Creditors' Rights & Bankruptcy

Our Creditors’ Rights and Bankruptcy Team is a recognized leader in providing “cradle to grave” financial, restructuring and litigation services to clients in the Northwest and nationally. We have extensive experience representing financial institutions, creditors’ committees, receivers, trustees, purchasers and borrowers in bankruptcy and creditors’ rights matters.

Our representative creditor clients include:

- Nordstrom;
- KeyBank;
- Wells Fargo;
- Washington Federal;
- Bank of Hawaii;
- Bank of the Pacific;
- First Interstate Bank;
- Beneficial State Bank; and
- Columbia Pacific Advisors.

We have in-depth industry knowledge in forestry, technology, agriculture, manufacturing, real estate, energy, utilities, media and retail. Our team counsels clients in these and other industries on issues related to drafting and enforcement, restructuring and bankruptcy, and receiverships or assignments for benefit of creditors.

Chambers USA has recognized us as a “top player” for creditor representation in Washington state.

Dispute Resolution & Litigation

We have an outstanding track record for successfully representing financial institutions, creditors’ committees, agent banks, borrowers, prospective purchasers and others in state, federal, and bankruptcy litigation. Our experience includes matters related to:

- Lender liability;
- Intercreditor disputes;
- Priority disputes and other Uniform Commercial Code matters;
- Provisional remedies, foreclosure, and replevin;
- Fraudulent conveyance claims;
- Contested cash collateral hearings;
- Plan confirmation disputes;
- Preference actions; and
Breach of fiduciary duty claims.

Bankruptcy
Creditors' Rights

Our team has extensive bankruptcy and restructuring experience, representing secured creditors, trustees, debtors, creditors’ committees, foreign receivers and trustees, DIP lenders, asset purchasers and other parties of interest in workouts, receiverships and business bankruptcy cases throughout the U.S., including Washington, Oregon, Alaska, Idaho, Montana, Colorado, California, New York, New Jersey and Delaware. We handle all aspects of bankruptcy cases, including cash collateral, adequate protection, relief from stay, 363 sales, DIP financing and plan confirmation. We represent parties in fraudulent conveyance, preference, breach of fiduciary duty claims, equitable subordination, lender liability actions and bankruptcy-related UCC and general commercial litigation.

Our experience includes representing clients in international insolvency matters, especially in representing foreign receivers and trustees in Chapter 15 cases and cross-border workouts. In fact, Lane Powell filed one of the first Chapter 15 cases in the U.S. after its enactment and obtained the first order recognizing a foreign representative in the U.S. Bankruptcy Court.

Members of our team frequently participate as leaders and lecturers in numerous bankruptcy and turnaround professional organizations including the Turnaround Management Association, American Bar Association, ALI/ABA, American Bankruptcy Institute, Northwest Bankruptcy Institute, American College of Bankruptcy Attorneys, and American College of Commercial Finance Attorneys.

Recognition

Our Creditors’ Rights and Bankruptcy Team has consistently been recognized as the “number-one creditor practice in the Seattle area” and “one of the largest and strongest bankruptcy groups” in the region by Chambers® USA: America’s Leading Lawyers for Business. One client enthused, “This team’s strength lies in simplifying complex legal matters, they are strong on follow-up and are exceptional at anticipating potential challenges and talking through them.” We have also been highly ranked in the U.S. News – Best Lawyers® annual “Best Law Firms” survey, where sources describe Lane Powell as “second to none” in bankruptcy and recognize the firm for its “experienced, professional, personalized and effective counsel.”

Experience

Turning Point Consulting Sale and Liquidation of Briggs Nursery, LLC
Advised Turning Point — in its capacity as general receiver — in the sale and liquidation of Briggs Nursery, LLC.

In re Vanguard Electronics, Inc. Bankruptcy
Representation of Chase Manhattan Bank in Vanguard Electronics, Inc.
In re Western Farmers Association Bankruptcy
Representation of Western Farmers Association, debtor in a Chapter 11 case.

In re Metropolitan Mortgage & Securities Co. Inc. Bankruptcy

In re Liberty House, Inc. Bankruptcy
Representation of Nordstrom, Inc. in Liberty House, Inc.

In re Inside Sports Magazine
Represented Official Committee of Unsecured Creditors in Inside Sports magazine.

In re TreeSource Industries, Inc. and Quality Bankruptcy
Representation of General Electric Capital Corporation in TreeSource Industries, Inc. and Quality Bankruptcy.

