



Timothy M. Swanson

Partner

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Industries

Finance

Regional & Community
Banks

Practice Areas

Bankruptcy &
Restructuring

Bar Memberships

Colorado

Tim's practice focuses primarily on commercial bankruptcy, creditors rights, and commercial litigation, bringing creative problem solving to complex and insolvency scenarios with an emphasis on obtaining practical and cost driven results.

Throughout his career, Tim has extensive experience with Chapter 7 and 11 matters, drafting and arguing motions, objections, briefs, and other pleadings along with contested bankruptcy court proceedings and appellate proceedings. He has represented numerous clients in bankruptcy proceedings including secured creditors, trade creditors, landlords, tenants, debtors, creditors committees, trustees, asset purchasers, equity holders, and various other interested parties.

Tim also regularly counsels lending clients in matters involving workouts, creditors rates (foreclosure, guaranty, replevin, etc.) and the loan documentation. Tim serves as regional workout council to the trustee of a large loan portfolio, and as national bankruptcy council to numerous commercial landlords and property owners. A large portion of Tim's practice focuses on advising strategic asset purchasers of distressed assets. Tim has appeared on behalf of clients in distressed situations in California, Colorado, Delaware, Illinois, Kansas, Missouri, New York, Wisconsin and Wyoming.

Outside of the office, Tim is an avid golfer and a fan of all things athletic. He regularly competes in triathlons and marathons. Additionally, Tim is easily found rooting on the Kansas Jayhawks and the Denver Broncos.

Timothy's Relevant Experience

Bankruptcy

- *In re Battalion Resources, Inc.* Represented stalking horse purchaser in connection with acquisition of nearly 700 coal bed methane wells and related assets over an objectory credit objection to the overall sale transaction.
- *Arnold v. Arnold (In re Arnold)*, 2016 Bankr. LEXIS 794 (B.A.P. 10th Mar. 15, 2016). Successfully defended an appeal of an attorneys' fee award before the Tenth Circuit Bankruptcy Appellate Panel that affirmed all aspects of the Bankruptcy Court's order granting attorneys' fees based upon the Colorado Civil Theft Statue.
- *In re Midway Gold US Inc.* Represented purchaser of assets with respect to its strategic acquisition of gold mines and related assets in a complex § 363 sale.
- *In re Gas City, Ltd.* Represented secured mortgage lender in a \$300 million Chapter 11 case, from motions to lift stay to navigation through completion of two complex § 363 sales, including negotiation among secured parties, DIP lender and debtor regarding sale proceeds, breakup fee allocation, sale objections, sale confirmation and sale proceeds allocation litigation.
- *In re Dickinson Theaters, Inc.* Lead associate on a team of attorneys representing a Chapter 11 debtor that operated a chain of movie theaters. Drafted and argued all first day motions. Assisted with the plan disclosure, plan solicitation, and subsequent confirmation period. Assisted with the prosecution of the debtor's motion to serve and reject a single lease subject to a master lease agreement with the landlord finance company.
- *In re Damon Purcell Construction Company.* Successfully assisted in the defense of multiple appeals to the 8th Circuit B.A.P. of a summary judgment order, entered in favor of a bank client, resolving a priority fight with a competing equipment lender.

- *In re JDS hospitality, LLC*. Represented national hotel franchisor in the protection of its trademark rights in the Chapter 11 bankruptcy case of franchisee.
- *In re Pagosa Partners II, Inc.* Represented secured lender with respect to all aspects of protecting its collateral in SARE case including opposing confirmation of Chapter 11 plan.
- *In re CAM Trucking, LLC*. Represented secured party with respect to its statutory lien rights in specific trucking assets of an operating trucking company as against the debtor's lender.
- *In re Peabody Energy Corporation*. Represented Native American tribe with respect to its rights as a creditor in the largest coal company bankruptcy ever filed.
- Defended numerous commercial parties in a variety of adversary proceedings including fraudulent transfer actions, preference actions, various avoidance actions, and other related proceedings: *In re Eastman Kodak Company*; *In re Lehman Brothers Holdings, Inc.*; *In re Lamar Construction Company*; *In re Eastern Livestock Co., LLC*; *In re American Title Services Company*; *In re CCI Funding, LLC*.
- Successfully prosecuted, negotiated, and resolved numerous cure objections on behalf of commercial landlords and other commercial counterparties along with related administrative expense claims in numerous large bankruptcy cases: *In re RadioShack Corporation*; *In re Emerald Oil Inc.*; *In re Hancock Fabrics, Inc.*; *In re Draw Another Circle, LLC*; *In re American Title Service Company*; *In re Novinda Corp.*; *In re Gas Compressor Consultants*; *In re Rural/Metro Corporation*; *In re Escalera Resources Co.*
- Representation of subordinated judgment creditor in connection with objecting to treatment of claim under plan of reorganization in a \$9 million Chapter 11 case.
- Secured favorable settlement on behalf of principal of a Chapter 7 debtor of potential insider claims by Chapter 7 trustee.

