

# BANKRUPTCY, RECEIVERSHIP AND CREDITORS' RIGHTS

The Bankruptcy, Receivership and Creditors' Rights Department of Ervin Cohen & Jessup LLP provides assistance in a wide range of areas involving bankruptcy, receivership, restructuring, reorganization, out-of-court workouts and creditors' rights issues. Our clients include corporations, partnerships (general, limited and limited liability), limited liability companies, individuals, receivers, bankruptcy trustees, creditors' committees, developers, financial institutions and private lenders.

## Bankruptcy, Receivership and Creditors' Rights Services

The Bankruptcy, Receivership and Creditors' Rights Department represents debtors and debtors-in-possession, state and federal court receivers, unsecured and secured creditors, Chapter 7 and 11 trustees and creditors' committees in adversary proceedings and related insolvency litigation, out-of-court workouts, business reorganizations and bankruptcies, and complex Chapter 7 cases. The Bankruptcy, Receivership and Creditors' Rights Department is complemented by the extensive experience found in the Firm's Real Estate; Litigation; and Business, Corporate and Tax Departments. Our attorneys also serve as court-appointed receivers, trustees, assignees for the benefits of creditors and in other fiduciary capacities, and are frequently called upon to speak at state and national conferences.

Our attorneys seek the most cost-effective and creative solutions for debtors in dealing with major liabilities, business downturns and/or cash-flow problems, and creditors with respect to the enforcement of their rights.

Our capabilities include:

- **Debtors:** Debtors and debtors-in-possession are heavily scrutinized in most Chapter 11 cases and workouts effected out of court. Our lawyers provide skilled counsel to debtors and debtors-in-possession nationwide.
- **Creditors' Committees:** In most Chapter 11 cases, the establishment and effectiveness of creditors' committees are crucial to safeguarding the interests of creditors, bondholders and other holders of debt. ECJ has extensive experience representing unsecured creditors' committees in substantial Chapter 11 cases both for businesses and individuals.

## PROFESSIONALS

Blake C. Alsbrook

Peter A. Davidson

Byron Z. Moldo

Sonia Singh

Chase A. Stone

- **Bankruptcy Trustee Services:** All Chapter 7 and, occasionally, Chapter 11 cases require the appointment of trustees. One of the department members has served as a Chapter 7 and 11 trustee. In addition, ECJ frequently represents trustees in both Chapter 7 and Chapter 11 cases.
- **Creditors' Rights:** Our Bankruptcy, Receivership and Creditors' Rights Department also represents a variety of institutional and private lenders, as well as secured and unsecured creditors in a significant range of industries.
- **Receivers:** Members of the Department are frequently appointed as receivers by state and federal courts and also represent receivers appointed by these courts.
- **Assignment for Benefit of Creditors:** Members of the Department have served as assignees for the benefit of creditors and also have experience in representing assignees.

Representative bankruptcy cases include: Georges Marciano, Vince Neil, Tariano (Tito) Jackson, Jermaine Jackson, Katherine and Joseph Jackson, Circuit City, Fresh & Easy, Radio Shack, Hamburger Hamlet, L.A. Gear, Clothestime and Long John Silvers.

Our receivership matters include cases filed by the Securities and Exchange Commission, Federal Trade Commission, Commodities Futures Trading Commission, California Department of Business Oversight and California Department of Real Estate.

