



SHARON Z. WEISS

Partner

Los Angeles

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BIOGRAPHY

Sharon is a notable partner in BCLP's Corporate & Finance Transactions Department and has extensive experience across a wide array of insolvency matters, including representation of creditors, individual and corporate debtors, trustees, franchisors, and creditors' committees. As lead trial counsel in bankruptcy and commercial litigation, Sharon has etched her mark in handling fraud and Ponzi scheme litigation, contributing to published Ninth Circuit opinions. Her clients include parties engaged in banking, real estate, consumer electronics, healthcare, restaurant, garment, entertainment, and retail sales industries. Sharon's scope of work extends to out-of-court workouts and navigating the intricacies of disputed asset sales, financing, secured creditor rights, avoiding powers, executory contracts, pension plans, claims priority, plan confirmation, surcharges, and the court's inherent powers.

Acknowledged as one of Los Angeles Business Journal's "Top 100 Lawyers" in 2023, Sharon's legal acumen, community impact, and contributions to the profession shine brightly. Moreover, Sharon has been honored and recognized for professional excellence by the American College of Bankruptcy and will be inducted as a fellow in the 35th Class of the College in March 2024. She was previously recognized as one of the "Top Women Lawyers" in California by the *Daily Journal* in 2013 and as a notable practitioner in *Chambers USA* since 2012, in the California bankruptcy and restructuring practice area. She frequently speaks on panels regarding insolvency-related topics. Sharon has delivered presentations and organized countless programs and panels on substantive and procedural insolvency issues.

CIVIC INVOLVEMENT & HONORS

- Top 100 Lawyers in Los Angeles', *Los Angeles Business Journal*, 2023
- *Chambers USA*, 2012 – 2023
- Ranked in *The Lawdragon 500* Leading Bankruptcy & Restructuring Lawyers, 2020-2023
- *The Best Lawyers in America*®, 2016 – 2022
- *Southern California Super Lawyers*, 2005 – 2022
- "Restructuring Deal of the Year" winner at *The Deal Awards* Middle Market, 2020
- *Daily Journal* – Top Woman Lawyer, 2013
- Kathryn R. Heidt Memorial Award, ABA Section of Business Law Business Bankruptcy Committee (first recipient), 2008
- Bankruptcy *Law360's* "Outstanding Woman Bankruptcy Lawyer", 2007

PROFESSIONAL AFFILIATIONS

- Pending Induction as a Fellow into the **35th Class of the American College of Bankruptcy**
- **ABA Business Law Section**
 - Appointed to newly formed Membership Board, 2021-2023
 - Business Law Section Council, 2017-2021
 - Business Bankruptcy Committee - Resolutions Task Force, 2023-2026; Co-Chair Kathryn R. Heidt Memorial Award Selection committee, 2013 to 2017, 2023; Co-Chair, Chapter 11

Subcommittee, 2020-2023; Secured Creditor Subcommittee, 2017-2020; Co-Chair Programs subcommittee, 2007- 2013; Vice Chair, Executory Contracts subcommittee, 2004-2007; Co-Chair, Membership subcommittee, 2002-2004; Vice Chair, Litigation subcommittee, 2001-2002

- Bankruptcy Court Structures and Insolvency Process Committee – Former Chair, 2014-2017
- Diversity and Inclusiveness Committee – Content Director, 2011-present; Secretary, 2011-2013; Co-Chair, Women's Business Law Network subcommittee, 2008-2011; Chair, Law Student and Young Lawyer Involvement subcommittee, 2005-2008.
- **International Women's Insolvency and Restructuring Confederation**, Member
- **Turnaround Management Association**, Member
- **Restructuring and Insolvency Professionals of Southern California**, Co-Founder
- Appointed to the **Bankruptcy Mediation Program Panel for the United States Bankruptcy Court**, Central District of California, 2006-present
- Appointed an Attorney Settlement Officer for the **United States District Court, Central of California**, 2007-2021
- **Chapter 11 Rules Taskforce for the US Bankruptcy Court** - Central District of California, 2020-2023
- **California Bankruptcy Forum**
 - President, 2012-2013; Conference Co-Chair, 2008-2009, 2017-2018; Program Book Co-Chair, 2006-2007.
- **Los Angeles Bankruptcy Forum**
 - Board of Directors, 2010-2013
- **American Bankruptcy Institute**
 - Healthcare Subcommittee; Membership Chair, 2013-2016; Listserv Facilitator, 2010-2013
- **National Conference of Bankruptcy Judges**

