

David J. Karp

CO-HEAD OF SPECIAL SITUATIONS & ALTERNATIVE INVESTMENTS

New York, NY | 212.803.9801
dkarp@polsinelli.com



David co-heads the firm's Special Situations and Alternative Investment Practice and advises clients on a wide range of financial restructuring, distressed mergers and acquisitions and other private capital solution matters. He also leads the firm's Distressed Debt & Claims Trading team, which provides advice in connection with U.S., European and emerging market debt, claims and complex secondary portfolio trading. He also represents private credit lenders and traders in connection with a variety of restructuring and loan-to-own transactions. David is a member of the firm's opinion committee and is often called upon to advise clients on debt trading compliance and the asset and entity isolation aspects of structured finance and digital asset transactions.

David is a seasoned counselor who was cited by the founder of Octus (formerly Reorg Research) as "undoubtedly one of the best in the field at what he does, making sure funds and their investments are protected."

Education

- Fordham University School of Law (J.D., 1999)
- Cornell University (B.S., 1996)
- University of Denver, Daniels College of Business (Energy Finance Certificate)

Bar Admissions

- New York

Court Admissions

- U.S. District Court, Southern District of New York

Memberships

- Loan Market Association
- Loan Syndications and Trading Association

Capabilities

- Special Situations Investing & Workouts
- Bankruptcy & Restructuring
- Investment Strategies & Capital Solutions
- Private Credit & Direct Lending

Matters

- Represented investment fund in connection with the development of a loan-to-own Chapter 11 bankruptcy plan to take a control position in the fulcrum secured debt of one of the U.S.'s largest owners of radio stations.
- Represented investment bank in connection with the sale of its distressed collateralized debt obligation portfolio.
- Represented investment fund in its acquisition of a multinational distressed and non-performing asset portfolio, including loans, claims, bonds and private equity positions.
- Lead out-of-court restructuring and sale of subprime auto lender. The Company engaged in out-of-court negotiations with its equity sponsor, senior secured lender, securitization counterparties, and potential buyer regarding a sale of substantially all the Company's assets and operations. The representation included contemporaneous planning for numerous strategic alternatives.
- Represented owner and operator of hotel properties with respect to their Chapter 11 bankruptcy reorganization and the restructuring of approximately \$1 billion of debt.
- Represented investment fund in providing debtor-in-possession financing to a tier 1 automotive supplier.
- Represented large national retail propane distributor with respect to its Chapter 11 bankruptcy reorganization and the restructuring of more than \$550 million of debt.
- Represented retail center owner in connection with its sale of real property under Section 363 of the U.S. Bankruptcy Code.
- Represented private equity fund in connection with its proposed acquisition of a substantial portion of assets of a tier 1 automotive supplier.
- Represented various parties in securitization and commercial mortgage-backed securities transactions, providing advice in connection with bankruptcy-remote structures, true sale and non-consolidation issues.
- Represented various parties in structuring and addressing the bankruptcy aspects of derivative contracts, including swap agreements, repurchase agreements and securities contracts.

Energy

- Represented creditors of Walter Energy Inc., Samson Resources, Sabine Oil & Gas Corp. and Energy and Exploration Partners Inc.
- Represented the chairman of an official equity committee in the reorganization of Seahawk Drilling Inc., a company that provided drilling services to the oil and natural gas industries.
- Represented investors in Stallion Oilfield, a leading oilfield services company that provides comprehensive wellsite support and production and logistics services to oil and natural gas exploration and production companies, during Stallion's Chapter 11 reorganization.
- Represented an investment fund with respect to the foreclosure upon natural gas working interests in the Fayetteville Shale.
- Represented creditors in Trident Resources Corporation, a natural gas production company principally focused on the exploration and exploitation of unconventional natural gas resources, during Trident's Chapter 11 restructuring.
- Represented an investment fund in connection with Marcellus Shale, oil and gas leases with Cabot Oil & Gas and Hess Corporation.

Publications

May 8, 2026

U.S. Court of International Trade Invalidates Trump Section 122 Global Tariffs, the Administration Appeals, and Tariffs Likely Will Remain in Effect for Most Importers

April 17, 2026

IEEPA Refund Portal Opens on April 20: What Importers Should Know About Filing, Timing and Liquidity Options

March 15, 2026

Sabine Decision Guides Midstream Industry Strategy, Case Distinct from Situations Like Chesapeake/Williams

Quoted, Reorg Research

September 1, 2018

Mid-market distressed debt: Preparing for the next downturn

Featured, Debtwire

March 10, 2016

Distressed Energy: Midstream Agreements — 10 Questions After Sabine's 'Unspeakable Quagmire

