

## Valerie Bantner Peo

San Francisco, California  
Shareholder

P (415) 227-3533  
P (415) 516-5021  
F (415) 227-0770  
[vbantnerpeo@buchalter.com](mailto:vbantnerpeo@buchalter.com)



### Areas of Practice & Industry Specialties

Insolvency & Financial Law Group; Litigation; Real Estate; Technology;  
Alternative Lenders; Start-Ups & Early Stage Companies;  
Agribusiness; Fiduciaries, Receivers & Trustees

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Valerie Bantner Peo focuses her practice on creditors' rights and commercial litigation with significant experience at the trial and appellate levels in bankruptcy, federal and state court. She regularly represents financial institutions, including agribusiness lenders and alternative lenders, software licensors, commercial landlords and tenants, equipment lessors, officers and directors, companies in distress, and creditor committees and other fiduciaries.

Ms. Bantner Peo is the Chair of Women@Buchalter, and currently serves on the Board of Directors of the International Women's Insolvency and Restructuring Confederation ("IWIRC"). In 2023, Ms. Bantner Peo chaired the inaugural IWIRC@INSOL conference in Tokyo and also received the IWIRC Fetner Award, presented to a member whose contributions to IWIRC have helped to fuel growth and expansion of IWIRC's mission globally. She served on the Attorney Committee for the 2019 and 2023 *Roadways to the Federal Bench* event produced by the Judicial Conference Committee. Ms. Bantner Peo is a past Chair of the Executive Committee of the San Francisco Bar Association's Commercial Law and Bankruptcy section. She was recognized by *Super Lawyer* Magazine as a Northern California Super Lawyer from 2019-2023. In 2024, Ms. Bantner Peo is recognized in the *Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law.

Most recently, Ms. Bantner Peo was selected from a highly qualified and diverse group of applicants as one of six attorneys to serve as Lawyer Representative for the United States District Court – Northern District of California for 2023-2025. In this role, Ms. Bantner Peo will chair the 2024 Northern District Judicial Conference.

Ms. Bantner Peo served as a law clerk for the Honorable Edward D. Jellen (Ret.), U.S. Bankruptcy Court for the Northern District of California.

### Representative Matters

#### Bankruptcy Litigation & Restructuring

- Prevailed on summary judgment on behalf of Paycheck Protection Program (PPP) lender targeted by chapter 7 trustee in preference action.
- Defend trade vendor in \$45 million avoiding action brought by the representatives of the Commonwealth of Puerto Rico, pursuant to Title III of the Puerto Rico Oversight Management, and Economic Stability Act (PROMESA).
- Regularly represents commercial landlords in all aspects of chapter 7 and chapter 11 bankruptcy proceedings.
- Regularly represents senior secured lenders in all aspects of chapter 11, including post-petition financing and use of cash collateral.

- Regularly represents agribusiness lenders in collection actions, chapter 11 and chapter 12 “family farmer” bankruptcy proceedings.
- Represented software licensor, vendors, and community choice aggregator trade organization in Pacific Gas & Electric chapter 11 bankruptcy proceeding.
- Represented digital entertainment company in out-of-court winddown of business operations and resolution of creditor claims through ABC (Assignment for the Benefit of Creditors).
- Pursued fraudulent conveyance claims, preference actions, and substantive consolidation against debtor’s numerous affiliated entities on behalf of Chapter 11 trustee of grower and processor of vegetable products, and handled cross-border insolvency issues to protect and enforce the bankruptcy estate’s claims to assets located internationally.

#### Real Estate Litigation

- Prevailed on appeal on behalf of shopping center tenant in dispute regarding enforceability of co-tenancy rent following anchor tenant closure.
- Obtained district court judgment in favor of tenant department store against shopping center owner validating co-tenancy rent following anchor tenant closure. (Las Vegas).
- Secondment with the Port of Oakland Port Attorney’s office for litigation matters including commercial lease disputes, evaluating and responding to claims made against the Oakland International Airport, and evaluating agency policies.
- Routinely and efficiently regains possession of commercial real estate on behalf of landlords.

#### Commercial Litigation

- Achieved summary judgment on behalf of secured lender in state court litigation and successfully defended against business tort counter-claim at bench trial.
- Obtained pre-judgment order for writ of attachment on behalf of unsecured creditor against defaulting borrower.

