

Michael S. Myers

San Francisco, California
Attorney

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Areas of Practice & Industry Specialties
Insolvency & Financial Law Group; Litigation



Michael S. Myers is a member of Buchalter's Insolvency & Financial Law Group in the Firm's San Francisco office. Mr. Myers focuses his practice on bankruptcy issues and complex Chapter 11 reorganizations. He has experience handling disclosure statements, 363 asset sales, assumption and assignment of leases and executory contracts, stay relief proceedings, and fraudulent transfer and preference actions. Mr. Myers has represented creditor-clients in retail and restaurant bankruptcies.

Mr. Myers also has experience litigating all aspects of bankruptcy reorganization and liquidation as well as litigating the enforcement of real estate leases and purchase agreements, forcible detainer actions, and judgement enforcement proceedings.

He has represented clients in technology companies, Real Estate Investment Trusts (REITs), secured lenders, financial institutions, private equity companies, special servicers, and various other business in commercial litigation.

Mr. Myers served as a law clerk to the Honorable Sarah Sharer Curley at the United States Bankruptcy Court for the District of Arizona from 2012-2014. He was named a Rising Star by the *Southwest Super Lawyers* for Bankruptcy: Business from 2016-2019.

Professional Activities

- American Bankruptcy Institute
- Cardozo Society of the Jewish Federation of Greater Phoenix – Board Member

Community Activities

- Big Brothers Big Sisters – Mentor

Representative Matters

- Served on the trial team in a three-week trial that obtained a judgment for a special servicer against the borrower for more than \$150 million
- Counsels a Fortune 500 technology company in bankruptcy proceedings
- Assisted a large bank obtain a settlement and release and avoid liability relating to a \$5 million wire sent by fraudulent means
- Obtained the dismissal of a lawsuit against a large cable company by a customer alleging trespass and civil theft
- Represented commercial landlords and lenders in numerous eviction actions, including obtaining an eviction judgment at trial and obtaining and enforcing writs of restitution
- Successfully prosecuted interpleader actions on behalf of neutral parties holding funds in dispute by other parties to held the client avoid potential liability

- Prosecuted and defended applications for temporary restraining orders and preliminary injunctions

Represented secured lenders, trade creditors and other creditors in the following bankruptcies:

- In re Pacific Gas & Electric Company et al. (N.D. Cal.)—represented multiple creditors in the bankruptcy of PG&E, including a vendor and commercial landlord
- In re Sears Holding Corporation (S.D.N.Y.)—advised multiple trade creditors in the bankruptcy of Sears on their rights of reclamation and 503(b)(9) administrative expense claims
- In re III Exploration II LP (UT)—represented a large financial institution in the 363 sale of an oil company in Utah
- In re Fresh & Easy, LLC (Del.)—negotiated a favorable settlement for a creditor in a preference action brought by the trustee
- In re M Space Holdings, LLC (UT)—advised a secured lender in the bankruptcy of M Space Holdings, a manufacturer of pre-fabricated buildings

Represented Real Estate Investment Trusts (REITs) and other commercial landlords in the following bankruptcies:

- In re Mattress Firm, Inc. (Del.)—advised numerous landlords in Mattress Firm’s reorganization and closure of more than 600 stores, including preserving the rights of landlords for leases assumed by Mattress Firm and filing proofs of claim on behalf of landlords of rejected leases
- In re RMH Franchise Holdings, Inc. (Del.)—guided a REIT through the reorganization of the second largest Applebee’s franchisee, including the debtor’s assumption of the REIT’s leases
- In re Gibson Brands, Inc. (Del.)—represented multiple landlords in the reorganization of guitar-maker Gibson Brands (formerly Gibson Guitar Corporation)
- In re Gander Mountain Company (Minn.)—advised a REIT in the bankruptcy of retailer Gander Mountain and its store closures and subsequent acquisition by Camping World
- In re Buffets, LLC (W.D.T.X.)—litigated to preserve a REIT’s master lease in the bankruptcy filing of Buffets, LLC, which operated buffets Old Country Buffet, Country Buffet, HomeTown Buffet, and Ryan’s Buffet
- In re First Capital Retail, LLC (E.D. Cal.)—represented several landlords in the sale of a mall fast food franchisee in California, including obtaining administrative expense claims for the debtor’s occupancy of the stores and stay relief for other landlords to pursue state-court evictions

Education

Mr. Myers earned his J.D from the University of Arizona James E. Rogers College of Law in 2012. While in attendance, Mr. Myer served as an extern for the State Department Office of the Legal Adviser-Private International Law in Washington D.C. in 2012 and served as an extern for the United States Bankruptcy Court in the summer of 2011. He received his B.A. in Economics, *with distinction*, from Occidental College.

Bar Admissions

- California
- Arizona
- Utah

Court Admissions

- U.S. District Court for the District of Arizona
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of California

- U.S. District Court for the Northern District of California
- U.S. District Court of the District of Utah