



KIRK S. CHENEY

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Litigation

Business/Commercial Litigation

Bankruptcy and Creditors' Rights

Lender Liability Defense

Business, Corporate, and Finance

Banking and Financial Institutions

Overview

Mr. Cheney is a commercial litigator focusing on bankruptcy, creditors' rights, and commercial property disputes. He regularly represents clients in state and federal court actions alleging fraudulent transfers, breach of fiduciary duty, breach of contract, and related claims. Mr. Cheney has also represented parties in significant bankruptcy cases across the country.

In addition, he assists clients with receiverships, foreclosures, and asset purchases and sales.

Mr. Cheney began his career in private practice at an international law firm based in Houston, Texas. Previously, he served as a law clerk to the Honorable Judge Brendan L. Shannon of the United States Bankruptcy Court for the District of Delaware.

Mr. Cheney is the author of numerous bankruptcy-related publications and is a regular contributor to Holland & Hart's Creditors' Rights Blog. He is admitted to practice in Idaho and Texas.

Experience

- Represents the principal secured creditor in the contested bankruptcy case of a large farming operation in Eastern Idaho.
- Represents two investment funds reorganizing under Chapter 11.
- Represents national grocery chain in litigation and arbitration matters across the country.
- Represented a foreign central bank in the largest bankruptcy case ever filed
- Guided a chain of furniture stores and a private college through Chapter 11, successfully confirming bankruptcy plans in each instance
- Assisted a client in defending a fraudulent transfer claim exceeding \$100 million

Memberships and Affiliations

- Member, American Bankruptcy Institute Litigation Committee
- Member, Federal Bar Association

Publications

"Substantive Consolidation and Veil Piercing as Defenses to Fraudulent-Transfer Liability," ABI Bankruptcy Litigation Committee Newsletter, December 2013

"Idaho Medical Indigency Act and Patient Filing Bankruptcy," Holland & Hart News Update, December 2013

Co-author, "Lenders Versus Investors: How a Purported Loan May be Characterized as Equity Under Idaho Law," *The Advocate*, November/December 2013

Author, "The Strange World of Commodity Broker Insolvencies," *American Bankruptcy Institute Journal*, October 2012

Co-author, "Are a Debtor's Trading Prices Reliable Evidence of its Enterprise Value?," *American Bankruptcy Institute Journal*, September 2011

Education

Yale Law School (J.D. 2009)
Staff Editor –*Yale Law Journal*

Brigham Young University–Idaho (B.S. 2006)
Business Management, Finance Emphasis