

## Oren Bitan

Los Angeles, California  
Shareholder

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### Areas of Practice & Industry Specialties

Products Liability Law; Litigation; Class Actions; Cannabis & Hemp Industry Law Group; Internet Law, E-Commerce & Social Media; Mortgage Banking; Alternative Lenders; Apparel & Consumer Products; Entertainment Industry Law; Hospitality Industry Law; Fiduciaries, Receivers & Trustees; Retail Leasing Law; Title Insurance & Escrow; Technology Law; Wine Industry Law; Agribusiness

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Oren Bitan has an extensive legal background that includes business, real estate, banking, receivership, consumer product, and commercial litigation. Mr. Bitan is known for his ability to solve complex business disputes for his clients in a strong but practical manner. He is a trusted advisor who guides his clients through their day to day legal concerns, and has particular expertise in matters involving real estate, banking and lending, creditors' rights, wine, beer, liquor, cannabis, and intellectual property.

Representative clients include banks and financial institutions, private lenders, state and federal receivers, private investors and investment funds, private equity groups, real property developers, breweries, wineries, distilleries, cannabis businesses, consumer products companies, and corporate entities large and small.

Mr. Bitan is co-chair of Buchalter's Cannabis Industry Law Group and advises cannabis businesses on a wide variety of issues, including regulatory advice, banking, lending, financing, intellectual property, receivership, real property development and leasing, 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.

His practice experience includes:

- Receivers, Provisional Directors and other Remedies
- Commercial Real Estate Solutions
- Commercial, Corporate and Business Solutions
- Litigation
- Alternatives to Bankruptcy including Assignments for the Benefit of Creditors
- Intellectual Property and Technology Related Issues

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.

Mr. Bitan also 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.

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*.

Mr. Bitan has been recognized as a Southern California Rising Star by *Super Lawyers* from 2013-2017. He has an active pro-bono practice litigating immigration asylum claims, civil rights and Freedom of Information Act lawsuits, and has volunteered with the ACLU of Southern California, Bet Tzedek, and Public Counsel. 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 San Diego based retail chain Urbn Leaf for \$8.25M
- *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. Cal. Jan. 2, 2014), served as appellate counsel in which the Ninth Circuit Court of Appeals affirmed the trial court judgment obtained, defeating appeal by defendants.
- *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.
- Advised wineries, distilleries, and breweries in the area of beverage law and regulation.

## **Publications**

- Testing Mandate Is Straining California Cannabis Cos., 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 "Messses 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, "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 Cannabis 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: 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.

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**Bar Admissions**

- California

**Languages**

- Hebrew