

## Overview

Kim Fineman focuses her practice in business restructurings, bankruptcy and business litigation. She has extensive experience in real property, commercial and intellectual property matters. Kim advises companies and their creditors through financial and operational challenges. She also has experience representing lenders and asset-based financiers in pursuing their contractual remedies in state and federal courts, including receiverships. Her strength is in parsing through complex business problems and telling the underlying story—either to the court or in negotiations. Kim spent several years with the international law firm of Sheppard Mullin Richter & Hampton, followed by several years as a member of the judicial staff in the Bankruptcy Court for the Northern District of California. Early in her career, she was trained in finance and business litigation at Severson & Werson and Bronson, Bronson & McKinnon. Kim also served as director of legal education for an arm of the University of California.

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## Representative Experience

### Asset Purchasers:

- Vector Aerospace (purchaser of assets of a repair, maintenance, and overhaul facility for aviation components)
- Fry's Electronics (purchaser of assets of bankruptcy debtor Egghead.com)

### Bankruptcy Trustees:

- Desert Land and related entities (38-acre real estate development on the Las Vegas Strip)
- SK Foods, LP and related entities (2nd largest tomato and vegetable processor in US)
- Yellow Cab Cooperative Inc. (San Francisco taxicab provider)

### Chapter 7 Debtors:

- Instamotor, Inc. (Online platform on pre-owned vehicles; Orderly liquidation of intellectual property and hard assets located in San Francisco and Minsk; Over \$31 million in scheduled claims)

### Chapter 11 Debtors:

- Capitol Station 65, LLC (65-acre real property development in Sacramento)
- Peek Aren't You Curious, Inc. (Children's clothing retailer)
- Dillingham Construction Corporation and affiliates (national construction company)
- CommSouth Companies, Inc. (telecommunications; Texas case)
- Natural Wonders, Inc. (Consumer retail specializing in science/nature themed gifts; 303 stores in 43 states)
- iSyndicate (e-commerce content aggregator/publishing)
- Advanced Telcom Group, Inc. and its affiliates
- Tanon Manufacturing (contract manufacturing)
- Sugar Bowl ski resort (pre-packaged reorganization)
- Sizzler Restaurants (international restaurant chain; franchisee issues)

### **Creditors' Committees and Committee Members:**

- Western MacArthur (asbestos case – successful confirmation of plan which provides \$2 Billion for creditors), represented Committee
- NetSource Telecommunications (telecommunications), represented Committee
- Pacific Gas & Electric (2001 case), represented committee member GWF Power (utility)
- Metricom, Inc., represented multiple committee members (wireless Internet)
- Touch 1, represented committee chair Qwest Communications (telecommunications)

### **Debt Collection, Breach of Contract and Defense:**

- Confidential Real Property Developer (State Court litigation and appeal to recover \$3 million contribution claim from former business partner)
- Confidential Construction Defect Law Firm (collection of contingency fees)
- Confidential Wine Industry Business (Post-judgment collection efforts recovering in excess of \$1 million through levy on third-party accounts)

### **Lenders and Creditors (Bankruptcy Cases):**

- Public Entities and Municipalities (16 public entities impacted by wildfires in PG&E's 2019 case)
- General Electric Credit Corporation (primary lender to Hawthorne Plaza, secured by SF high-rise)
- Wells Fargo Bank, N.A. (several commercial bankruptcy appellate matters)
- US Bank (primary lender to debtor Lyon's Restaurants; PACA and lease issues)
- Entergy (New Orleans utility provider as creditor to debtor Enron)

### **Restructurings and Workouts:**

- Confidential medical device manufacturer (privately held)
- National telecommunications provider (workouts as a creditor to smaller regional providers)

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## Speaking Engagements and Publications

- Author, 10 Tips for Small Business: Bankruptcy and Restructuring, multi-part blog, 2020
- Moderator, Rules of Engagement: Conflicts, Ethics and Bankruptcy, presented for the Commercial Law & Bankruptcy Section of the Bar Association of San Francisco, January 2020
- Moderator, Point, Click and Ligate: Sales of Assets through Online Auctions, presented for the Commercial Law & Bankruptcy Section of the Bar Association of San Francisco, July 2000

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## Committees and Honors

- Appointed to the Bench-Bar Liaison Committee, U.S. Bankruptcy Court, Northern District of California, July 2020 - present
  - Chair, Clerk's Office Subcommittee, 2020-2021
  - Chair, Chapter 11 Procedure Subcommittee, 2021-2022
- Executive Board, Commercial Law & Bankruptcy Section, Bar Association of San Francisco, June 2019 – present, Chair (2022)

- Member of the Board of Directors, Bay Area Bankruptcy Forum, September 2019 – present
  - “Top Banana” of the Koko Challenge (Award for outstanding law firm campaign coordinator), Untied of the Bay Area and the Bay Area General Counsel Group, 1997
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## Conferences

- Producer, IP Assets Caught in the Bankruptcy Rip Tide, California Bankruptcy Forum, May 2021
  - Producer, IP Assets Caught in the Bankruptcy Rip Tide, Insolvency2020 Summit, September 2020
  - Producer, The Basics: Business Litigation, Continuing Education of the Bar, September 2016
  - Producer, Intro to IP, 6-part webinar series, Continuing Education of the Bar, Fall 2015
  - Producer, Social Media Webinar Series, 6-parts, Continuing Education of the Bar, Spring 2014
  - Producer, Wine Law Forum, Continuing Education of the Bar, November 2014 – 2016
  - Producer, The Basics: Real Property, Continuing Education of the Bar, September 2014 - 2016
  - Producer, Real Property Institute: Green Building, Leasing & Sustainability, Continuing Education of the Bar, May 2014
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## Admissions

Ninth Circuit Court of Appeals

United States District Court for the Northern, Southern, Central and Eastern Districts of California

State Bar of California, 1996

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## Clerkships

Honorable Arthur S. Weissbrodt, U.S. Bankruptcy Court, Northern District of California, 2005-2011

Honorable Leslie Tchaikovsky, U.S. Bankruptcy Court, Northern District of California, 1997

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## Education

Tulane University School of Law, 1996, Juris Doctor, *cum laude*

Stetson University, 1993, BA (Psychology, Political Science), honors, *cum laude*, Phi Beta Kappa