Buchalter

Oren Bitan

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Shareholder

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Areas of Practice & Industry Specialties
Litigation; Products Liability Law; Mortgage Lending; Class Actions; Cannabis & Hemp Industry Law Group; Internet Law, E-Commerce & Social Media; Alternative Lenders; Apparel & Consumer Products; Entertainment Industry Law; Hospitality, Food and Beverage Industry Law; Fiduciaries, Receivers & Trustees; Retail Leasing Law; Title Insurance & Escrow; Technology; Wine Industry Law; Agribusiness; Equine Law

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Oren Bitan is a shareholder based in Buchalter's Los Angeles office and a member of its Litigation department. He is also co-chair of the firm's Fiduciaries, Receivers & Trustees group and co-chair of the firm's Cannabis & Hemp industry group. He is on the board of the California Receivers Forum, a member of the executive committee of the USC Real Estate Law & Business Forum, and is on the planning committee of the National Association of Federal Equity Receivers. Oren has received a number of awards including 2023 LA Visionary by the LA Times B2B Publishing, 2022 Leader of Influence by the Los Angeles Business Journal, 2018 Top Litigator by the Los Angeles Business Journal, and has served on the Law 360 Editorial Advisory Board in its Cannabis section.

Throughout his years of private practice, Oren has first chaired a number of trials and arbitrations in the real estate, financial services, mortgage banking, consumer product, media, and hospitality industries, successfully defending high stakes disputes and securing multiple eight-figure verdicts and judgments on behalf of plaintiffs he has represented.

CREDITORS' RIGHTS

Oren is a trusted strategic advisor who frequently represents lenders, financial institutions, investors, and real property owners in business and commercial litigation, creditors' rights, real estate, restructuring, provisional remedies, collections and post-judgment enforcement.

RECEIVERSHIPS

Oren has represented state and federal court receivers in hundreds of equity, real estate, and health & safety receiverships, and has assisted in the recovery of hundreds of millions of dollars in assets for secured creditors. Oren has also worked in tandem with law enforcement to recover monies for victims of fraud in equity Ponzi scheme receiverships.

WINE, BEER, LIQUOR AND CANNABIS EXPERTISE

Oren advises alcohol and cannabis businesses on a wide variety of issues, including regulatory advice, product liability, false advertising, financing, intellectual property, and assembling teams of attorneys to provide corporate and employment advice. Representative clients include vertically integrated companies, brands, retailers, distributors, cultivators, manufacturers, investment funds, secured lenders, factors, equipment lessors, and IP licensors.

Oren has also litigated a number of matters for beer, wine and liquor companies involving distribution

agreements, false advertising claims, product liability and commercial disputes.

Mr. Bitan is also an experienced appellate lawyer and has successfully argued numerous times before the California Court of Appeal and the Ninth Circuit Court of Appeals. Representative matters include:

- *Crossroads Investors, L.P. v. Federal National Mortgage Assn*. (2017) 13 Cal.App.5th 757, in which Mr. Bitan successfully petitioned the California Supreme Court to reverse an order denying an anti-SLAPP motion, which resulted in an order striking claims for wrongful foreclosure and fraud. This resulted in a published decision creating new law regarding "mixed" causes of action under California's anti-SLAPP statute.
- *Integrated Dynamic Solutions, Inc. v. VitaVet Labs, Inc*. (2017) 6 Cal. App. 5th 1178, in which Mr. Bitan successfully upheld a mandatory preliminary injunction requiring the turn-over of source code, among other things, and which resulted in a unanimous published opinion.
- *Randles Films, LLC v. Echo Bridge Entertainment, LLC, et. al*, 2014 U.S. App. LEXIS 30 (9th Cir. Jan. 2, 2014), in which Mr. Bitan successfully defended a judgment he obtained in a copyright infringement dispute involving a motion picture.
- *Solomon v. US Bank Nat'l Ass'n*, 2011 Cal. App. Unpub. LEXIS 9917 (Dec. 28, 2011, No. E052462), in which Mr. Bitan successfully defended an order granting an anti-SLAPP motion he filed in the Superior Court striking claims made against his client.
- *Giorgio v. Synergy Management Group, LLC*, 231 Cal.App.4th 241 (2014), which resulted in a published opinion. Mr. Bitan successfully defended a judgment against his client's former employee.

