



## Michael A. Sweet

Partner

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An experienced litigator and bankruptcy attorney, Michael employs a client-centric approach to provide strategic solutions to complex legal matters. In practice for more than 20 years, he is a recognized authority on Chapter 9 issues and has been interviewed on multiple occasions by *The New York Times*, *CNBC*, *The Wall Street Journal* and *Bloomberg*, among others. Michael works with cross-border transactions, intellectual property matters and assisting American companies pursuing investments abroad.

Clients trust in Michael to help them navigate through financial restructurings and bankruptcy as well as complex litigation matters and election law issues in federal and state court. He has brought multiple jury and bench trials to verdict. Michael also serves as a mediator on the Northern District of California Bankruptcy Court's ADR panel.

### **Bankruptcy and Financial Restructuring**

Michael represents debtors, creditors and creditors' committees and trustees in bankruptcy cases throughout the state of California and nationally. He has extensive experience litigating preferences, fraudulent conveyances, claims objections and plan confirmation, and he frequently advises clients in financial distress on bankruptcy avoidance. He also handles municipal restructurings. He has represented cities, counties and special districts in financial restructurings (Chapter 9) and as creditors in bankruptcy cases.

### **Representative Matters:**

- Counsel for the Official Committee of Unsecured Creditors of Heavenly Couture (Bankr. C.D. Cal.).
- Counsel for the Official Committee of Unsecured Creditors of SpeedVegas (Bankr. D. Del.)
- Counsel for the Official Committee of Unsecured Creditors of West Contra Costa Healthcare District (Bankr. N.D. Cal. – Oakland Division)
- Counsel for the Official Committee of Unsecured Creditors of Tri-Valley Learning Corporation (Bankr. N.D. Cal. – Oakland Division)
- Counsel for the Official Committee of Unsecured Creditors of Fresh & Easy, Inc. (Bankr. D. Del.)
- Counsel for the Official Committee of Unsecured Creditors of NJOY, Inc. (Bankr. D. Del.)
- Counsel for the Official Committee of Unsecured Creditors of Santa Cruz Berry Farming, Inc. (Bankr. N.D. Cal. – San Jose Division)
- Lead counsel for Palm Drive Health Care District in its Chapter 9 case in the Northern District of California.

- Assisted the city of Richmond, CA, in restructuring its finances to avoid filing for bankruptcy.
- Successfully represented a California county in negotiations with state regulators over a budget shortfall to prevent the need for a Chapter 9 filing.
- Served as lead bankruptcy counsel to the Official Committee of Equity Investors in California Mortgage and Realty (CMR) cases in the Northern District of California, which involved more than 1,200 equity investors with claims based on more than \$200 million in investments.
- Represented a Healthcare District in obtaining significant concessions from creditors thereby avoiding a Chapter 9 bankruptcy filing.

### **Litigation**

Michael is an accomplished litigator who represents both plaintiffs and defendants in state and federal courts in commercial and employment disputes, creditors' rights issues and class actions, including those under California's Unfair Competition Law. His clients include technology companies, green-tech businesses, financial institutions, hospitality companies and a gourmet food producer.

### **Professional Accomplishments**

Michael's published decisions include:

- *Roberts v. North American Van Lines*, U.S. Dist. LEXIS 7787 (N.D. Cal., 2004). Michael helped defend the moving company against a class action suit filed by former customers relating to allegedly deceptive business practices. After the defendants defeated the motion for class certification, the plaintiffs voluntarily dismissed the case.
- *Bunker v. County of Orange*, 103 Cal.App. 4th 542 (2002). Michael successfully argued to uphold taxpayers' rights to bring a class action lawsuit over the county's handling of the real property assessment appeals process.
- *Bramberg v. Jones*, 20 Cal. 4th 1045 (1999). Michael successfully pursued litigation before the California Supreme Court on behalf of U.S. Representative Nancy Pelosi and then-California Senate President Pro Tem John Burton. The case invalidated a statewide ballot initiative on constitutional grounds.

### **Before Fox Rothschild**

Michael has practiced at various bankruptcy and litigation firms throughout California. Prior to his arrival at Fox, he served as chair of the municipal debt restructuring and bankruptcy practice group at a California law firm.

He is a former judicial extern for The Hon. Lisa Hill Fenning of the U.S. Bankruptcy Court for the Central District of California.

### **Beyond Fox Rothschild**

Michael has spoken and written extensively on bankruptcy topics, particularly in the arena of government issues related to potential Chapter 9 bankruptcy filings.

Specifically, Michael was approached by national publications to provide commentary following the ruling that declared the City of Stockton, CA, eligible for Chapter 9 bankruptcy, as well as following Detroit's bankruptcy filing. He appeared in a variety of news outlets including:

- ["Braced to Remake Itself, Detroit First Awaits Challenges to Bankruptcy Eligibility,"](#) - *The New York Times*



- [“Detroit Files for Bankruptcy,”](#) – *CNBC*
- [“Judge Orders Detroit to Withdraw Bankruptcy Filing,”](#) and [“Detroit Files for Bankruptcy,”](#) *CNN Money*
- [“Pension Funds Wary as Bankrupt City Goes to Trial”](#) - *The New York Times*
- [“In Bankruptcy, Stockton Must Decide Pension Issue”](#) - *NPR's Morning Edition*
- [“Judge to Rule on Whether Stockton, CA Can Enter Bankruptcy Protection”](#) - *Fox News*
- [“As Reality of Bankruptcy Hits, Stockton Grapples with Hard Decisions”](#) - *Which Way, LA? KCRW Radio*

### **Practice Areas**

- Financial Restructuring & Bankruptcy
- Municipal Insolvency
- Litigation
- Government Relations
- Public Finance
- Bankruptcy Trustee
- International
- Israel
- Cannabis Law
- Alternative Dispute Resolution

### **Bar Admissions**

- California

### **Court Admissions**

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### **Education**

- University of California, Los Angeles, School of Law (J.D., 1996)
- Brandeis University (B.A., *cum laude*, 1991)

### **Memberships**

- Bar Association of San Francisco
- California Political Attorneys' Association
- California State Democratic Central Committee

### **Board of Directors**

- Commissioner, San Francisco Human Rights Commission (Chair 2011-2014; Vice Chair 2009-2011 and 2016-present)

- Bay Area Bankruptcy Forum (Vice President, 2018-2019)
- California Bankruptcy Forum (Program Co-chair, 2019)
- San Francisco Metropolitan Jewish Community Relations Council