenging times*.)

- **Recognized on Minnesota Super Lawyers® list**, 2021-2026 (*Minnesota Super Lawyers® is a designation given to only 5% of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Top Women Attorneys in Minnesota®**, 2022-2025 (*The annual edition of the Top Women Attorneys in Minnesota list features attorneys selected for the previous year's Minnesota Super Lawyers® and Rising Stars lists*.)
- **Recognized as a Top Lawyer**, *Minnesota Monthly*, 2024-2026 (The research for the Top Lawyers list, created by Professional Research Services, is based on an online peer-review survey sent to all attorneys in Minnesota.)
- **Raeder Larson Public Service Award,** Minnesota State Bar Association Bankruptcy Section, 2022
- **Recognized as One of the Top Women in Finance by *Finance & Commerce***, 2021
- **North Star Lawyer**, Minnesota State Bar Association, 2015-2016, 2019-2022 *(North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.)*

SELECTED PRESENTATIONS

- "What to Do When Deals Go Sideways," co-presenter, MBBI MN, 2026
- "Restructuring Under the New Administration," panelist, MidAmerica Regional Conference 2025, Turnaround Management Association, 2025
- "The Wild Wild West of Receiverships," co-presenter, Meritas Bankruptcy, Insolvency & Creditor Rights Meeting, 2024
- "Defending Complex Preference Claims Involving Workouts, Insider Payments, Claim Waivers, Setoff, Critical Vendors," co-presenter, Strafford Webinars, 2023
- "Current Issues in Crypto - Where We Are & What's to Come," panelist, Minnesota State Bar Association Bankruptcy Section, 2023
- "The FTX Collapse and Bankruptcy: Lessons for Financial Services Lawyers," panelist, Meritas Financial Services Group Meeting, 2023
- "How to Cross-Examine a Witness," panelist, Central States Bankruptcy Workshop, American Bankruptcy Institute, 2022
- Maslon Attorneys to Present at the Virtual 2021 Midwest IP Institute for Minnesota CLE
- "For In-House Attorneys Advising on IP Matters – 20 'Crossover' Practice Tips on Antitrust, Privacy, Bankruptcy, and Advertising Law," co-presenter, 2021 Midwest IP Institute, Minnesota CLE, 2021
- "A Look at the Hospitality Industry" moderator, TMA Minnesota, 2021
- "Understanding the CARES Act Paycheck Protection Program," webcast, Minnesota State Bar Association Bankruptcy Section, 2020
- "Advanced Preference Litigation in Bankruptcy: Leveraging Key Defenses," panel member, webinar, Strafford Publications, 2019
- "5 Bankruptcy Tips for In-House Counsel Advising on IP Matters," Midwest IP Institute, Minnesota CLE, 2019
- "ABC's: Are They as Easy as 1, 2, 3?" panel member, TMA Minnesota, 2019
- "Alternatives to Bankruptcy," panel member, MidAmerica Regional Conference, Turnaround Management Association, 2018
- "Sale and Assignment of Litigation Claims in Bankruptcy," MSBA Bankruptcy Section CLE, 2018
- "SCAMS, SOUNDELS AND SCANDELS: Real-Life Supervillains," panel member, Turnaround Management Association Minnesota Chapter, 2017
- "Hot Topics in Business Bankruptcy Roundtable," moderator, 2016 Bankruptcy Institute, Minnesota CLE, 2016
- "Deeds-in-Lieu of Foreclosure," BOOT CAMP: Foreclosure and Loan Workout Procedures, National Business Institute, 2016
- "Strategic Bankruptcy in Foreclosure," BOOT CAMP: Foreclosure and Loan Workout Procedures, National Business Institute, 2016