#### Publications

- Buchalter COVID-19 Client Alert: PPP Loans Now Available to Otherwise-Eligible Companies That Have Ended Their Bankruptcy Proceedings, *Buchalter Client Alert*, April 26, 2021
- Buchalter COVID-19 Client Alert: PPP Application Deadline Extended to May 31, 2021, *Buchalter Client Alert*, March 31, 2021
- Ag “Distributor” Cannot Use PACA Trust to Jump Ahead of First-Lien Creditor, Circuit Court Rules, *Buchalter Client Alert*, February 4, 2021
- Buchalter COVID-19 Client Alert: Congress Incentivizes Rent Deferral During COVID-19 Pandemic Through Bankruptcy Code Amendments in Stimulus Bill, January 8, 2021
- Buchalter COVID-19 Client Alert: New Treasury PPP Rules Clarify Recent Changes to PPP Program, Extend Time to Obtain a PPP Loan to March 31, 2021, *Buchalter Client Alert*, January 8, 2021
- Buchalter COVID-19 Client Alert: New PPP Changes in the Stimulus Bill: Second PPP Loan for Hardest-Hit Existing PPP Borrowers, Additional Categories of Forgivable Expenses, Tax Deductibility for Expenses Paid with PPP Proceeds, Lender Liability Limitations, Simplified Forgiveness Application for Loans of \$150,000 or Less, and Other Changes, *Buchalter Client Alert*, December 28, 2020
- Buchalter COVID-19 Client Alert: Chuck E. Cheese: The Mouse Who Didn’t Get the (Rent Relief) Cheese, December 21, 2020
- What Every Technology Company Needs to Know About Assumption, Assumption and Assignment, Or Rejection Of Its Contracts In Bankruptcy, *Buchalter Nemer Technology Industry Newsletter*, October 8, 2015

- Insolvency: What Every Technology Company Needs to Know About Claims Against Bankrupt Customers And Business Partners, *Buchalter Nemer Tech Industry Bulletin*, April 16, 2015

## **Presentations**

- Presenter, "The Commercial Real Estate Crisis: Bankruptcy and Non-Bankruptcy Strategies," Fifth Annual Bay Area Bankruptcy Judges' Conference, January 26, 2024
- Speaker, "Bankruptcy Issue Spotting For State Court Litigators," Alameda County Bar Association, June 29, 2022
- Panel Producer, "Federal Arbitration Act - Should I Stay or Should I Go? Enforcing Arbitration Agreements in Bankruptcy Proceedings," California Bankruptcy Forum Annual Conference, May 20, 2022
- Program Producer, "The Bar Association of San Francisco," The Bar Association of San Francisco, August 24, 2021
- Speaker, "IP Assets Caught in the Bankruptcy Rip Tide," Insolvency 2020 Restructuring, Insolvency & Distressed Debt Virtual Summit, September 23, 2020
- Speaker, "Bankruptcy Issue Spotting in the Age of COVID-19," Bar Association of San Francisco, August 5, 2020
- Moderator, "Bankruptcy Hardball," September 17, 2019
- Presenter, "Judges' Roundtable," California Bankruptcy Forum 31st Annual Conference, May 17, 2019
- Speaker, "Trials in Bankruptcy Court," Sacramento Valley Bankruptcy Forum 2018 Fall Symposium, November 9, 2018
- Moderator, "Cryptocurrency and Blockchain Issues," International Women's Insolvency & Restructuring Confederation , September 28, 2018
- Moderator, "Bankruptcy Issues Related to FinTech & Cryptocurrency," Bar Association of San Francisco, June 12, 2018
- Speaker, "National Credit Union Collections Alliance conference," Las Vegas, March 16, 2017
- Speaker, "Nuts and Bolts: Trials in Bankruptcy Court," Bar Association of San Francisco, July 19, 2016
- Moderator, "Forum Shopping: What Drives Venue Selection in Bankruptcy?," The Bar Association of San Francisco's Commercial Law and Bankruptcy Section, April 12, 2016
- Panelist, "Clearing the Starting Gate: Maintaining Business Operations During the First 60 Days of Bankruptcy," California Bankruptcy Forum Conference, May 15, 2015

## **Education**

Ms. Bantner Peo earned her J.D. at the University of California, Hastings College of the Law, *cum laude*, where she was Managing Editor of the *Hastings Law Journal*. She received her B.A. in English Language and Literature from Smith College.

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## **Bar Admissions**

- California

## **Court Admissions**

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California

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