

People



David Evan Otero

Partner, Tax

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vCard

David Otero's national practice focuses on bankruptcy and tax litigation and counseling. A partner in both the Tax and Bankruptcy & Reorganization Practice Groups, his clients include Citigroup, Capital One, Nissan, Santander Bank, Sears, Synchrony Financial, U.S. Bank, Venus Fashion, and professional athletes.

In his tax practice, David advises multistate businesses on state and local tax controversy matters throughout the United States. He represents institutions financing both credit cards and automobiles, national retailers, and other companies in refund actions (including bad debt sales tax recoveries), audit defense, administrative appeals, litigation, including appeals, and related consulting and planning.

In his national commercial bankruptcy and creditor's rights practice, David represents financial institutions and other secured creditors, unsecured creditors, and creditors' committees, as well as trustees and debtors-in-possession. In addition, he represents financial institutions and other plaintiffs and defendants in related complex commercial litigation and bond defaults in federal and state court, and bankruptcy appeals. He advises financial institutions and other businesses with respect to bankruptcy and creditors' rights matters, including loan workouts and restructurings, tax matters, bond defaults, and issues legal opinions on substantive consolidation and true sale and other bankruptcy related issues. David also frequently represents clients in acquiring or investing in businesses in bankruptcy.

Notable Work

Sales Tax Refund Planning and Litigation: Represents Citigroup, Synchrony, Capital One, Santander, Ford, Toyota, Nissan, Honda, Sears, Office Depot, Kohl's, and Best Buy, among others, in nationwide state and local bad debt sales tax recovery efforts that have culminated in the clients recovering over one billion dollars to date.

Areas of Experience

Tax
Bankruptcy and Reorganization
Bankruptcy Trustees and Court Appointed Fiduciaries
Chapter 11 Business Debtors
State and Local Tax Consulting and Controversy
Appellate
Automotive Retail
Corporate Finance and Lending
Commercial Disputes
Commercial Loan Enforcement and Secured Financing Litigation
Buying and Selling Assets (Section 363 Sales)
Creditors' Committees
Secured Creditors and Debtor-in-Possession Financing
Financial Institutions Commercial Litigation
Intellectual Property Litigation
Preference and Fraudulent Transfer Litigation
Senior Living and Care
Trademarks
Corporate Restructuring and Insolvency
Digital Goods and Emerging Technologies Taxation
Taxation in the Sharing Economy
Financial Services
Distressed Property

Education

J.D., University of Wisconsin Law School, 1986
B.A., University of Wisconsin - Madison, History, Political Science, and International Relations, 1984, with distinction

Admissions

Bars

Florida
Wisconsin

Courts

Bankruptcy Appeals: Represents numerous parties in connection with complex bankruptcy appeals that are currently pending.

Complex Chapter 11 Bankruptcies: Represented principal secured creditor with over \$100 million in claims in six related Chapter 11 bankruptcy matters in the Bankruptcy Court for the District of Puerto Rico. Secured dismissal of four of the six cases and obtained relief from the automatic stay and order excusing the turnover of assets by the receiver on the remaining two cases, which involved a large subdivision and apartment complex. The creditor eventually caused the sale of the subdivision through a 363 sale and foreclosed on the condominium complex.

Chapter 11 Committee Representation: Represented unsecured creditors' committee in Chapter 11 reorganization of a continuing care retirement community in Florida (*In re Life Care St. Johns, Inc.*, d/b/a Glenmoor).

Indenture Trustee Representation: Represents indenture trustee in litigation in connection with bond issue on Community Development District.

Copyright and Trademark Representations: Represents clothing manufacture in connection with both plaintiff and defendant litigation.

Structured Finance and Asset Securitization Transactions: Represents numerous clients in providing non-consolidation and true sale opinions on behalf of borrowers, and reviewed opinions for lenders and trustees, in many structured finance and asset securitization transactions.

Professional Athletes: Represented professional athletes in numerous litigation and workout matters.

Published Work and Lectures

- Jacksonville Bankruptcy Bar Annual Seminar, moderator for judicial panel on "Current Developments," 1997-2016
- COST Annual Meeting, Panelist, "Bad Debt Planning - How to Keep Your Bad Debt Deductions or at Least Know When to Give Them Up," October 22, 2015

Affiliations

- The Florida Bar, Administrative Law, Business Law, Entertainment Arts and Sports Law, Taxation, and Trial Lawyers Sections, Member
- State Bar of Wisconsin, Bankruptcy Insolvency and Creditors Rights, Intellectual Property, Sports & Entertainment Law, and Taxation Sections, Member
- Jacksonville Bankruptcy Bar Association, Past President
- Jacksonville Bar Association, Sports & Entertainment Law Committee, Member
- Jacksonville Bar Association, Hispanic and Latino Interest Committee, Member

Honors and Distinctions

- Board Certified in Business Bankruptcy, American Board of Certification

U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida
U.S. District Court, Eastern District of Wisconsin
U.S. District Court, Western District of Wisconsin
U.S. Tax Court

Related Content

Akerman Lawyers Ranked in Florida by *Super Lawyers Magazine*
July 16, 2024

112 Akerman Lawyers Across the U.S. Named to 2023 *Super Lawyers* and Rising Stars Lists
September 28, 2023

Record Number of Akerman Lawyers Named to *The Best Lawyers in America* 2024 Guide
August 22, 2023

- *Best Lawyers*, 2007-2025, Listed in Florida for Litigation and Controversy - Tax, Securitization and Structured Finance Law, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Litigation-Bankruptcy
- *Best Lawyers*, 2022, 2024, Named as “Lawyer of the Year” for Litigation and Controversy-Tax in Jacksonville
- *Best Lawyers*, 2021, Named as “Lawyer of the Year” for Litigation Bankruptcy in Jacksonville
- *Super Lawyers Magazine*, 2008-2024, Listed in Florida for Bankruptcy & Creditor/Debtor Rights, Tax, and Bankruptcy: Business
- *The Legal 500*, 2018-2020, Recommended for U.S. Taxes - Contentious
- *Chambers USA*, 2016, listed in Florida as a Recognized Practitioner for Bankruptcy/Restructuring
- *The Best Lawyers in America*, 2013, 2017, Named as “Lawyer of the Year” for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law in Jacksonville
- *Jacksonville Magazine*, 2014, Listed in 904 Magazine’s “Top Lawyers” for Tax
- *Florida Trend’s Legal Elite*, 2012, 2013, Listed for Bankruptcy & Workout
- Martindale-Hubbell, AV Preeminent Rated