Prior to law school, Mr. Bitan launched H.I.Q.I. (Hit It 'n Quit It) Media, a film distribution company specializing in documentaries. Notable films he distributed were the Radiohead documentary *Meeting People Is Easy*, the Academy Award winning documentary *The Long Way Home,* and the Oscar nominated film *The Farm.* Mr. Bitan has repeatedly spoken at film festivals and conferences around the world and has been featured in *The New York Times, The Los Angeles Times, Rolling Stone, Daily Variety, The Hollywood Reporter* and on *CNN*.

Prior to joining Buchalter, Mr. Bitan was an associate with a global law firm.

Representative Matters

- Secured the first ever receiver sale of a cannabis license. At auction, a licensed California cannabis business, The Guild San Jose's, assets were sold to a third party.
- *Crossroads Investors, L.P. v. Federal National Mortgage Assn*. (2017) 13 Cal.App.5th 757, in which Mr. Bitan successfully petitioned the California Supreme Court to reverse an order denying an anti-SLAPP motion, which resulted in an order striking claims for wrongful foreclosure and fraud. This resulted in a published decision creating new law regarding "mixed" causes of action under California's anti-SLAPP statute.
- *Integrated Dynamic Solutions, Inc. v. VitaVet Labs, Inc*. (2017) 6 Cal. App. 5th 1178, in which Mr. Bitan successfully upheld a mandatory preliminary injunction requiring the turn-over of source code, among other things, and which resulted in a unanimous published opinion.
- *Randles Films, LLC v. Echo Bridge Entertainment, LLC*, et. al, Case 2:10-cv-03909-SJO -SS: Lead trial counsel in a seven day copyright infringement trial on behalf of an independent film producer against unauthorized distributors of the motion picture Torture Room.
- Successfully argued an Anti-SLAPP motion at the trial court and appellate court level with an award of attorneys' fees in a matter involving a real estate dispute.
- Lead counsel in an unfair competition and false advertising suit involving consumer products that resulted in victory following the filing of a successful summary judgment motion
- Successfully litigated profit participation dispute involving royalties derived from the distribution of

television programs.

- Represented creator of graphic novels in copyright infringement dispute.
- Represented major brewer in acquisition of beverage company.
- Represented whiskey distiller in licensing celebrity spokesmen and launching new brand.

Publications

- Ninth Circuit bars cannabis companies from pursuing RICO claims, *Daily Journal*, February 9, 2023
- Cannabis Receiverships: A Viable Alternative to Bankruptcy, *Cannabis Industry Journal*, July 20, 2022
- Buchalter COVID-19 Client Alert: Supreme Court Holds That in Applying COVID-Related Stays of Eviction Proceedings, Landlords Must Be Given the Opportunity to Challenge a Tenant's Claim of COVID-Related Hardship, *Buchalter Client Alert*, August 13, 2021
- Testing Mandate Is Straining California Cannabis Cos., *Law360*, August 9, 2018
- Legal View of Labels: What's the best way to deal with the new wave of class-action lawsuits?, *Beverage World Magazine*, September 2015
- The Best Defense Requires Litigating On The Merits, *Law360*, February 9, 2015
- Cyber Security/Data Breach: President Calls for New AntiHacking Legislation, *Buchalter Nemer Tech Industry Bulletin*, February 2015
- How to Aggressively Defend Against Lender Liability Lawsuits, *Buchalter Nemer Points and Authorities*, December 9, 2014
- New Weapons to Battle Cybersquatters, *The Los Angeles Daily Journal*, November 5, 2014
- Protect It or Lose It: A Guide for Fashion Companies to Protect Their Trademark Rights and Preserve Their Brands, *Intellectual Property Today*, August 2014
- The Perils of Film Distribution, *Los Angeles Daily Journal*, May 19, 2014
- Five Tips for Film Distributors and Other Licensees, *IP Magazine*, April 2014
- The Ray Charles Foundation "Messes Around" and Gets SLAPP'd, *Buchalter Nemer Points & Authorities*, Summer 2013
- How Safe Is Your Security Interest in Intellectual Property? Five Tips That Protect You, *Buchalter Nemer Points & Authorities*, Spring 2012