## CLIENT ALERTS

Partner Byron Moldo Quoted In The Los Angeles Times  
*Los Angeles Times*, 07.07.2022

Partner Byron Moldo Quoted in the Guardian on the Mega-Mansion "The One"  
03.04.2022

Partner Byron Moldo Quoted In The Los Angeles Times  
*Los Angeles Times*, 03.01.2022

Sonia Singh Elected to the Los Angeles Bankruptcy Forum Board  
09.14.2021

Partner Byron Moldo Discusses the Financial Fallout of the Pandemic in the LA Business Journal's Bankruptcy Roundtable  
*Los Angeles Business Journal*, 07.29.2020

ECJ Partner Byron Moldo Quoted In The Southern California Record  
Bankruptcy Attorneys Prepare For An Onslaught Of Filings Post COVID-19, But There Are Alternatives  
*Southern California Record* , 04.15.2020

Seasoned Attorney Blake Alsbrook Joins Ervin Cohen & Jessup

02.19.2020

Ervin Cohen & Jessup Recognized on the U.S. News – Best Lawyers 2020 “Best Law Firms” List

11.01.2019

## BLOG POSTS

Partition Referees and Receivers have quasi-judicial immunity

*Ask the Receiver*, 05.01.2023

When Should A Receivership Be Terminated?

*Ask the Receiver*, 03.15.2023

Must A Receiver File An Inventory?

*Ask the Receiver*, 02.16.2023

What To Do If A Receiver Fails To File Monthly Reports?

*Ask the Receiver*, 01.23.2023

Can Bills In A Receivership Be Redacted?

*Ask the Receiver*, 12.21.2022

Does A Receiver Have To Comply With A Subpoena?

*Ask the Receiver*, 11.22.2022

What Duties Do Receivers Have To Creditors?

*Ask the Receiver*, 02.03.2022

Can a Discharged Receiver Be Sued Without Court Permission?

*Ask the Receiver*, 01.05.2022

Getting A Receiver In Aid Of Execution Just Got A Lot Harder

*Ask the Receiver*, 09.28.2021

When Were Receivers First Appointed In California?

*Ask the Receiver*, 08.03.2021

When Can a Court Refuse To Appoint a Receiver Under Health and Safety Code Section 17980.7c?

*Ask the Receiver*, 07.15.2021

Are Defendants Entitled To A Jury Trial In A Voidable Transfer Case?

*Ask the Receiver*, 03.03.2021

Can Receivers Reject Leases For The Benefit of Creditors?

*Ask the Receiver*, 02.03.2021

Can the Bankruptcy Court Appoint a Receiver?

*Ask the Receiver*, 10.07.2020

Coronavirus Advice for Creditors

*ECJ Blogs*, 03.23.2020

Can A Receiver Legally Divert Mail?

*Ask the Receiver*, 02.27.2020

Ask the Receiver: Using the Barton Rule or the Younger Doctrine to Dismiss Cases When Sued as Receiver

*Ask the Receiver*, 11.15.2019

Ask the Receiver: Can you be liable for your opponent's attorney's fees if you lose a receivership motion?

*Ask the Receiver*, 10.15.2019

In a Ponzi Scheme Are Referral and Broker Fees Recoverable?

*Ask the Receiver*, 07.17.2019

The Proper Procedure for A Receiver Hiring Counsel to be Paid by the Receivership Estate

*Ask the Receiver*, 06.11.2019

State Law Dictates Who May File Bankruptcy For A Corporation

*Ask the Receiver*, 02.14.2019

How Receivers Should Deal With Secret Liens

*Ask the Receiver*, 01.09.2019

Can A Federal Court Invalidate A State Court Receivership

*Ask the Receiver*, 08.22.2018

Selling Real Property In A Federal Receivership

*The Staff Report*, 07.16.2018

Receiver's Appointing Order Language Controls Who Can File A Corporate Bankruptcy

*Ask the Receiver*, 06.14.2018

Receiver's Use Of An Elisor When A Party On Title Won't Sign Documents

*Ask the Receiver*, 05.17.2018

Who Should Sign a Proof of Claim Form - Lawyer or Client?

*Ask the Receiver*, 12.27.2017

Can a Receiver Keep Fees If the Underlying Judgement is Reversed on Appeal?

*Ask the Receiver*, 11.29.2017

How Does a Receiver Sell the Homesteaded Home of a Judgment Debtor to Satisfy a Judgment?

