

A BANKRUPTCY PRIMER FOR IN-HOUSE COUNSEL

Speakers:

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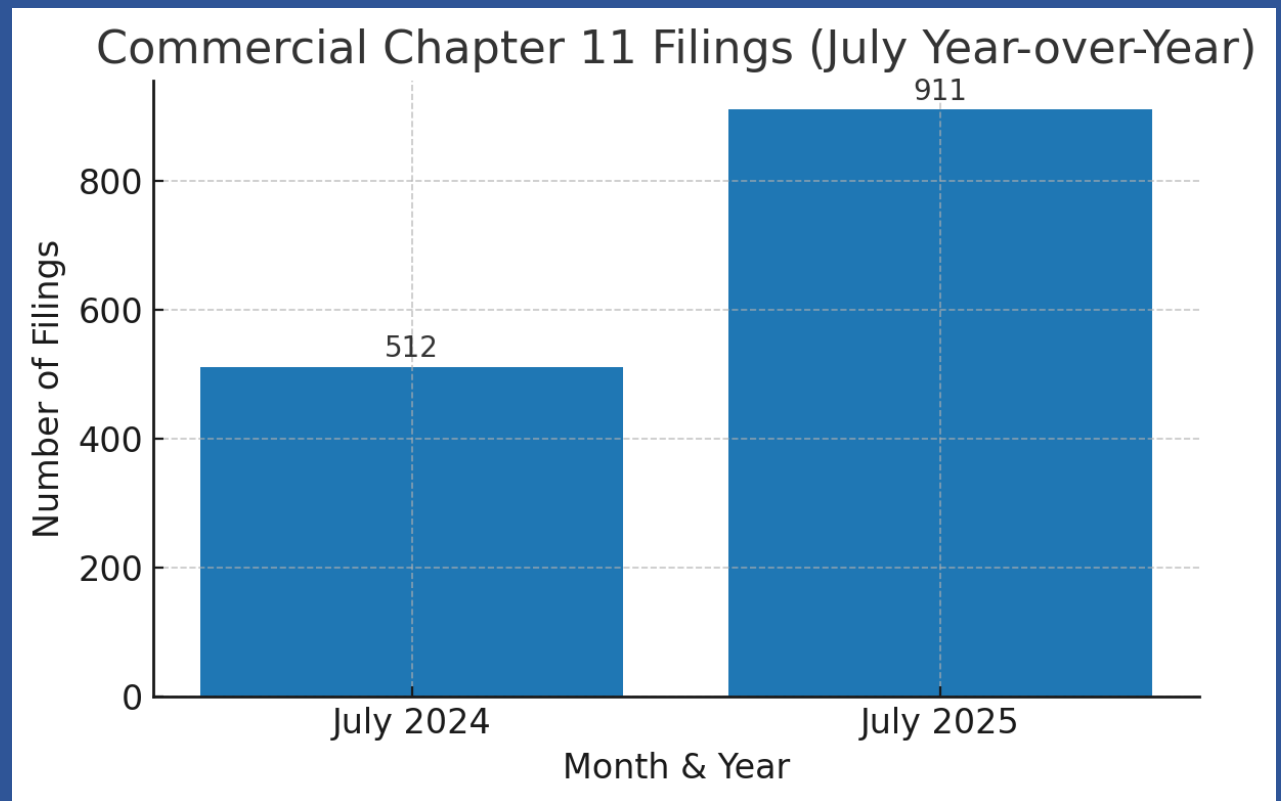
Moderator:

Shelby Poteet, Esq., Franklin Soto Leeds LLP

Year-Over-Year Growth in Commercial Chapter 11 Filings

Total filings rose from 512 to 911– a 78% increase

Highlights a significant jump in commercial bankruptcy activity compared to last year



American Bankruptcy Institute, *Commercial Chapter 11 Filings Up 78 Percent in July 2025*, ABI (Aug. 2025), <https://www.abi.org/node/1000566>

Scope of Program

- Immediate Action Items
- The Automatic Stay
- Clawback Litigation
- Executory Contracts and Leases
- Other Bankruptcy Issues

Information to identify the case:

Debtor **Sterne Wood, LLC** EIN: 82-1838294
Name
United States Bankruptcy Court Southern District of California Date case filed for chapter: 11 5/13/25
Case number: 25-01945-JBM11

Official Form 309F1**Notice of Chapter 11 Bankruptcy Case**

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	Sterne Wood, LLC	
2. All other names used in the last 8 years		
3. Address	4683 Point Loma Ave San Diego, CA 92107	
4. Debtor's attorney Name and address	Donald Reid Law Office of Donald W. Reid PO Box 2227 Fallbrook, CA 92088	Contact phone 951-777-2460 Email don@blc-sd.com
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.casb.uscourts.gov .	Jacob Weinberger U.S. Courthouse 325 West F Street San Diego, CA 92101-6991	Hours open 8:30am - 4:30pm Contact phone 619-557-5620 Date: 5/15/25
6. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	June 18, 2025 at 11:00 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: To access the telephonic 341 meeting, dial / call 877-874-4964 and enter, passcode 9790041# when prompted

7. Proof of claim deadline**Deadline for filing proof of claim: 7/22/25** For a governmental unit: **11/10/25**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.casb.uscourts.gov/html/csdforms/410.pdf or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

8. Exception to discharge deadline

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judiciary proceeding by filing a complaint by the deadline stated below.

