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Mr. Califano has over 35 years of experience in representing various parties in all aspects of bankruptcy and insolvency matters, in bankruptcy, federal and state court litigation, alternative dispute resolution, along with related business transactions. Mr. Califano has successfully represented a wide range of individuals and institutional clients in the documentation, collateralization, litigation, enforcement and bankruptcy phases of the credit cycle.

**Illustrative Matters**

- Enforced a large money judgment against an evasive debtor, including locating and executing on hidden assets, including the debtor's stock broker and margin accounts, resulting in a favorable resolution of the creditor.
- Facilitated a complicated forbearance and workout involving a high end real estate developer. Stayed enforcement of a large judgment and avoided the need for a bankruptcy case. By arranging for the completion of several projects, with interim payments to the creditor, the matter was resolved quickly and efficiently.
- Represented a secured creditor in a Chapter 11 bankruptcy whose security interest was not properly perfected with the Secretary of State. Secured partial adequate protection payments, avoided preference litigation and successfully settled and paid before a plan was confirmed in the case.
- Sued a seller of two gas stations for breach of a purchase and sale agreement involving a multi-party transaction. Even though the full purchase price was paid, the buyer did not receive title to the gas stations. In addition, after the buyer had transferred the required monies,

the seller attempted to reorganize his financial affairs in order to become judgment-proof. However, through the use of an application for a pre-judgment writ of attachment and requests for early discovery to prove various fraudulent transfers, buyer was able to reach a quick settlement for the immediate return of the purchase price.

- In order to address supply chain problems, worked with a construction contractor to purchase supplies free and clear of the suppliers' prior bank liens and then to store the goods at the supplier's facilities under a formal bailment arrangement, that in the event the supplier become insolvent and files bankruptcy, the goods would not become property of the bankruptcy estate.

### **Bar Associations & Memberships**

Mr. Califano is admitted to practice before the US Supreme Court and is licensed to practice before federal and state courts located in California. He has held or holds the following positions and appointments:

- California State Bar (1987)
- Commercial Law League of America (1990); President (2016) and various legislative appointments, committees, the venue reform project and continuing advisor.
- Insolvency Law Committee (2006); Co-Chair (2010) and Executive Committee of the Business Law Section of the California Lawyers Association; various legislative appointments, committees and continuing advisor
- California Bankruptcy Forum (2009); President (2013) and continuing advisor.
- Lease Enforcement Attorney Network (2015)
- American Bankruptcy Institute (1993)

### **Professional Activities**

- Testified before the Subcommittee on Courts, Commercial and Administrative Law of the U.S. House Judiciary Committee. in support of H.R. 2533, the "Chapter 11 Bankruptcy Venue Reform Act of 2011". Mr. Califano continues to support and expand the national effort to revise the Bankruptcy Code's venue provisions.
- Mediator for the U.S. Bankruptcy Court for the Northern District of California's Bankruptcy Dispute Resolution Program (1997).
- Early Neutral Evaluator for the U.S. District Court for the Northern District of California Alternative Dispute Resolution Multi-Option Program (2008).

- Siemens Credit Corporation v. Allan E. Newlands, 905 F.Supp. 757 (N.D. Cal. 1994), a leading case upholding the rights of equipment lessors under Article 2A of the Uniform Commercial Code.
- Co-author of the Religious Liberty and Charitable Donation Protection Act of 1998 [Public Law 105-183] amended Section 548 of the Bankruptcy Code regarding the protection of charitable donations as fraudulent conveyances.

## **Publications**

- Hughes and Califano, "It Is Time to Change Bankruptcy Forum Laws" California Lawyers Association, *Legal Perspectives*, Autumn 2022, Digital Edition
- "Good News for Equipment Lessors: Priority for Idle Equipment", *Lease Enforcement Attorney Network – News and Analysis*, August 2018
- "Bankruptcy Venue Reform Primer – Everything You Need to Know is in this Article," *Commercial Law World*, October/November 2015, pp 8-15
- *California Assignments for the Benefit of Creditors Desk Guide*, Insolvency Law Committee of the Business Law Section of the California Lawyers Association, Editor, 2014 (First Edition) and 2020 (Second Edition)
- "Bankruptcy: The Essentials," *Commercial Loan Documentation Guide*, Chapter 21 (Matthew Bender, 2007, rev. 2011, 2014 and 2018)
- "Chapter 11 Bankruptcy Issues," *Commercial Finance Guide*, Chapter 35 (Matthew Bender, 2005, rev. 2010 and 2015)
- "Consensual Reorganization of Debtors," *Commercial Finance Guide*, Chapter 34 (Matthew Bender, 2004, rev. 2011 and 2015)

## **Education**

- State University of New York at Buffalo – B.A., *magna cum laude*
- Santa Clara University School of Law – J.D., *cum laude*, Moot Court, Best Team