Presentations

- Panelist, "Cannabis Update 2024: Optimizing Strategies Amidst Changing Regulations," Buchalter Panel Discussion, April 4, 2024
- Panelist, "Navigating the End Game: Receivers in Post-Judgment Enforcement," California Receivers Forum 2023 Education Series., October 17, 2023
- Speaker, "Fireside Chat," Benzinga Cannabis Capital Conference, April 11, 2023
- Moderator, "Everything Default, Loss Mitigation, & REO Troubleshooting," American Association of Private Lenders 2022 Annual Conference, October 20, 2022
- Moderator, "Civil Litigation and Criminal Issues in the Cannabis Industry," Infocast California Cannabis Control Conference, October 13, 2022
- Speaker, "Banking Issues in the Cannabis Industry: Managing Risk under State and Federal Law," Western Bankers Association 2022 Annual Conference , April 26, 2022
- Moderator, "The Cannabiz on 4/20 Eve," Live@5 the Cannabiz, April 19, 2022
- Speaker, "New Developments in Real Estate: What Litigators Need to Know," USC Gould School of Law

2022 Real Estate Law and Business Forum, April 7, 2022

- Speaker, "Exotic and Unusual Receiver Motions," NAFER Receivers' Huddle Webinar, March 10, 2022
- Speaker, "Banking Issues in the Cannabis Industry: Managing Risk under State and Federal Law," Western Bankers Association 2021 Regulatory Compliance Conference & Cannabis Forum, October 14, 2021
- Speaker, "Lending Issues in the Cannabis Industry: Managing Risk under State and Federal Law," California Mortgage Association 2021 Summer Seminar, July 29, 2021
- Moderator, "Executing a Successful Receivership," IMN's Bank Special Assets & Credit Officer’s Forum (West), July 28, 2021
- Panelist, "Managing Customer Risk in the Cannabis (or Cannabis-Adjacent) Space," Western Bankers Association 2021 Bank Counsel Virtual Seminar, May 27, 2021
- Speaker, "Cannabis Receivership/Restructuring," 2020 Cannbis Business Cyber Summit, November 12, 2020
- Speaker, "Real Estate Bankruptcy, Receiverships and Work-Outs: Practical Strategies for the Post-COVID Era," 2020 USC Gould School of Law Real Estate Law and Business Forum, October 29, 2020
- Moderator, "Hotel Operations, Restructuring and Receiverships in the Age of COVID-19," California Receivers Forum, September 23, 2020
- Panelist, "Barry Smith and Oren Bitan, Panelists at Risk Management Association Webinar," Inland Empire Risk Management Association Webinar, June 18, 2020
- Moderator, "Current Climate of Receiverships: Lending & Finance," California Receivers Forum, May 19, 2020
- Panelist, "Buzzkill: What Happens if the Rally in the Cannabis Market Fades?," USC Gould School of Law 2020 Real Estate Law and Business Forum, April 2, 2020
- Speaker, "Banking Issues In the Cannabis Industry: Managing Risks Under State and Federal Law," Western Bankers Association Webinar, March 3, 2020
- Host, "Minimizing Legal Risks and Insurance Considerations in the Cannabis Industry," Lorman Webinar, February 26, 2020
- Panelist, "Banking and Lending Solutions, Finance Considerations and Risks," Cannabis Business Law Conference, October 25, 2019
- Speaker, "Marijuana Business Law in California, National Business Institute," Le Meridien, January 15, 2019
- Resident Speaker, "Federal Responses to California Marijuana Law and Banking & Financing for the Marijuana Industry," National Business Institute , December 4, 2018
- Co-Speaker, "Cannabis and Commercial Real Estate: Navigating The Mine Fields," Commercial Real Estate & Lending Conference, November 7, 2018
- Co-Speaker, "Regulations Update: The Good, The Bad and the Ugly Rolling Out the California Adult Use Act," Pincus Professional Education, November 1, 2018
- Co-Speaker, "California's New Marijuana Law: How Does It Impact Employers?," Webinar, September 11, 2018
- Speaker, "Cannabis 2.0 Workshop Series," California Hispanic Chamber of Commerce, April 20, 2018
- Speaker, "Cannabis and Commercial Real Estate," Beverly Hills/Greater Los Angeles Association of Realtor's Commercial Expert Panel, October 11, 2017
- Speaker, "Cannabis & Real Estate: Know the Law," Telephone Conference Seminar and Q & A Series, August 1, 2017
- Speaker, "Know the Salient Points of Marijuana Laws and Effectively Advise Your Clients," Marijuana Business Law in California Seminar, April 28, 2017