*Ask the Receiver*, 09.13.2017

What Happens to a Creditor's Claim If It Received Notice and Fails to File by the Claim's Bar Date?

*Ask the Receiver*, 08.09.2017

In an operating receivership, do creditors need to be served with motions?

*Ask the Receiver*, 07.11.2017

Can a Receiver be Sued for Not Paying a Pre-Receiver Creditor?

*Ask the Receiver*, 06.07.2017

The Value of Interim Fee Orders

*Ask the Receiver*, 05.16.2017

The Difference Between Bankruptcy & Receivership Payment of Legal Fees to Defend Fee Applications

*Ask the Receiver*, 04.12.2017

Fore Warned: Fifth Circuit Sticks to its Guns

*Ask the Receiver*, 03.14.2017

Do Settlement Agreements Need to Be Approved by the Court?

*Ask the Receiver*, 01.09.2017

Receiver to Enforce a Judgement: Who Should be Served

*Ask the Receiver*, 12.15.2016

How do I distribute funds when one of the parties provides a social security number that is not his?

*Ask the Receiver*, 11.21.2016

How does a creditor obtain relief from a receivership stay order?

*Ask the Receiver*, 11.08.2016

If a receiver discovers possible criminal wrongdoing, are they required to report it to authorities?

*Ask the Receiver*, 11.03.2016

Unauthorized Transfers of Receivership Property: Void, Voidable or Ok?

*Ask the Receiver*, 07.25.2016

What Can Be Done With Returned or Uncashed Distribution Checks?

*Ask the Receiver*, 07.11.2016

Do You Need a Confirmation Hearing When a Receiver is Appointed Ex Parte?

*Ask the Receiver*, 06.28.2016

Changes in California's Fraudulent Transfer Law

*Ask the Receiver*, 01.13.2016

Are Orders Approving a Receiver's Sale Appealable in State Court?

*Ask the Receiver*, 12.16.2015

Can The Defendant Set Aside A Sale Of Receivership Assets To A Buyer?

*Ask the Receiver*, 12.02.2015

Can A Receiver Be Appointed To Take Possession And Safeguard Transferred Property Pending Trial Of A Fraudulent Transfer Action?

*Ask the Receiver*, 11.18.2015

Can a Magistrate Appoint a Receiver?

*Ask the Receiver*, 08.05.2015

Is the Transfer of a Receivership Estate Asset Without Court Approval, Void or Voidable?

*Ask the Receiver*, 07.01.2015

Fore! Ponzi Scheme Lands The Golf Channel In The Rough

*Ask the Receiver*, 06.03.2015

Receiver's Sales Are Not Immediately Appealable In Federal Court

*Ask the Receiver*, 04.15.2015

Can a Receiver Reject a Lease like a Bankruptcy Trustee?

*Ask the Receiver*, 03.11.2015

Can a Receiver's Appointment Be Declared Void by Another Court?

*Ask the Receiver*, 02.25.2015

Can A Receiver Take Over Out-of-State Assets With A California Appointment Order?

*Ask the Receiver*, 12.03.2014

Can A Receiver Be Appointed To Sell Intellectual Property To Satisfy A Judgment?

*Ask the Receiver*, 11.19.2014

Bankruptcy Bleak House—The Limited Ability of Bankruptcy Courts to Enter Final Judgments

*Ask the Receiver*, 10.15.2014

Stipulation Waiving the Final Accounting—Is it a Good Idea?

*Ask the Receiver*, 09.03.2014

Is there a Statute of Limitations on the Term of a Lease a Receiver can Execute?

*Ask the Receiver*, 08.20.2014

The Receiver is Thinking of Filing a Bankruptcy Petition for a Corporation in Receivership. As Counsel, if this Happens, are My Fees in Jeopardy?

*Ask the Receiver*, 08.06.2014

Can Investor/Creditor Recoveries from Third Parties Reduce Their Claims in a Receivership?

*Ask the Receiver*, 07.09.2014

Can I Be Sued By a Creditor in Nevada as a Receiver Appointed by the Court in California?