- Education Committee Member, 2017

- **BCLP Women's Affinity Group**
 - Board Member, US BCLP Woman's Affinity Group, 2021 to present
 - Santa Monica Office Liaison, 2018-2021

- **CARE LA Volunteer**

ADMISSIONS

- California, 1993
- United States Supreme Court
United States Court of Appeals for the Ninth Circuit
United States District Courts for the District of Colorado, and Central, Eastern, Northern and Southern Districts of California

EDUCATION

Southwestern University, J.D., 1993

University of California-Irvine, B.A., 1990

RELATED PRACTICE AREAS

- Restructuring & Insolvency/Special Situations
- Lenders & Other Creditors
- Debtors & Corporates
- Committees & Estate Representatives
- Real Estate
- Real Estate Disputes
- Finance
- Litigation & Dispute Resolution
- Banking Sector
- Business & Commercial Disputes
- Israel Practice

EXPERIENCE

International Insolvency

- Special counsel in Chapter 11 bankruptcy case pending in Dayton, Ohio to protect Debtor's assets in Germany from collection efforts by its major creditor.

Fiduciary

- Appointed as the Plan Agent responsible to distribute \$2 million to creditors for the emsCharts bankruptcy case which was pending in Pittsburgh, Pennsylvania.
- Appointed creditor representative in post-confirmation plan of reorganization.

Ponzi Scheme Litigation / Avoidance Actions

- Successfully represented client to resolve alleged fraudulent transfer action commenced by Federal Receiver.
- Represented successor Chapter 7 trustee to prosecute Ponzi scheme avoidance actions before the bankruptcy court and on appellate review.

Bankruptcy Cases and Creditor Rights Representation

- Represents Treetop Development LLC, as a debtor and debtor-in-possession, in connection with its chapter 11 bankruptcy case.
- Represented California-based Renovate America, Inc. and Personal Energy Finance, Inc. as debtor and debtor in possession in their chapter 11 bankruptcy case, which included the sale of substantially all of the assets of Renovate's consumer lending business for home improvement projects, recovery and liquidation of assets, and related case issues.
- Represented BH Properties as Chapter 11 DIP lender in California Nevada Methodist Homes bankruptcy case, filed in Oakland, California.
- Retained as co-counsel in the Ironclad bankruptcy case in the Central District of California to represent the stalking horse bidder, who purchased a secured lien against the debtor pre-petition.
- Successfully represented lender as Plaintiff in adversary proceeding to substantively consolidate 7 non-debtor entities and 3 non-debtor individuals into Chapter 7 estate.
- Successfully represented lender in lender liability adversary proceeding which resulted in a published opinion.

- Effectively represent commercial landlords in bankruptcy cases throughout the U.S.
- Represent various factors in all aspects of insolvency issues to preserve lien position.
- Lead bankruptcy counsel and ongoing representation of global provider of professional information and software in all aspects of bankruptcy cases including assumption of executory contracts and defense of avoidance actions.
- Develop aggressive strategies for lenders to enforce secured creditor rights.
- Successfully represented lender in Chapter 11 bankruptcy estate to enforce creditor's rights regarding whether the automatic stay tolls the right of redemption subsequent to a judicial foreclosure.
- Represented several media vendors in KSL bankruptcy estate to defend proofs of claim and collection demands by Chapter 7 trustee related to media vendor's advance payment of money placement services and media buys.
- Successfully represented Imagine Nation in Wisconsin Bankruptcy Court to enforce pre-petition judgment for fraud and embezzlement.
- Represented JLG Industries in Chapter 11 proceedings and related Chapter 7 bankruptcy case of guarantor, which resulted in non-dischargeable judgment for more than \$4.5 million.
- Represented a wholesale distributor as member of creditor's committee in the RCR Plumbing and Mechanical Chapter 11 bankruptcy case.
- Represented Tully's Coffee (prior to its own Chapter 11 proceedings) to enforce its rights against Debtor for violations of franchising law and intellectual property.
- Represented the architect for a large mix use resident/retail real estate development known as "The Concerto" located in the heart of downtown Los Angeles, to enforce its mechanic lien and intellectual property rights.
- Represented founder, President, and Chief Executive Officer of a distributor of consumer electronics with gross revenues of approximately \$20 million in connection with all facets of companies' Chapter 11 bankruptcy cases, including critical strategic planning with respect to \$45 million federal court judgment against Debtor-companies and their President.