- Represented large food supplier in resolution of administrative claims and preference defenses in Chapter 11 case of a large grocery retailer.

Creditors' Rights

- Represented a commercial real estate development company with its appointment as a receiver for several multiple multi-function commercial properties including hotels and golf courses.
- Represented a receiver in connection with its successful sale – free and clear of liens, claims, and interests – of substantially all receivership assets over the objections of interested parties in the first sale of its kind under Colorado law.
- Pursued and negotiated a variety of collection strategies against a judgment debtor who owed a bank client in excess of \$4.5 million while simultaneously pursuing a co-debtor in a Chapter 11 for claims in excess of \$7.5 million.
- Represented commercial landlord and successful prosecution of contested claims against tenant and guarantors of lease eventually securing a collection of 100 cents on the dollar of total judgment amount.
- Representation of numerous secured lenders in a variety of out-of-court workout strategies and judicial commercial foreclosure proceedings throughout Colorado, Illinois, Kansas and Missouri State courts.

Other Info About Timothy

Education

University of Kansas, J.D.

Northwestern University, L.L.M., Taxation

University of Kansas, B.A.

Recognition

Recognized as a 5280 magazine Top Lawyer, 2026

Chambers USA, Bankruptcy & Restructuring, 2025–2026

The Best Lawyers in America®, Bankruptcy and Creditor Debtor Rights/Insolvency & Reorganization, 2023–2026; Commercial Litigation, 2023–2026; Litigation – Bankruptcy, 2023–2026

Selected for inclusion in Colorado Super Lawyers, 2020–2026

Lawrie Colorado: People’s Choice “Barristers Best” Bankruptcy Lawyer 2021

Selected for inclusion in *Colorado Super Lawyers Rising Stars*®, 2016–2019

American Bankruptcy Institute Medal of Excellence Winner
(Nominated by KU Law Faculty)

Selected for inclusion in *Illinois Super Lawyers Rising Stars*®, 2012

Selected for inclusion in *Kansas Super Lawyers Rising Stars*®, 2013

Professional Affiliations

Colorado Bar Association, Chair of the Bankruptcy Subsection

American Bankruptcy Institute, Rocky Mountain Conference
Advisory Board Member

Turn Around Management Association, Next Gen. Board Member
(Rocky Mountain Chapter) 2015– 2018

Risk Management Association, Emerging Credit Lenders (Rocky
Mountain Chapter), 2015– 2017

American Bar Association, Bankruptcy Committee, Young Lawyers
Division, Former Vice Chair, 2011

Firm Committees

Associate Personnel Committee, Member

Presentations

Co Presenter, "Introduction to Subchapter V Bankruptcy", Colorado Bar Association, May 2022

Presenter, "Taking Yes for an Answer: Emerging Issues and Assumption, Rejection and Cure in a Post Pandemic World", Rocky Mountain Bankruptcy Conference, January 2022"

Speaker, "Get A Fresh Perspective: Special Purpose Entities and Single Asset Real Estate Insolvencies", Rocky Mountain ABI Conference, January 2020

Speaker, together with the Hon. Joseph G. Rosania (Bankr. D. Colo.), *Bankruptcy Case Law Update* to the Colorado Bar Association. Sponsored by the Bankruptcy Subsection, Fall 2019

Moderator, "Bankruptcy Appeals to Be Prepared!", Colorado Bar Associations Bankruptcy Subsection, Spring 2018

Speaker, together with the Hon. Howard R. Tallman (Bankr. D. Colo.), *Bankruptcy Case Law Update* to the Colorado Bar Association. Sponsored by the Bankruptcy Subsection, Fall 2016

Speaker together with the Hon. Elizabeth B. Brown (Bankr. D. Colo.), *Bankruptcy Case Law Update* to the Colorado Bar Association. Sponsored by the Bankruptcy Subsection, Spring 2015

"Bankruptcy and Estate Planning: A primer on the fundamental bankruptcy principles and examination of selected intersections between estate planning and bankruptcy", (one-hour long presentation to the Colorado estate planning practitioners).

Major Publications

Author, "The Devil Is in the Details" Business Section of the Colorado Bar Association, Winter 2015

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