*Ask the Receiver*, 06.25.2014

When Does the Statute of Limitations Start to Run on Avoidance Claims Brought by a Receiver?

*Ask the Receiver*, 06.11.2014

Is a Receiver Disqualified if He or She is Related to a Party or a Judge?

*Ask the Receiver*, 05.28.2014

When a Receiver is Appointed Does this Prevent Former Officers & Directors from Filing a Bankruptcy Petition on Behalf of the Entity Placed in Receivership?

*Ask the Receiver*, 05.14.2014

In an Appealed Appointment, How Does a Receiver Get Paid if the Receivership is Terminated?

*Ask the Receiver*, 04.30.2014

Can a Receiver Be Liable for Acts or Omissions that Occurred in a Case After Discharge?

*Ask the Receiver*, 04.16.2014

Can an Appeal be Dismissed because the Appellant has Refused to Comply with Court Orders?

*Ask the Receiver*, 04.02.2014

Receiver as a Lien Creditor

*Ask the Receiver*, 03.19.2014

Should Receivers Appear Only Through Counsel To Avoid Civil Liability?

*Ask the Receiver*, 03.05.2014

Can a State Court Receiver Appear in the Bankruptcy Court or the District Court on Behalf of the Receivership Estate?

*Ask the Receiver*, 02.19.2014

Appointing a Neutral Receiver

*Ask the Receiver*, 02.05.2014

When I Am Appointed as Receiver is there Anyone in Particular I Need to Notify?

*Ask the Receiver*, 01.22.2014

As a Receiver, Do I Need an Order From the Court to Sue Someone?

*Ask the Receiver*, 01.08.2014

## PUBLICATIONS

*County of Sonoma v. U.S. Bank*: Court of Appeal Reaffirms Receivership Court's Power to Authorize Priority Certificates and Strip Liens

*Receivership News*, Spring 2021

Partner Byron Moldo Authors Article on Subchapter V of the US Bankruptcy Code for GGI Global Alliance Subchapter V of the US Bankruptcy Code

*GGI Global Alliance's Debt Collection, Restructuring & Insolvency News*, 06.12.2020

Partner Byron Moldo Authors Article on Substantive Consolidation for GGI Global Alliance Substantive Consolidation, its Application, and the Authority

10.11.2019

When Breaking Up Is Hard, Call A Partition Referee

05.24.2016

## EVENTS

Peter Selvin to Speak at Bankruptcy Battleground West Conference

The Maybourne Beverly Hills, 03.03.2022

Nuts and Bolts Part II: Unique Remedies for the Litigator – Partition, Anti-SLAPP, Alter Ego Attachment and More! Online Event, 06.28.2021

Raising the White Flag: Why Consider Abandoning Bankruptcy to an Alternative Choice

Webinar, 05.14.2021

Partner Blake Alsbrook to Speak at California Receivers Forum's Webinar for Troubled Businesses

"Troubled Businesses 2020: Insolvency Strategies with Bankruptcy Judge Meredith Jury (Ret.) and Expert Panel" Webinar, 07.22.2020

Partners Byron Moldo and Blake Alsbrook to Speak at CRF's Loyola VIII Symposium

Renaissance Hotel, Newport Beach, 01.24.2020



## SUCCESSSES

ECJ Partners Randall Leff and Byron Moldo Named "Legal Visionaries" by the Los Angeles Times

Ervin Cohen & Jessup Expands Recognitions on the U.S. News – Best Lawyers 2022 “Best Law Firms” List

Partner Byron Moldo Named a Global Chairperson with Geneva Group International

Ervin Cohen & Jessup Expands Recognitions on the U.S. News – Best Lawyers 2021 “Best Law Firms” List

Ervin Cohen & Jessup Named Receiverships Law Firm of the Year

ECJ/Peter Davidson Win Award for Restructuring of Georges Marciano Estate