



→ Michael M. Lauter

Partner

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Michael Lauter is a partner in the Finance and Bankruptcy Practice Group in the firm's San Francisco Office.

Areas of Practice

Mick Lauter has a broad based practice representing lenders, debtors, committees, creditors, asset purchasers, plan funders, receivers, plan administrators, trustees, assignees, and other parties in front end loan originations, loan workouts and restructurings, federal and state law creditor's rights actions, and chapter 11 debtor and committee cases. Mick's deep understanding of both front end finance and bankruptcy and restructuring allows him to help best position clients for a successful result in any economic cycle.

Honors

Best Lawyers in America, *Best Lawyers*, 2018-2023

Northern California Rising Star, *Super Lawyers*, 2013-2021

Corporate Restructuring, *Legal 500*, 2013, 2015

Experience

Front End Finance

- Represented lender in nine figure marketable stock secured loan.
- Represented lender in loan to finance a seed fund for start up portfolio companies.
- Represented lender in nine figure loan secured by apartment buildings in California.
- Represented lender in nine figure loan secured by shopping centers in Arizona.
- Represented lender in numerous real estate secured loans in and out of California.
- Represented lender in numerous unsecured bridge loans and cash-out refinances.

Chapter 11 Debtor

- Represented toy company debtor through chapter 11 sale process in In re Imperial Toy LLC, Bankr. N.D. Cal.
- Represented waterpark debtor in chapter 11 restructuring in In re Rexford Properties LLC, Bankr. C.D. Cal.

- Represented furniture company debtor in chapter 11 liquidation in *In re Easy Life Furniture*, Bankr. C.D. Cal.
- Represented biotech debtor in chapter 11 restructuring in *In re Arriva Pharmaceuticals, Inc.*, Bankr. N.D. Cal.
- Represented creamery debtor in chapter 11 sale and restructuring in *In re Humboldt Creamery, LLC*, Bankr. N. D. Cal.
- Advised various debtors and potential debtors in out of court restructurings.

Chapter 11 Creditors Committee

- Committee counsel in law firm bankruptcy in *In re Sedgwick, LLP*, Bankr. N.D. Cal.
- Committee counsel in steel foundry bankruptcy in *In re Pacific Steel Casting Company*, Bankr. N.D. Cal.
- Committee counsel in asbestos bankruptcy in *In re Plant Insulation Company*, Bankr. N.D. Cal.
- Committee counsel in bankruptcy of financier convicted of securities fraud in *In re Del Biaggio*, Bankr. N.D. Cal.

Receivers, Trustees, Plan Administrators, Assignees, and other Fiduciaries

- Represented plan administrator in confirmed chapter 11 case in Oakland.
- Represented receiver appointed by an Austrian court in the liquidation of a solar company in litigation in federal district court in San Francisco.
- Represented federal court receiver appointed by U.S. District Court of the Virgin Islands in various related bankruptcy cases in Southern California.
- Represented assignee in the sale of the intellectual property of a defunct tech company with a presence in the U.S. and Canada.
- Represented state court receiver in the marketing and sale of a bed and breakfast in Napa.
- Represented a state court receiver in the partial completion and unit-by-unit sale of a residential subdivision in King City, CA.

Secured Lender Creditor's Rights Enforcement Actions

- Represented secured lender in connection with two related financings to entities in the aggregate amount of over \$500 million secured by public company stock, and guaranteed by a series of entities and irrevocable trusts, which trusts had governing documents dating back to the 1940s.
- Represented the primary secured lender in the chapter 7 bankruptcy of Golden Gate Community Health, f/k/a Planned Parenthood Golden Gate.
- Represented secured lender in obtaining state court judgment and non-dischargeable judgment and confirming a creditor's plan in bankruptcy of a guarantor in a winery-related case in Northern California.
- Represented secured lender in appointing receiver over residential project in Sonoma County.
- Represented secured lender in the workout of a mobile home timeshare resort in Northern California.
- Represented secured lender in the appointment of a receiver who marketed and facilitated the sale of a 129 unit condominium complex in Roseville, CA.
- Represented secured lender in the workout of a series of long-defaulted loans with mixed collateral in multiple states.

Representation of Asset Purchasers, Plan Funders, and Other Strategic Investors

- Represented plan funder in chapter 11 bankruptcy case involving Silicon Valley real estate development.
- Represented plan funder in chapter 11 bankruptcy case involving high tech IP assets.
- Represented purchaser of special servicing rights out of bankruptcy in workout of acquired loans.

Creditor Representations

- Represented various buyers and sellers of proofs of claim in multiple chapter 11 cases.
- Local counsel to group of unsecured lenders in PG&E bankruptcy case.
- Represented various trade creditors in protecting interests and becoming critical vendors in various chapter 11 cases.
- Represented film distribution companies in assignment and assumption issues in Weinstein Company bankruptcy.

Articles

- "Prying Jurisdiction Away From Bankruptcy Courts," *Law360*, June 28, 2011

Finance & Bankruptcy Law Blog Posts

- "Double Whammy: In a Sweeping New Opinion, the Ninth Circuit Creates a New Mechanism for Completely Wiping Out Unexpired Leases in Bankruptcy, and Also Undercuts a Critical Protection for Buyers in 363 Sales," October 5, 2017
- "The Structure of Dismissals – Supreme Court's Jevic Decision Lays Out Ground Rules for Parties Seeking to Resolve Bankruptcies Through the Increasingly Popular Method of Structured Dismissals," March 29, 2017
- "Claims Trading From The Inside Out: Ninth Circuit BAP Holds That A Non-Insider Claimant's Vote On A Plan Is Not Discounted Merely Because The Claimant Purchased Its Claim From An Insider," April 18, 2013
- "Canonized Credit-Bidding: The Supreme Court Unanimously Affirms Secured Creditor's Right to Credit-Bid at Free and Clear Sale in Plan," June 8, 2012

Media Mentions

Imperial Toy Plans Sale to Ja-Ru
The Deal, 11.19.2019

Easy Life Furniture to liquidate in Chapter 11
The Deal Pipeline, 05.02.2014

Memberships

Conference Co-Chair, California Bankruptcy Forum (2017)
Education Co-Chair, California Bankruptcy Forum (2015, 2016)
Program Book Chair, California Bankruptcy Forum (2012)

Session Producer, California Bankruptcy Forum (2011, 2013)

Member, Bench-Bar Liaison Committee for the United States Bankruptcy Court, Northern District of California (2014 – 2018)

Co-Chair, Bench-Bar Liaison Committee for the United States Bankruptcy Court, Northern District of California (2015 – 2016)

Conference Chair of the Bay Area Bankruptcy Judges' Conference (2017)

Member, Insolvency Law Committee of the California State Bar Association (2015 – 2018)

Board Member, Bay Area Chapter of the California Receiver's Forum (2013 – Present)

President, Bay Area Chapter of the California Receiver's Forum (2016, 2017)

Practices

Commercial Mortgage Backed Securities ("CMBS")

Asset Based Lending

Bankruptcy and Restructuring

Bankruptcy Litigation

Commercial Lending and Financial Transactions

Debtor in Possession (DIP) Financing

Distressed Acquisitions Under Bankruptcy Code
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Municipal and Public Entity Restructuring

Industries

Food and Beverage

Education

J.D., University of Chicago Law School, 2006

B.A., University of California, Berkeley, 2001, *Phi Beta Kappa, departmental highest honors*

Admissions

California

United States District Court for the Northern, Southern, Central, and Eastern Districts of California

United States Court of Appeals for the Ninth Circuit