- Speaker, "Market Disruptors - Looking Ahead," Trigild 2017 Spring Lender Conference, April 19, 2017
- Speaker, "Cannabis Economics and Regulations," City of Walnut Regional Mayor's Summit, April 5, 2017
- Moderator, "Cannabis Networking and Education Event," Buchalter Los Angeles Office, March 30, 2017
- Panelist, "The Future of the Cannabis Industry in California," USC Real Estate Law & Business Forum, March 9, 2017
- Panelist, "Marijuana Receiverships," Loyola VII Symposium, March 3, 2017
- Co-speaker, "The Nuts and Bolts of an Apparel Start-Up," Factory Direct Trade Show at the New Mart, in Los Angeles, CA, March 2, 2015
- Speaker, "Sales Free and Clear for Business and Realty—Does it Matter What Type of Property?," California Receivers Forum Loyola VI event, January 23, 2015
- Moderator, "Legality of Influence (Advertising & Disclosures)," Fashion Law Symposium, Loyola Law School in Los Angeles, CA, March 22, 2014
- Speaker, "Five Fatal Failures: The Biggest Legal Mistakes Every Indie Producer Makes," South by Southwest Music and Media Conference in Austin, TX, March 12, 2010
- Speaker, "Legal Issues Relating to Documentary Productions," Latino Producers Academy presented by the National Association of Latino Independent Producers, August 7, 2009
- Speaker, "How to Protect Your Brand Without Being a Jerk!," South by Southwest Music and Media Conference, March 16, 2009

Webinars

- "Webinar: Cannabis Remedies and Receiverships," November 8, 2022
- "Webinar: Understanding the Complex Intersection of Cannabis and Real Estate," October 7, 2020
- "Expert Webcast: Restructuring Options for Cannabis Companies," June 18, 2020
- "Pincus Professional Education: Cannabis and Hemp Law and Business in California," June 4, 2020
- "Webinar: Financing the Emerging Cannabis Markets: Managing Risks and Opportunities," September 12, 2018
- "Webinar: Risks and Rewards of Cannabis Investing," April 20, 2017

Education
Mr. Bitan earned his J.D. *cum laude* at Loyola Law School, where he was a member of the Order of the Coif and a Sayre Macneil Scholar. He served as Articles Editor of the *Loyola of Los Angeles Law Review*, was a member of the St. Thomas More Law Honor Society, and participated in the Law & Technology Moot Court (a joint program with Caltech). Mr. Bitan externed for The Honorable Harry Pregerson in the United States Court of Appeals for the Ninth Circuit and The Honorable Nora M. Manella in the United States District Court for the Central District of California. He received his B.S. in Business Administration at the University of Southern California.

Bar Admissions

- California

Community

- Serves as a member of the Executive Committee for the USC Real Estate Law and Business Forum and as a Board Member for the California Receivers' Forum.
- Provides an active pro-bono practice litigating immigration asylum claims, civil rights and Freedom of

Information Act lawsuits.

- Volunteered with the ACLU of Southern California, Bet Tzedek, and Public Counsel.

Languages

- Hebrew