



TRACY GREEN

Director

Financial Restructuring
Business & Finance
Business Litigation
Real Estate

Oakland

P: 510.834.6600 F: 510.834.1928

tgreen@fennemorelaw.com

TRACY GREEN

Tracy represents clients in all aspects of their dealings with financially troubled companies. She is known for guiding clients through complex problems and trying circumstances to find practical and efficient solutions. She has written and presented extensively on insolvency and bankruptcy issues, is an active leader in professional associations, and is regularly recognized for exceptional performance by peers and legal publications.

Tracy represents debtors, creditors' committees, creditors, and trustees in connection with Chapter 11 reorganizations and liquidations, out-of-court workouts, buying and selling assets, assignments for the benefit of creditors, avoidance actions (fraudulent conveyances, preferences, and equitable subordination) and Chapter 7 liquidations.

In addition to traditional industries ranging from manufacturing to professional services, Tracy is experienced representing distressed companies in or associated with emerging markets, including the cannabis industry and green business, assisting with workouts and bankruptcy alternatives.

Tracy represents parties in commercial disputes and secured transactions. She also serves as a mediator and has successfully mediated many disputes involving intellectual property, real estate, estate distributions, partnership dissolutions, and commercial disputes. Tracy served as a judicial extern to the Honorable Stanley Mosk, of the California Supreme Court.

EDUCATION

- J.D., University of San Francisco School of Law
- B.A., University of San Francisco, Santa Cruz

AREAS OF PRACTICE

- Financial Restructuring
- Business & Finance
- Business Litigation
- Real Estate

REPRESENTATIVE CASES

Chapter 11 Bankruptcy Cases

Tracy has represented many distressed businesses in chapter 11. Below are representative

examples of the types of cases she has handled.

Debtor Representation

- Represented cutting-edge plastic recycling company to restructure debt and obtain additional investment to allow company to continue to develop new technology
- Represented well-known entertainer in chapter 11 bankruptcy case involving many creditors and copyright disputes
- Represented a chain restaurant with 8 locations liquidate the locations as ongoing concerns to different groups of buyers
- Represented boutique hotels in reorganizations wherein secured creditors debts were restructured
- Represented individuals that owned car washes and gas stations in chapter 11 restructuring secured debt
- Represented many real estate developers restructure debt and complete projects and solicit additional investors
- Represented retail tenants with over 40 leased locations

Creditor Representation

- Represented secured creditors in contentious chapter 11 cases involving security in agriculture, real estate, restaurants, intellectual property, research and development.
- Represented landlords in bankruptcy cases involving restaurants, manufacturing, retail operations, research and development facilities involving clean rooms.
- Individual high stake holders in chapter 11's that were unsecured or the security had little value, and cases where debtors failed to disclose assets

Parties Purchasing Assets From Bankruptcy Courts

- Represented parties purchasing real estate from the debtor or trustee in competitive bidding situations
- Represented parties purchasing ongoing businesses, or select assets

Creditors' Committee

Represented the Official Unsecured Creditors' Committee in chapter 11 cases and formal out of court workouts in the following industries: commercial printing, one of the largest concert promoters in the country, developer of online travel software and techniques used today by many online companies, medical devices, custom and prefab construction pieces for bathrooms and kitchens. Represented equity committee in large restaurant chain and franchise operation. Represented creditors in a large financial scandal involving 2000 investors.

Bankruptcy Alternatives

- **Structured Workouts:** Represented all sides at differing times in formal out of court workouts with structured facilitator.
- **Assignments for the Benefit of Creditors:** Represented parties in assignments for the benefit of creditors wherein ongoing businesses were sold or liquidated expeditiously for the benefit of creditors. Represented the assignee in carrying out its fiduciary duty and the company assignor in preparing for the assignment and marketing and selling assets in many industries including metal office furniture manufacturing, online cosmetic company, incubator company, online retail seller, online political web site and online car dealer.
- **Informal Workouts:** Represented parties in one-on-one out of court workouts or other informal resolutions. Negotiated workouts with lenders and landlords.

Chapter 7 Liquidation

Represented many companies from many types of industries in analyzing and determining whether complete liquidation is necessary. Representative clients include a custom frame shop, formerly high net worth real estate developer with multiple ongoing projects, children's clothing manufacturers, well known folk record recording company, and a research and development company with ongoing medical testing in operation or just closed down.

Trustees

Has represented many chapter 7 panel trustees in liquidating assets of the estate, resolving disputes, and reviewing and objecting to claims for the benefit of the creditors. In this capacity, filed preference and fraudulent conveyance cases.

Litigation

In addition to the foregoing insolvency work, Tracy has represented secured creditors in commercial disputes, partners in litigation that resulted in the bankruptcy case of one of the partners, real estate limited liability companies in disputes with secured creditors outside of bankruptcy. She has also defended parties to preference and fraudulent conveyance avoidance actions, as well as in real estate disputes in bankruptcy cases.

AWARDS AND HONORS

- *Best Lawyers in America*®, Litigation – Bankruptcy, 2018-2024
- *San Francisco Business Times*, Most Influential Women in Business, 2021
- *Northern California Super Lawyers*®, 2010-2023
- *Northern California Super Lawyers*®, Top Women Attorneys, 2012-2021
- AV® Preeminent™ Peer Review Rated (the highest rating available), by Martindale-Hubbell

ARTICLES AND PRESENTATIONS

- Presenter, "Ethical Considerations in AI for Bankruptcy Lawyers," Fifth Annual Bay Area Bankruptcy Judges' Conference, January 26, 2024
- Author, "What to Expect if PG&E Files Bankruptcy," *Wendel Client Alert*, Winter 2019

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Member, Bankruptcy Dispute Resolution Panel
- President, California Bankruptcy Forum
- Vice-President, California Bankruptcy Forum
- Secretary, California Bankruptcy Forum
- Treasurer, California Bankruptcy Forum
- Board Member, California Bankruptcy Forum
- Board Member, Bay Area Bankruptcy Forum
- President, Bay Area Bankruptcy Forum
- Vice-President, Bay Area Bankruptcy Forum
- Secretary, Bay Area Bankruptcy Forum
- Treasurer, Bay Area Bankruptcy Forum
- Member, Executive Committee, Alternative Dispute Resolution, Alameda County Bar Association
- Board Member and Chair, Commercial Law Section, Alameda County Bar Association
- Former Chair, Bench Bar Liaison Committee, United States Bankruptcy Court, Northern District of California
- Member, Commercial Law Section, Bar Association of San Francisco
- Member, Turnaround Management Association

ADMISSIONS

- California
- All United States District Courts in California
- U.S. Court of Appeals, Ninth Circuit
- U.S. Supreme Court
- Admitted Pro Hac Vice in many bankruptcy courts around the country, including Oregon, Washington, Texas and Delaware