Deadline for filing the complaint: 8/18/25**9. Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

12. Dismissal of Case

Notice is given that this case will be dismissed if the debtor(s) fails to pay filing fees pursuant to Federal Rules of Bankruptcy Procedure 1006(b). Also, notice is given that the case may be dismissed if the petition was filed by an unrepresented debtor without including a legible photocopy of the filer's government issued photo identification (such as driver's license or passport). This dismissal may occur without further notice. Furthermore, notice is given that if the Debtor fails to file schedules and statements required by the Rules of Bankruptcy Procedure 1007, or if the Debtor or Joint Debtor fails to appear at the scheduled §341(a) meeting, or a "small business debtor" fails to timely comply with 11 U.S.C. §1116(1),(2) and (3) that the Court, Trustee or U.S. Trustee will move for dismissal of case without further notice to the Debtor or Creditors. A party in interest may object to the motion for dismissal at the §341(a) meeting, at which time a hearing on the objection will be scheduled.



Immediate Steps & Best Practices

Notify accounting

Cease collection efforts

Confirm outstanding amounts owed as of the
petition date

Place “legal hold” on account



Next Steps & Key Dates

What Chapter was filed?

When is the Creditors' Meeting?

When is the claims bar date?

The Automatic Stay

What Can and Can't You Do?

Communications that violate the stay:

- Notice of Intent to Terminate Lease.
- Notice of Intent to Terminate Franchise.
- Notice of Medical Clinic Refusal to Provide Future Medical Services.
- Letter Informing Debtor That An Attorney Had Been Hired To Collect A Delinquent Account.
- College Refusing To Release Transcripts.
- Late Payment Demands stating in all caps "!!! IMPORTANT INFORMATION ABOUT LATE PAYMENTS !!!"

In re Parker, 644 B.R. 805, 827 (N.D. Cal. 2021), aff'd, No. 21-15746, 2022 WL 15523089 (9th Cir. Oct. 27, 2022) (citations omitted).

Communications that DON'T violate the stay:

- Pulling a credit report. *In re Rodriguez*, 659 B.R. 597, 604 (Bankr. D. Or. 2024).
- Negative credit reporting that was not done with the intent to induce payment. *In re Keller*, 568 B.R. 118, 126 (B.A.P. 9th Cir. 2017).
- Rate adjustment letters. *In re Martinez*, 561 B.R. 132, 161 (Bankr. D. Nev. 2016)
- Monthly statements providing information on about arrears an current payments due that are neither threatening or coercive. *In re Connor*, 366 B.R. 133, 138 (Bankr. D. Haw. 2007).

Litigation



Impact of the Automatic Stay on a plaintiff in litigation



Impact of the Automatic Stay on a defendant in litigation



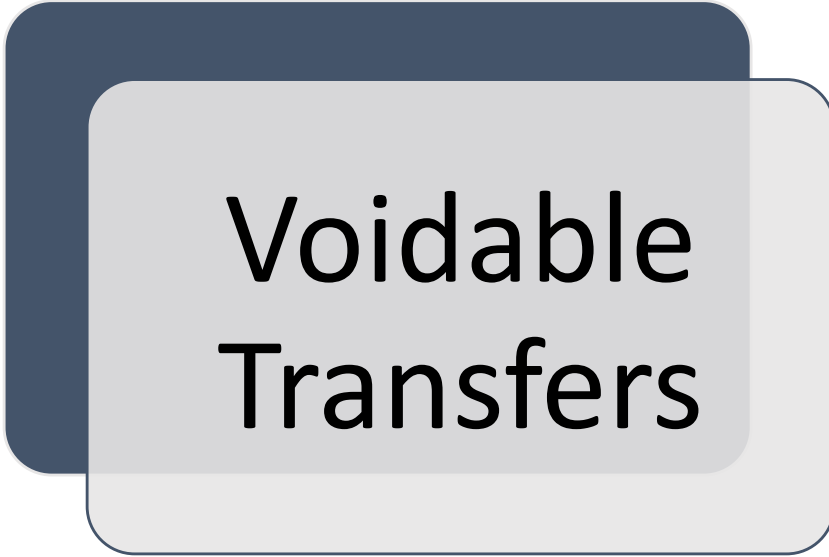
Insurance issues



Clawback Litigation & Defenses



Preferential
Transfers



Voidable
Transfers

Executory Contracts & Unexpired Leases

- Executory contracts = duties on both sides
- Possible outcomes:
 - Assume and cure
 - Assume and assign
 - Rejection
- IP Licenses



Other Bankruptcy Issues

Asset Purchases and Sales - 11 U.S.C. §
363(f) Orders

Committee Roles

What is the deadline to object to
discharge?

Were goods delivered within 20 days
prepetition for purposes of 11 U.S.C. §
503(b)(9)?

Were goods delivered within 45 days
of the petition for purposes of 11
U.S.C. § 546(c)?

Questions?



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