- "Avoidance Actions 101: Common Chapter 5 Claims and the Uniform Voidable Transactions Act," moderator, 2015 Bankruptcy Institute, Minnesota CLE, 2015
- "New Uniform Voidable Transfers Act (UVTA)," The Effective Civil Litigator, Minnesota CLE, 2015
- Clark Whitmore and Amy Swedberg to Present at Minnesota CLE's 2014 Bankruptcy Institute
- "Current Issues in Fraudulent Transfer Law," moderator, 2014 Bankruptcy Institute, Minnesota CLE, 2014
- "Mock Hearings – Examples of What to Do and Not to Do in Trial," panel member, 2014 Bankruptcy Institute, Minnesota CLE, 2014
- "Litigation Skills and Techniques for Bankruptcy Lawyers," moderator, 2013 Bankruptcy Institute, Minnesota CLE, 2013
- "Advanced Preference Defenses: Leveraging New Value, Ordinary Course, Contemporaneous Exchange and Other Key Defenses," webinar, Strafford Publications, 2012
- "TOUSA, RadLAX, and more – The Impact of Recent Case Law on Restructuring Professionals," moderator, Turnaround Management Association Mid-America Regional Conference, 2012
- "Everything You Wanted to Know About Claims But Were Afraid to Ask," Minnesota CLE Bankruptcy/Debtor-Creditor Webcast Series, 2013
- "Ponzi Schemes: Strategies for Defending Clawback Litigation," webcast, co-presenter, Minnesota CLE, 2012
- "Advanced Preference Defenses," panel member, Minnesota CLE Bankruptcy/Debtor-Creditor Webcast Series, 2012
- "Advanced Preference Defenses," panel member, 2011 MSBA Bankruptcy Institute, Minnesota CLE, 2011
- "Florida Distressed Real Estate: Practical Solutions," Maslon Seminar, 2011
- "Common Bankruptcy Issues Facing Corporate Counsel," presentation to Association of Corporate Counsel Small Law Department Committee, 2011
- "Boot Camp: Foreclosure and Loan Workout Procedures," National Business Institute, 2011
- "Ponzi Scheme Clawback Lawsuits – What Are They Anyway, and How Could They Affect Me, My Family, and My Clients?" MSBA Civil Litigation Section, 2011
- "Bankruptcy Issues: How to Mitigate Risk," presentation to Association of Corporate Counsel Small Law Department Committee, 2010
- "Section 363 Sales and the Controversial *Clear Channel* Decision," presentation to the Bankruptcy Section of the Minnesota State Bar Association, 2010
- "Section 363 Sales and the *Polaroid* Auctions," presentation to Creditor's Rights and Bankruptcy Section and Financial Services Section of Meritas, 2010
- "Attorneys' Liens in Client's Intellectual Property," presentation to legal client, 2009
- "Bankruptcy Law: Common Customer and Vendor Issues," presentation to client's corporate counsel, 2009
- "Working Through the Retail Slump," presentation to Turnaround Management Association, 2009
- "Real Estate Loan Workouts: Successful Strategies and Potential Pitfalls," Maslon Speaker Series
- "Distressed Real Estate and Bankruptcy Issues," presentation to bank client, 2008
- "Beyond the UCC Filing: Perfection Methods, Debtor Name Changes, Organizational Restructuring, Transfers of Collateral, Landlord and Mortgagee Waivers," presentation to bank client, 2007
- "Representing Trade Creditors: BAPCPA and Beyond," presentation at Annual Bankruptcy Institute for Minnesota CLE, 2007
- "Noteholder Claims for Prepayment Premiums, Default Interest and Attorneys' Fees in Chapter 11 Bankruptcy," presentation to client, 2007
- "Representing Hedge Funds in Distressed Public Note Situations," presentation to Creditor's Rights and Bankruptcy Section, and Financial Services Section of Meritas, 2006
- "The Effect of the New Bankruptcy Laws on the Landlord and the Tenant," presentation at Landlord Tenant Law Update seminar sponsored by Sterling Education, 2006
- "When the Tenant Files Bankruptcy," presentation at Landlord Tenant Law Update seminar sponsored by Sterling Education, 2005

- "Commercial Lending from Start to Finish," National Business Institute (NBI), 2004
- "Bankruptcy Strategies," presentation to client, 2002
- "How to Collect a Judgment Once You Have It," Appellate Practice and Judgments, Hennepin County Bar Association, 2001
- "Pre-Workouts: A Guide to Early Intervention," presentation to bank client, 2001

SELECTED PUBLICATIONS

- "Chapter 22: Claims," *Bankruptcy Practice in Minnesota Deskbook*, 2nd Edition, Minnesota CLE, 2022
- "Introduction: What is a Claim?; Types of Claims; Filing a Proof of Claim; Allowance of Claims and Objections to Claims; Post-Petition Claims; Subordination of Claims," *Bankruptcy Practice in Minnesota Deskbook*, Minnesota CLE, 2012
- "Top Ten Common Bankruptcy Issues Facing Corporate Counsel," *Association of Corporate Counsel*, 2011