

# GALLAGHER

## GALLAGHER EVELIUS & JONES

### ATTORNEYS AT LAW

## David G. Sommer

### Partner



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For more than 20 years, David Sommer has helped organizations and executives across industries navigate their most challenging business conflicts.

As a leading commercial and bankruptcy litigator, David has argued for clients and earned victories in scores of cases before trial and appellate courts, arbitrators, and administrative agencies. He helps clients develop strategies in the early stages of a dispute to position the matter for a successful resolution, including by settlement, trial, or appeals if necessary.

David has been recognized by Chambers USA since 2019 for his work in Bankruptcy/Restructuring and by Best Lawyers in America since 2019 as a leading lawyer in bankruptcy and creditor-debtor rights/insolvency and reorganization law as well as commercial litigation.

David is committed to removing barriers to justice by providing free legal help to underrepresented Marylanders. He handles pro bono cases through Maryland Volunteer Lawyers Service and serves as the president of its Board of Directors.

#### **Judicial Clerkship**

David served for two years as a judicial law clerk to the Honorable Lynne A. Battaglia of the Supreme Court of Maryland.

## **Representative Matters**

### **• Bankruptcy Litigation**

- Obtained order enforcing Chapter 11 plan injunction against insurer seeking rescission of insurance policies covering dozens of personal injury claims against the reorganized debtor
- Represented national university and local college in opposing Chapter 7 trustees' claims that the debtors' payments for adult children tuition constituted fraudulent conveyances
- Represented commercial landlord in litigating issues of first impression related to confirmation of a regional parking operator's Subchapter V plan
- On behalf of seller of development property, preserved the seller's right of first refusal in the sale of the property under the purchaser's Chapter 11 plan

### **• Creditor's Rights**

- Represented real estate lenders in scores of commercial and residential foreclosure sales throughout Maryland and defeated sale objections in the trial and appellate courts
- Represented national municipal bond lender in defeating Chapter 11 cram-down plan of multi-family affordable housing developer claiming its tax exemption constituted a contribution of new value to the debtor
- Represented national floorplan financier in obtaining seven-figure judgment for fraud against used car dealer and its principal

### **• Commercial Litigation**

- Represented seller of nursing home portfolio in enforcing purchaser's note obligations and litigating competing claims that the parties breached post-closing covenants
- Represented beneficiaries of multiple Delaware Statutory Trusts in obtaining injunction of trustee's objectionable sale of multi-family apartment buildings to REIT
- In the Supreme Court of Maryland, *Park Plus, Inc. v. Palisades of Towson, LLC*, 478 Md. 35, 272 A.3d 309 (2022), prevailed in enforcing arbitration agreement governing dispute concerning the installation of automated parking system in luxury apartment building
- Represented urban commercial real estate owner in prosecuting claims against a national theater operator that withheld the cash after the owner terminated the operator's management agreement

- In multiple-week bench trial and on appeal, prevailed in defense of legal malpractice claims brought by a real estate developer alleging breaches of duty in connection with a commercial development loan
  - Represented investor in publicly-traded REIT in prosecuting claims of securities fraud against REIT's officers and directors
- **Corporate Governance Litigation**
    - Represented founding majority shareholders of IT government contractor in defending claims of shareholder oppression by minority shareholder
    - Represented non-profit managing member of Section 8(a) LLC in defense of action brought by minority shareholders seeking involuntary dissolution
    - Represented majority shareholder of family-owned food processing and distribution enterprise in defense of minority shareholder claims of breach of contract and breach of fiduciary duties
- **Real Estate Litigation**
    - After seven-day trial, obtained jury verdict finding an unconstitutional taking and trespass by municipality that unlawfully expanded public sewer system without permission or payment to the property developer. Following the jury verdict, the court awarded the developer its claimed attorneys' fees
    - Represented contract purchasers of water-front condominium unit in successfully acquiring the property despite an assertion of a right of first refusal by a competing purchaser
    - Represented affordable housing developer in obtaining court approval of a class-wide settlement of claims related to the calculation of tenant utility allowances
    - Obtained summary judgment in favor of affordable housing developer and manager sued for claims of disparate racial impact based on tenant selection criteria

## **Articles and Presentations**

- Moderator, "Judges' Roundtable on Business Bankruptcy Topics" Maryland Bankruptcy Bar Association, May 2025
- Presenter, "Claims in Bankruptcy: Selected Topics" Maryland Bankruptcy Bar Association, January 2025
- Panelist, "Navigating Corporate Governance Disputes after *Plank* and *Eastland Foods Corp.*" Maryland State Bar Association, June 2024

- Panelist, “Ethical Issues for Bankruptcy Practitioners” Maryland Bankruptcy Bar Association, May 2023
- Presenter, “Bankruptcy Issues Facing Private Schools and Universities” Maryland Bankruptcy Bar Association, January 2023
- Panelist, “Getting Your Evidence Admitted” Maryland Bankruptcy Bar Association, May 2018
- Presenter, “UCC Article 9 Foreclosure Sales and Commercial Reasonableness” Maryland Bankruptcy Bar Association, January 2018

### Civic and Charitable Service

- Maryland Volunteer Lawyers Service, Board of Directors (2017-present), President (2024-2026)
- Bankruptcy Bar Association for the District of Maryland, Board (2014-present), Board President (2024-2025), Immediate Past President (2025-2026)



## Background

### Area(s) of Practice

- **Appellate**
- **Creditors' Rights and Bankruptcy**
- **Litigation**

### Court Admission

- Maryland State Courts
- United States Bankruptcy Court for the District of Colorado

- United States Court of Appeals for the District of Columbia
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States Supreme Court

### Bar Admissions

- Maryland

### Education

- University of Maryland School of Law, JD, with honors, 2002, Order of the Coif, Maryland Law Review
- University of Maryland Baltimore County, BA, 1998
- Salisbury State University, BA, 1994, magna cum laude

### Bar and Professional Memberships

- American Bankruptcy Institute
- American Bar Association
- American Bar Foundation, Fellow
- Bankruptcy Bar Association for the District of Maryland, Board Member
- Maryland State Bar Association
- Serjeants' Inn Law Club

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