Purchasers of Assets of Distressed Companies

- Successfully represented PlanetArt in all aspects of its purchaser of Personal Creations assets from FTD bankruptcy case for \$18.1 million. Representation continued to attend to post-

closing issues, including transitional service agreement and agreements with third party supplies and vendors.

- Successfully represented stalking horse bidder to purchase Golfsmith International Headquarters for \$20.5 million.
- Successfully represented buyer of assets and acquirer of claim in technology oriented bankruptcy proceeding.
- Represented buyer as a stocking horse bidder in its purchase of six warehouses for almost \$40 million from the RadioShack bankruptcy estate.

Franchising

- Represent various franchisors in all aspects of out of court workouts and during bankruptcy proceedings, including contested cash collateral, executory contract issues, dispute sale transactions and alternative dispute resolution.

Health Care

- Represented health care specialty client to enforce and recover outstanding secured loans from various insolvent health care facilities.

Corporate Governance

- Represented members of the board of directors regarding their fiduciary duties during company's insolvency and distressed sale process.

RESOURCES

PUBLICATIONS

- "(Almost) Everything You Wanted to Know About Planning and Conducting an Evidentiary Hearing in Bankruptcy Court," National Conference of Bankruptcy Judges / ABA Business Law Section, October 30, 2019 (Author and Speaker)
- "Freeze in Time that Saved Priority: Lapsed Financing Statement in Bankruptcy," *ABA Business Law Today*, April 25, 2019
- "Maryland Bankruptcy Court Rules that Secured Creditor Retains Priority Even Though Its UCC Financing Statement Lapsed During Case," ABA Business Law Section, February 2019
- "ABA Business Law Section Diversity and Inclusion Plan," 2015; Updated October 2018

- “How Reporting a Crime May Subject You to Sanctions,” ABA Business Law Section, March 2016
- “Will Your Claim in Bankruptcy Withstand the Test?” Bryan Cave Bankruptcy and Restructuring Blog, May 18, 2015
- “Overcoming Administrative, Procedural, and Evidentiary Hurdles in Ponzi Scheme Litigation,” Golden Gate University Law Review, June 2012
- “Reclamation Rights and Federal Bankruptcy Law,” *The Practical Lawyer*, October 2010
- Author/Speaker, “Are Your Clients Caught in a Bankruptcy Case? Hot Topics Relating to Ponzi Schemes, Distressed Real Estate Sales, and Other Emerging Issues: SELLER BEWARE: Understanding the Interplay of Reclamation Rights and Federal Bankruptcy Law,” Beverly Hills Bar Association: Business Law Section, March 2010 (and panel speaker)
- Author/Speaker: “Recent Developments Regarding Claims in Bankruptcy,” ABA Business Law Section, Task Force of Current Developments in Bankruptcy, Fall 2008 (and panel speaker)