March 9, 2016

Sabine Contract Ruling May Spur More Driller Bankruptcies

Quoted, Law360

March 8, 2016

Bankruptcy Court Judge Rules in Favor of Sabine

Quoted, Natural Gas Intelligence

March 8, 2016

Pipeline Investors Shaken by Bankruptcy Ruling

Quoted, Financial Times

March 8, 2016

Sabine Oil & Gas May Reject Pipeline Contracts

Quoted, The Wall Street Journal

February 1, 2016

Distressed Energy: Midstream Agreements — Impact on E&P Creditor Recovery

January 26, 2016

Oil Rout Has Banks Reining in Risky Loans, Adding to Energy Woes

Quoted, Bloomberg

January 14, 2016

LMA revises EMEA secondary debt trading documents

October 28, 2015

As Defaults Rise, Distressed-Debt Investors Seek an Edge by Buying the DIP

Quoted, Bloomberg

September 21, 2015

Burned by Oil Trade, Debt Investors Think Twice This Time Around

Quoted, Bloomberg Business

September 17, 2015

Distressed Debt Trading Protocol: Kaupthing Closing Transfer Register

September 10, 2015

Glitnir Trading Protocol Impacted by Closing of Transfer Register

September 3, 2015

Energy Lenders Balk at Deals Aimed at Saving Miners, Drillers

Quoted, Bloomberg

April 21, 2015

Claims Trading Is Next U.S. Export to Europe, Says Schulte Roth's Karp

Interviewed, Bloomberg Brief Bankruptcy

April 20, 2015

UK Supreme Court Clarifies Allocation of Prepayment Premiums for Debt Traders

April 20, 2015

Bank Leeway, Hedges Give Energy Companies Breathing Room: Schulte's Karp, Chin

Interviewed, Bloomberg Brief Oil Buyer's Guide

March 1, 2015

Investing in Oil and Gas Royalties: Distressed Counterparty Risk Considerations

October 17, 2014

Expert Views: Structuring Winning Bids: European NPL Portfolio Transactions

Co-Author, Reorg Research

May 2, 2014

Beware the 'Meridian Sunrise' — District Court rules investment funds are not 'financial institutions' under loan transfer restrictions

April 23, 2014

Revised LSTA Secondary Debt Trading Documents Effective April 24, 2014

April 23, 2014

Transfer Restrictions May Create Additional Counterparty Risk for Distressed Debt Investors

Author, Corporate Rescue and Insolvency

February 28, 2014

Revised LMA secondary debt trading documents go live on 3 March

August 1, 2013

LSTA's Revised Trading Documents Allow Revolver Loan Investors to Protect Their Posted Collateral — But Only If They Ask

Co-Author, Pratt's Journal of Bankruptcy Law

June 1, 2013

Bankruptcy Platform Extinct: Do Online Claims Trading Marketplaces Have a Future?

Turnarounds & Workouts

May 13, 2013

Advanced Distressed Debt Lesson: Bank Debt Trading on the Modern Day Back of the Napkin

Author, Distressed Debt Investing Blog

May 9, 2013

UK Supreme Court Issues Authoritative Decision on 'Balance Sheet Insolvency Test

April 9, 2013

New Fee on Bankruptcy Claims Trades Will Boost Courts' Revenue

Quoted, Dow Jones Daily Bankruptcy Review

January 23, 2013

Advanced Distressed Debt Trading & Trade Dispute Litigation: Debtor vs. Secondary Market Claims Purchase

Author, Distressed Debt Investing Blog

November 29, 2012

Second Circuit Decision Reassures Bankruptcy Claim Purchasers on Enforceability of Recourse Against Sellers

Author, Bloomberg BNA Bankruptcy Law Reporter

October 25, 2012

Advanced Distressed Debt Lesson: Trade Dispute Litigation: What Distressed Investors Need to Know

Author, Distressed Debt Investing Blog

October 5, 2012

Lehman Claims Update: LBI and LBIE Announce Agreement in Principle to Resolve All Claims

September 24, 2012

Second Circuit Decision Reassures Bankruptcy Claim Purchasers on Enforceability of Recourse Against Sellers

September 16, 2012

Prospecting for European Distressed Loans

Author, Distressed Debt Investing Blog

May 21, 2012

Loan Market Association moves to bolster European secondary market liquidity

April 26, 2012

Distressed Debt & Claims Trading Developments Newsletter

January 26, 2012

Case Study: ZING VII

Co-Author, Law360

January 19, 2012

Bankruptcy Court Approves Plan to Liquidate CDO

January 13, 2012

Mover of the Week: Karp Pursues Overseas Deals Amid European Debt Crisis

Featured, Dow Jones Daily Bankruptcy Review

January 1, 2012

Distressed Investing M&A Report

In association with MergerMarket and Debtwire

December 1, 2011

European Insolvency Claims Trading: Is Iceland the Paradigm?

Co-Author, Butterworths Journal of International Banking and Financial Law

October 27, 2011

The Impact of Asymmetric Information, Trade Documentation, Form of Transfer and Additional Terms of Trade on Hedge Funds' Trade Risk in European Secondary Loans (Part Two of Two)

Co-Author, The Hedge Fund Law Report

October 21, 2011

Regulatory, Tax and Credit Documentation Factors Impacting Hedge Funds' Trade Risk in European Secondary Loans (Part One of Two)

Co-Author, The Hedge Fund Law Report

August 29, 2011

Bankruptcy Claims Trading Orders: Who Is Watching?

Co-Author, Bankruptcy Law360

August 11, 2011

Distressed Debt & Claims Trading Developments Newsletter

May 1, 2011

Champerty clarified: a victory for activist distressed debt and claims investors

Bankruptcy Strategist

March 1, 2011

Bankruptcy claims trading: Seventh Circuit clarifies that acquired rights may include a "cure" claim but recovery is still not guaranteed

January 30, 2011

Claims Traders Beware: More Risk Than You Bargained For!

November 3, 2009

Champerty Clarified: A Victory for Activist Distressed Debt and Claims Investors

August 20, 2009

Bankruptcy Court Denies Lenders' Motion to Dismiss Chapter 11 Cases of SPE Debtors