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## EXPERTISE

Bankruptcy & Creditors' Rights, Commercial Litigation, Trial

## EDUCATION

University of Denver Sturm College of Law, J.D., *Order of St. Ives*, 2013

Marquette University, B.A., *magna cum laude*, 2006

## ADMITTED IN

Colorado

Kyler Burgi is an associate at Davis Graham & Stubbs LLP. His practice focuses on bankruptcy & creditors' rights, complex commercial litigation, and toxic tort litigation.

Mr. Burgi has a diverse bankruptcy & creditors' rights practice that spans multiple industries, including oil & gas, mining, real estate, retail, tech, and recreation. He helps lenders, borrowers, trade creditors, mechanics' and oil and gas lien holders, and equity holders develop and implement strategies to navigate in-court and out-of-court restructurings, bankruptcy proceedings, judicial and non-judicial foreclosures, and receivership actions. Mr. Burgi defends clients against preference and fraudulent transfer claims in courts across the country. He also represents debtors and trustees in Chapter 7 and Chapter 11 bankruptcies.

Mr. Burgi assists clients with purchases of distressed assets through the Section 363 sale process, from preparing bids, to obtaining court approval, to post-closing matters. He also consults on commercial transactions and mergers & acquisitions to help clients manage risks associated with insolvency and bankruptcy.

Mr. Burgi has litigated matters throughout Colorado and the Mountain West. Mr. Burgi is a creative strategic thinker and persuasive writer who has guided clients to successful results in numerous lawsuits and arbitrations, including adversarial business separations, fraud claims, oil & gas disputes, toxic tort cases, breach of contract actions, and real estate disputes. He is admitted to

practice in U.S. District Court for the District of Colorado, U.S. District Court for the Southern District of Texas, U.S. Bankruptcy Court for the District of Colorado, and U.S. Bankruptcy Court for the Southern District of Texas.

Mr. Burgi currently serves as the co-chair of the Colorado Bar Association Bankruptcy Subsection and on the Associate Board of Directors for Big Brothers Big Sisters of Colorado. Mr. Burgi has been named among the "Ones to Watch" in the area of Commercial Litigation by *Best Lawyers*, an annual guide issued by publisher Woodward/White Inc.

Before joining DGS, Mr. Burgi served as law clerk to the Honorable Philip A. Brimmer of the U.S. District Court for the District of Colorado.

Mr. Burgi received his J.D. from the University of Denver Sturm College of Law, where he graduated first in his class. While in law school, he competed nationally as a member of the Sturm College of Law's ABA-NTC National Trial Team, served as an editor of the *Denver University Law Review*, and interned for the U.S. Attorney's Office.

Prior to law school, Mr. Burgi worked as a television news reporter. Outside of the office, he is an avid golfer and enjoys skiing.

## REPRESENTATIVE MATTERS

### Bankruptcy & Creditors' Rights

- Counsel to prepetition secured and DIP lender in bankruptcy of mining company, obtaining assets through successful credit bid.
- Counsel to secured lender in judicial foreclosure and receivership action involving ski resort development, securing appointment of receiver to manage property.
- Debtor’s counsel for energy company, resulting in successful Section 363 sale of assets.
- Counsel to statutory oil and gas/wells and equipment lienholder in state-court foreclosure and Chapter 11 proceeding, protecting claim against attack from debtor and lender and securing favorable disposition.
- Counsel to Chapter 11 trustee in sale of shopping center, resulting in confirmed plan that provided for payment in full of unsecured creditors.
- Counsel to bidder in Section 363 sale of third-largest coal producer in the United States.
- Counsel to lender in bankruptcy of developer of Aspen property valued in excess of \$30 million, obtaining dismissal of bankruptcy.

**Commercial Litigation**

- Lead counsel in successful preliminary injunction hearing on behalf of energy industry client.
- Lead trial counsel in breach of contract action, resulting in award in excess of \$5 million.
- Briefed and successfully argued motion to dismiss fraud claims, which sought in excess of \$30 million in damages, asserted against private equity client.

**PRESENTATIONS & PUBLICATIONS**

- “Navigating Bankruptcy Sales of Oil & Gas Assets,” Institute for Energy Law Young Energy Professionals Workshop: The Oil & Gas Sessions, February 2021
- “Purchasing Oil & Gas Interests from a Distressed Company or Out of Bankruptcy: How to Survive (and Thrive) in a Bankruptcy Sale of Oil and Gas Assets,” Rocky Mountain Mineral Law Foundation, October 2020
- “Spring Bankruptcy Case Law Update,” CBA-CLE, April 2018