

Leib M. Lerner

Partner

213.576.1193

leib.lerner@alston.com

Los Angeles | 333 South Hope Street, 16th Floor | Los Angeles, CA 90071-3004

San Francisco | 560 Mission Street, Suite 2100 | San Francisco, CA 94105-0912



Leib Lerner is a partner in the firm's Los Angeles office who focuses his practice on representing franchisors, lenders, creditors' committees, avoidance action defendants, landlords, vendors and investors involved in bankruptcy and insolvency cases across the nation. In addition to his extensive bankruptcy work, Leib regularly represents corporations and individuals in complex federal and state commercial litigation. He currently serves as an advisor to the California Lawyers Association Business Law Section Insolvency Law Committee.

Leib received his B.R.S. from Rabbinical College of America in 1991 and his J.D. from the University of California, Los Angeles in 2003. During law school, Leib served as an editor on the *UCLA Law Review*, was a judicial extern for the Honorable Thomas B. Donovan, U.S. bankruptcy judge for the Central District of California, and won the 2002 American Bar Association Section of Business Law Mendes Hershman Student Writing Contest.

Representative Experience

- National bankruptcy counsel for a leading hotel franchisor.
- Obtained summary judgment in favor of an insurer client in bad faith coverage litigation.
- Convinced the court to award adequate protection payments to a junior lienholder in a contested matter involving multiple cross-collateralized properties and secured parties.
- Represented a major petroleum company against an attack on a bankruptcy asset sale through state and federal trial and appellate court proceedings.
- Represents solar panel industry clients in multimillion-dollar commercial code disputes.
- Defeated assignment for the benefit of creditors assignor in a \$2 million preference action. The lawsuit was dismissed at the district court level and affirmed by the Ninth Circuit, and the plaintiff's appeal was denied certiorari to the U.S. Supreme Court.
- Represented the unsecured creditors' committee in Chapter 11 cases filed by five nursing care and assisted living facilities under the lead case of Pasadena Health Care Management, Inc.
- Represented the unsecured creditors' committee in a Chapter 11 case filed by Orange County Nursery, Inc.
- Lead counsel in bankruptcy claim litigation resulting in the reduction after trial of a \$4.4 million nonpracticing entity patent claim to approximately \$16,000.
- Represents a movie studio creditor in insolvency proceedings in the United States and Canada.
- Obtained a defense verdict in a jury trial for a private school defending against a seven-figure discrimination claim.

- Received the Religious Liberty Award from the ACLU Foundation of Southern California, together with partner Jon Gordon and associate Cassandra Hooks, for the representation of a religious Sikh in the civil rights case *Basra v. Cate*, resulting in the successful change of California state law to permit prisoners to grow uncut beards.

Publications & Presentations

Publications

- “*Sturm v. Moyer* (Cal. App.): California Appellate Court Holds That a Prenuptial Agreement May Effect a Potentially Avoidable Transfer,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, August 19, 2019.
- “Ninth Circuit BAP Holds That a Creditor’s Reporting of an Overdue or Delinquent Account During a Chapter 13 Case is Not a Per Se Violation of Automatic Stay,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, October 24, 2017.
- “California Court of Appeals Holds That Adding an Additional Judgment Debtor to a Default Judgment Based on an Alter Ego Theory Violated Due Process,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, February 6, 2017.
- “Ninth Circuit Holds That Damages Against an Individual Debtor Arising from a Creditor’s Investment in the Debtor’s Affiliate Are Subject to Mandatory Subordination Under Section 510(b),” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, January 12, 2017.
- “9th Cir. Certifies to Cal. S. Ct. Question of Whether a Dissolved Law Firm Has a Property Interest in Unfinished Hourly-Fee Business,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, November 1, 2016.
- “Cal. App. Holds That a Contractual Co-Obligor’s Debt is Not Extinguished by Another Co-Obligor’s Payment That is Later Avoided As a Preferential Transfer,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, September 8, 2016.
- “An Overview of the Ninth Circuit Bankruptcy Appellate Panel and Its Reviewed Decisions During 2015,” *Business Law News*, No. 2, 2016.
- “9th Cir. BAP Holds That a Debtor’s Bankruptcy Filing Tolls 1-Year ORAP Lien Expiration,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, March 4, 2016.
- “5th Cir. Concludes ‘Actual Fraud’ Bar to Discharge Applies Only When the Debtor Has Made a False Representation,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, February 18, 2016.
- “Court Holds That Reasonable Compensation for Moneys Disbursed by the Trustee Does Not Include Property Disbursed to a Secured Creditor on a Credit Bid,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, February 17, 2015.
- “*O’Donnell, et. al. v. Tristar Esperanza Properties, LLC (In re Tristar Esperanza Properties, LLC)*,” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, May 31, 2013.
- “*Pioneer Construction, Inc. v. Global Investment Corp., et al.*, 202 Cal.App.4th 161 (2nd Dist, December 21, 2011),” *Insolvency Law e-Bulletin*, California State Bar Business Law Section, January 30, 2012.

Professional & Community Engagement

- State Bar of California, Business Law Section, Insolvency Law Committee, 2015–2016 co-chair
- Los Angeles Bankruptcy Forum

- Financial Lawyers Conference

Education

- University of California, Los Angeles (J.D., 2003)
- Rabbinical College of America (B.R.S., 1991)

Admitted to Practice

- California
- District of Columbia
- Pennsylvania

Related Services

Financial Restructuring & Reorganization | Litigation | Enforcement, Workouts & Foreclosures | Bankruptcy Litigation | Bankruptcy Transactions | Hospitality