



RYAN C. CADWALLADER

rcadwallader@kmclaw.com | 801.328.3600

SHAREHOLDER

Ryan Cadwallader is a member of the firm's Litigation section. His practice focuses on helping individuals and businesses resolve disputes and solve problems in the areas of bankruptcy, creditor's rights, and commercial litigation. Mr. Cadwallader currently serves as the chair of the Utah Bankruptcy section of the Utah State Bar.

EXPERIENCE

Bankruptcy and Restructuring

- Represented commercial real estate buyer in navigating \$17 million § 363 asset sale process in event-center chapter 11 proceeding.
- Represented commercial landlords with issues related to rejection, assumption, and assignment of non-residential leases in various bankruptcy matters, including Toys "R" Us, Inc.; Shopko; Payless Holdings LLC; Sears Holding Corporation; and Mattress Firm, Inc.
- Represented creditors in trustee avoidance actions, including preferences and fraudulent transfer litigation and negotiated favorable settlements.
- Represented creditors in contested matters and adversary proceedings, including objections to dischargeability and relief from the automatic stay.
- Drafted successful motion for summary judgment dismissing all of trustee's claims to avoid charitable contributions to religious organization.
- Represented chapter 13 trustee in hundreds of hearings respecting plan confirmation and motion practice. Conducted hundreds of § 341 meetings investigating debtors on behalf of trustee. Represented trustee in evidentiary hearings.

Litigation Experience

- Drafted successful motion to dismiss third-party complaint for fraudulent concealment, conversion, and breach of fiduciary duty against court appointed business officer for alleged damages exceeding \$400,000.
- Drafted successful motion for summary judgment compelling plaintiff to voluntarily dismiss all claims, including theft of trade secrets, conversion, and breach of fiduciary duties related to alleged business dispute damages exceeding \$50 million. Drafted successful motion to dismiss complaint asserting fraud related to business dispute for general and punitive damages barring plaintiff from refile claims.
- Drafted successful motion to dismiss complaint asserting conspiracy to commit fraud and commercial bribery for over \$2 million related to business dispute.
- Successfully defended seller on motion for summary judgment against all of buyer's claims, including fraudulent concealment and negligent misrepresentation related to sale of real estate.
- Assisted in drafting successful motion to dismiss complaint asserting right of first refusal in condemnation action of property against county school district.
- Drafted successful motion to dismiss multi-count complaint asserting third-party contract and breach of contract theories respecting lease agreement.
- Managed discovery collection, review, and production matters related to intellectual property, business disputes, and Department of Justice and SEC investigations.

Representative Cases

- *Drummond v. Veritas Funding, LLC*, 2:21-CV-00423, 2024 WL 476619 (D. Utah Feb. 7, 2024) (dismissing Plaintiff's Truth and Lending Act claim for monetary damages under applicable statute of limitations and excluding expert's offered opinion about legal conclusions).

PRACTICE AREAS

ADMINISTRATIVE
PROCEEDINGS
APPELLATE
BANKRUPTCY
BOUNDARY DISPUTES
BUSINESS DISPUTES
COMPLEX COMMERCIAL
LITIGATION
CONSTRUCTION
LITIGATION
LANDLORD/TENANT
DISPUTES
LITIGATION
PROBATE AND TRUSTS
SHAREHOLDER DISPUTES

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EXPERIENCE CONTINUED

- *First Guaranty Bank v. Republic Bank*, 2022 WL 787971 (D. Utah Mar. 14, 2022) (slip copy) (participated on trial team, which successfully defended against claims for contract rescission of sale of leases and dismissal of several breach of contract claims and requests for prejudgment interest and attorney fees).
- *Hunt Irrevocable Trust v. Air Medical Group Holdings, LLC*, No. 21-2679-RGA, 2022 WL 607016 (D. Del. Feb. 4, 2022) (slip copy).
- *Li v. Lewis*, 2021 WL 5817953 (D. Utah Dec. 7, 2021) (slip copy).
- *Drummond v. Veritas Funding, LLC*, 2021 WL 4291089 (D. Utah Sept. 21, 2021) (denying plaintiff's motion for permanent injunction related to Truth and Lending Act claim).
- *Premier Tech, Inc. v. United States*, 2:20-cv-890-TS-CMR, 2021 WL 2982064 (D. Utah July 15, 2021) (slip copy) (denying defendant's motion to dismiss complaint).
- *Abmad v. Fulkerson*, 2021 WL 52535972, (D. Nev. May 14, 2021) (dismissing plaintiff's complaint for lack of personal jurisdiction); 2023 WL 370875 (9th Cir. Jan. 24, 2023) (affirmed).
- *Christensen v. Graco Fishing & Rental Tools, Inc.*, 2021WL 1948004 (D. Utah May 14, 2021) (dismissing plaintiff's complaint for failure to state claim for relief).
- *In re Petersen*, 561 B.R. 788 (Bankr. D. Utah 2016).
- *In re Cannon*, 521 B.R. 686 (D. Utah 2014).
- *In re Cannon*, No. 13-24366, 2013 WL 6499304 (Bankr. D. Utah Dec. 11, 2013).

CLERKSHIPS

- Law Clerk, Honorable Kevin R. Anderson, bankruptcy judge for the United States Bankruptcy Court, District of Utah, 2016-2017
- Extern, Honorable Richard L. Speer, bankruptcy judge for the United States Bankruptcy Court, District of Northern Ohio, 2009

EDUCATION

University of Utah S.J. Quinney College of Law, JD, 2011

Note & Comment Editor for the *Journal of Law and Family Studies*

Utah State University, BS Political Science, *cum laude*, 2005

ADMISSIONS & AFFILIATIONS

Bar Admissions: Utah State Courts

United States District Court for the District of Utah

United States Court of Appeals for the Tenth Circuit

United States Bankruptcy Appellate Panel for the Tenth Circuit

Affiliations: Chair, Utah Bankruptcy Section, Utah State Bar (Former CLE Coordinator, Treasurer, and Vice-Chair)

American Bankruptcy Institute

Utah Bankruptcy Lawyers Forum

RYAN C. CADWALLADER

HONORS & AWARDS

Mountain States Super Lawyers: Rising Star for Bankruptcy: Business (2021)

Best Lawyers: Ones to Watch in America, Bankruptcy and Creditor Debtor Rights, Insolvency and Reorganization Law, Commercial Litigation, Litigation—Bankruptcy (2021-2024)

PUBLICATIONS & PRESENTATIONS

Speaking Engagements

- Utah State Bar Spring, Best Practices in Bankruptcy Nondischargeability Litigation (Panelist), 03.2021
- Utah State Bar Spring, Exemptions 101 for All Areas of Practice: How Bankruptcy Exemptions Impact Other Areas of Law such as Domestic Support, Student Loans, and Secured Loans (Panelist), 03.2019
- Utah Bankruptcy Lawyers Forum & Utah Bankruptcy Bar Section Joint Presentation, Federal & Local Bankruptcy Rule Amendments (Presenter), 10.2017
- Utah Bankruptcy Lawyers Forum, John Straley Tenth Circuit Case Update 2016 (Panelist; Case Update), 10.2016
- Utah Bankruptcy Section, Chapter 13 Bankruptcy: New Means Test Forms and Chapter 13 Updates (Panelist; Case Management Strategies for Avoiding Dismissal), 02.2015
- Kevin R. Anderson, Chapter 13 Trustee, Chapter 13 Practitioners' Luncheon (Panelist; Effective Motion Practice and Communication with the Trustee), 03.2014