Alaska Interstate Construction, L.L.C. Strategic Advise on Tercon Alaska Ltd. Receivership Asset Purchase
Advised Alaska Interstate Construction regarding possible acquisition of mining equipment out of Canadian court receivership proceedings in Vancouver, British Columbia.

American Marine Bank v. Riverstone Development LLC
Represented Robert Steinberg, the general receiver of a local development company that owns a partially completed condominium project, in completion and sale of the units.

Bitvestment Partners LLC f/k/a Dalsa Barbour LLC In re Alydian
Represented creditor client, Bitvestment, in fighting a debtor’s request to auction its bitcoin-mining rigs, which has resulted in a settlement in Bitvestment’s favor.

Gladstone Capital Sale of Assets of Spirit of Alaska Radio to Ohana Media Group
Represented lender Gladstone Capital in the sale of radio station assets out of the Spirit of Alaska Radio federal court receivership proceeding, and in closing the sale of the radio station assets to Ohana Media Group for $1.3M.

KeyBank N.A. In re Matrix Development Corporation a/k/a Legend Homes
Case No. 08-32798 | U.S. Bankruptcy Court, District of Oregon
Represented KeyBank as regional northwest counsel on various land development and other loans to borrowers in Oregon, Washington and Alaska, as well as on a variety of defaulting real estate loans.

Lenco Mobile, Inc. In re Archer U.S.A., Inc.
U.S. Bankruptcy Court, Western District of Washington
Represented Chapter 11 debtors Lenco Mobile and Archer U.S.A. in the bankruptcy of two technology companies involved in the delivery of information via mobile platforms.
Oregon Health Authority and Oregon Insurance Division Medicaid Reform
Acted as Special Assistant Attorney General in connection with the reform of the Oregon Medicaid program, resulting in a network of new coordinated care organizations.

Prium Companies v. Spokane Rock 1, LLC
Defended Spokane Rock 1 against an attempt by Prium Companies LLC to wrest control of an office complex, eventually obtaining a dismissal and default sanctions, and an award of attorneys’ fees.

Royal Bank of Canada In re Prism Helicopters Inc.
Advised Royal Bank of Canada with respect to a Canadian helicopter company, with affiliate companies based in Alaska, in multiple Canadian and U.S. bankruptcy matters.

Snohomish County v. Bruner Addition at Mill Creek, LLC, et al
Case No. 10-2-08535-0 | Snohomish County Superior Court | Everett, Washington
Represented lender in a declaratory relief action to determine ownership to valuable land use entitlements following lender’s non-judicial foreclosure of land held for development.

Washington Federal Savings Loan Association v. McNaughton
Case No. 325 P.3d 383 | Washington Court of Appeals
Represented lender in a case where Division I of the Washington Court of Appeals strengthened the ability of a real estate-secured lender to cost-effectively obtain a deficiency judgment against a commercial guarantor.

Washington Federal v. Harvey
Case No. 340 P.3d 335 | Washington Supreme Court
Represented lender in a case where the Washington Supreme Court upheld the right of a lender to obtain a deficiency judgment against a commercial guarantor even if the foreclosed deed of trust also secured the guarantors’ guarantees.

In re Pacific Forest Products
Served as debtor’s counsel for Chapter 11 of sawmill.

In re Glacier Bay Airways
Served as counsel for creditor aircraft lender in air taxi Chapter 11 case.

Ortega v. Northwest Trustee Services
Obtained dismissal of wrongful foreclosure lawsuit including affirmance of trial court decision before Court of Appeals.

In re Wave Wholesale
Served as secured lender’s counsel in Chapter 11 of food wholesale distributor in rural Alaska.

In re Forcenergy
Served as counsel for creditor oil service company in the bankruptcy reorganization of an oil and gas company.
In re Yute Air
Served as counsel for creditor aircraft lender.

In re Nichols Bros. Boat Builders
Case No. 07-15522 | U.S. Bankruptcy Court, Western District of Washington
Represented purchaser of partially completed commercial vessel.

In re CHG International, Inc. Bankruptcy
Counsel to CHG International, Inc. in Chapter 11 case.

In re Onlineshoes.com, Inc. and Shoes.com, Inc.
King County Superior Court
Represented petitioning creditor in Washington state court receivership of an online retailer that resulted in payment in full of the creditor’s claim.

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