

Overview

Ryan A. Witthans focuses his practice on insolvency matters, trustee representation, litigation, and appeals. He has successfully appealed cases to the Ninth Circuit Court of Appeals and the Bankruptcy Appellate Panel for the Ninth Circuit Court of Appeals. He maintains an active role in the legal community, and currently serves on the Board of Directors for the Bay Area Bankruptcy Forum and is a member of the leadership team of the California Bankruptcy Forum's Annual Insolvency Conference.

From 2014 to 2018, Ryan was a judicial law clerk to the Honorable Stephen L. Johnson of the Bankruptcy Court for the Northern District of California.

Ryan Witthans earned his J.D. from UC College of the Law, San Francisco (formerly UC Hastings College of the Law) in 2014. While in law school, Ryan received awards for his writing, oral advocacy, and negotiation skills. He served as Director of Professional Development and later as Alumni Advisor to the Hastings Intellectual Property Association and as Senior Article Editor for the Hastings Communication and Entertainment Law Journal, COMM/ENT.

In his free time, Ryan enjoys raising his son, cycling, and the outdoors.

Admissions

State Bar of California

Ninth Circuit Court of Appeals

Bankruptcy Appellate Panel for the Ninth Circuit Court of Appeals

United States District Court, Northern District of California

United States Bankruptcy Court, Northern District of California

United States District Court, Central District of California

United States Bankruptcy Court, Central District of California

United States District Court, Eastern District of California

United States Bankruptcy Court, Eastern District of California

Representative Experience

General civil representation

Represented a solar company in federal district court to successfully add an alter ego entity (which held the defendant enterprise's valuable assets) to a \$3.3 million judgment pursuant to Cal. Code Civ. P. § 187 following extensive international discovery and a contested hearing. Drafted appeal brief for the Ninth Circuit Court of Appeals and obtained a favorable settlement before the appeal could be heard.

Represented a cosmetics company defendant in its appeal of the recognition of a \$1.1 million foreign default judgment. The district court reversed the bankruptcy court's recognition of the judgment and found

that the foreign court lacked personal jurisdiction over our client. Drafted appeal briefs for the District Court for the Northern District of California and the Ninth Circuit Court of Appeals.

Part of a multi-firm team that represented a liquidating trust plaintiff with claims for fraudulent transfer, breach of fiduciary duty, and alter ego liability in a case arising from institutional mortgage fraud. Managed extensive third-party discovery involving subpoenas to approximately forty private, public, and government entities. The case was resolved by obtaining a favorable settlement for our client.

Bankruptcy debtor representation

Represented a jet aircraft leasing company to confirm a Chapter 11, Subchapter V plan and obtain a discharge over the fervent opposition of its largest creditor. Drafted appeal brief for the Bankruptcy Appellate Panel for the Ninth Circuit and obtained a published decision in our client's favor holding that "no profit motive is required for a debtor to qualify for subchapter V relief." *NetJets Aviation, Inc. v. RS Air, LLC (In re RS Air, LLC)*, 638 B.R. 403 (B.A.P. 9th Cir. 2022).

Represented a food preparation and delivery company debtor to confirm a Chapter 11 liquidating plan and sell assets including intellectual property and a real property lease.

Represented a cosmetics company debtor to confirm a Chapter 11 reorganization plan to restructure products liability claims.

Represented a marine vessel maintenance company debtor to confirm a Chapter 11, Subchapter V reorganization plan to resolve labor union claims.

Obtained dismissal of a complaint alleging wide-ranging claims of fraud and nondischargeable debts against the debtor following the failure of a joint venture. Drafted appeal brief and successfully argued the appeal before the Bankruptcy Appellate Panel for the Ninth Circuit Court of Appeals, then obtained dismissal of the plaintiff's subsequent appeal to the Ninth Circuit Court of Appeals.

Bankruptcy creditor representation

Represented the largest contractor of PG&E Corporation and Pacific Gas and Electric Company in their 2019 Chapter 11 bankruptcy cases. Obtained full payment with interest for our client.

Represented a creditor with a \$9 million claim in the 2020 Chapter 11 bankruptcy cases of Neiman Marcus and related debtors.

Bankruptcy trustee representation

Represented a Chapter 7 trustee to liquidate a corporate debtor's stake in an international cosmetics company and to recover, via a favorable settlement, amounts due from another cosmetics company pursuant to promissory notes, credit notes, and licensing and distribution agreements.

Represented a liquidating trustee to liquidate the assets of a wine estate and unwind fraudulent transfers made for the benefit of the debtor's friends, family, and insiders.

Other bankruptcy-related representation

Represented a lender as it financed a nationwide restaurant chain undergoing Chapter 11 reorganization.

Represented a nonprofit entity that received donations from a corporate debtor against the trustee's fraudulent conveyance action, settling the case for far less than the potential liability and for less than the anticipated legal fees to defend the case.

Publications, Panels, and Speaking Engagements

Co-Producer, *Big Wipeout: Making the Automatic Stay Work for You*, California Bankruptcy Forum, 33rd Annual Insolvency Conference, May 13, 2021.

Author, *What Restructuring Professionals Need to Know about the California Consumer Privacy Act*, Turnaround Management Association, Journal of Corporate Renewal, Vol. 33, No. 6, July/August 2020.

Contributor, *Recent Developments in Business Bankruptcy 2018 (Part 3)*, California Receiver's Forum, Receivership News, Issue 67, Winter 2020.

Contributor, *Recent Developments in Business Bankruptcy 2018 (Part 2)*, California Receiver's Forum, Receivership News, Issue 66, Summer 2019.

Contributor, *Recent Developments in Business Bankruptcy 2018 (Part 1)*, California Receiver's Forum, Receivership News, Issue 65, Winter/Spring 2019.

Producer, *Recent Developments in Business Bankruptcy* (presented to the Bay Area Bankruptcy Forum and the Bar Association of San Francisco), 2017 to 2018.

Professional Organizations

Member of the Board of Directors of the Bay Area Bankruptcy Forum, 2020 to the present.

Member of the Leadership Team of the California Bankruptcy Forum Annual Insolvency Conference, 2021 to the present.

Former Co-President, Secretary, and Member of the Congressman Don Edwards Inn of Court, 2014 to 2018.

Education

University of California, Hastings College of the Law, 2014, Juris Doctor (on January 1, 2023, the school changed its name to University of California College of the Law, San Francisco).

Illinois Institute of Technology, 2008, Bachelor of Science (Chemistry).