Published Opinions

- Prevailed on a motion to dismiss lender liability adversary proceeding. In re ICPW Liquidation Corp., 600 B.R. 640 (Bankr. C.D. Cal. 2019).
- Lead bankruptcy counsel for major financial institution in Chapter 7 bankruptcy. Bankruptcy court granted Plaintiff summary judgment to substantively consolidate 7 non-debtor entities and 3 non-debtor individuals into Chapter 7 estate. District Court affirmed bankruptcy court’s judgment. Ninth Circuit appeal is pending. In re Owner Management Services, LLC, 530 B.R. 711 (Bankr. C.D. Cal. 2015).
- Awarded attorney’s fees and cost in defending non-party recipients of subpoenas duces tecum in Chapter 11 case. In re Morreale Hotels LLC, 517 B.R. 184 (Bankr. C.D. Cal. 2014).
- Represented Chapter 7 trustee in Ponzi scheme claw back avoidance actions. In re AFI Holdings, Inc., 525 F.3d 700 (9th 2008).
- Ninth Circuit ruled bankruptcy court must first determine that property is property of the bankruptcy estate before it may authorize sale of assets. In re Rodeo Canon Development Corp., 126 Fed. Appx. 353 (9th 2005) (case subsequently unpublished by Ninth Circuit).
- Successfully represented Chapter 7 Debtor in defending trustee’s attempts to avoid as a fraudulent transfer \$2 million pension plan. Gill v. Stern (In re Steven H. Stern), 345 F.3d 1036 (9th Cir. 2003).

- Ninth Circuit confirmed bankruptcy court's inherent authority to impose sanctions under 11 U.S.C. 105(a) in favor of Chapter 7 trustee for willful violation of the automatic stay. In re Dyer, 322 F.3d 1178 (9th 2003).

SPEAKING ENGAGEMENTS

- Complex Chapter 11 Procedures in the Central District," Financial Lawyers Conference, November 2023
- "Complex Chapter 11 Procedures in the Central District", Beverly Hills Bar Association, Bankruptcy Law Committee, October 2023
- "The Family Who Commits Mortgage Fraud Together Goes to Jail Together: The Case of Owner Management Service," ABA Business Law Podcast - Bad Boys of Bankruptcy, guest speaker, June 2023
- "Transactional Law, Bankruptcy, and Sharing Insights with Meryl Macklin & Sharon Weiss," C-Sweet Talks Podcast, guest speaker, June 2022
- "The Art of Drafting Settlement Agreements," California Bankruptcy Forum/The Inland Empire Bankruptcy Forum, September 2021 (Author and Speaker)
- "Issues Relating to CARES Act Loans", American Bankruptcy Institute, Battleground West, March 2021 (Author and Speaker).
- "(Almost) Everything You Wanted to Know About Planning and Conducting an Evidentiary Hearing in Bankruptcy Court," National Conference of Bankruptcy Judges / ABA Business Law Section, October 2019 (Author and Speaker)
- Litigation Issues Arising from M&A Transactions - Litigating Bankruptcy and Fraudulent Conveyance Issues in M&A Deals: Are the Consequences Real or Imaginary?, Bryan Cave Webinar Series, December 2017
- "Surprise!: Ways in Which the Automatic Stay or Discharge Injunction Can Sneak Up On You," ABA Business Law Section, April 2017
- "Alternatives to Bankruptcy," Trigild Lenders Conference, April 2015
- "How to Get Sanctioned Without Really Trying: The Perils of Litigating for Estate Fiduciaries," ABA Business Law Section, Business Bankruptcy Committee, October 2011
- "The Rat Pack Is Back: A Simulated Multi-Party Mediation of a Chapter 11 Dispute Arising from (i) a Leveraged-Lease of a Las Vegas Casino and (ii) the Operation of the Claim Litigation

under Section 502(b)(6)," ABA Business Law Section, Business Bankruptcy Committee, April 2009

- "The 1, 2, 3's of Financial Statements," presented to the ABA Business Law Section/Woman's Business Law Network, March 2008 and May 2008 (via national webcast)

RELATED INSIGHTS

News

Apr 24, 2024

Partner Sharon Z. Weiss represents prominent Los Angeles development in high-stakes legal battle

Awards

Nov 10, 2023

Sharon Weiss to be inducted as fellow of American College of Bankruptcy

Awards

Aug 17, 2023

The Best Lawyers in America® 2024

News

Jun 22, 2023

Partners named to 2023 Lawdragon 500 Leading U.S. Bankruptcy and Restructuring Lawyers

News

Jun 12, 2023

Partner featured on 'ABA Business Law' podcast on owner management case

News

Jun 01, 2023

Chambers USA 2023

Awards

May 19, 2023

Partner named to '2023 Top 100 Lawyers in Los Angeles' list

Insights

Mar 12, 2023

Some good news for depositors of Silicon Valley Bank and Signature Bank

Awards

Aug 18, 2022

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