

# Allan H. Ickowitz

Partner | Los Angeles

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Allan Ickowitz focuses his practice on bankruptcy, creditors' rights and workout areas including commercial, real estate and related litigation. He has more than 30 years of experience in insolvency matters involving financing transactions, real estate, energy, utility, transportation, communications, healthcare, manufacturing, environmental and other transactions issues. Allan served as Co-Chair of the firm's Financial Services & Bankruptcy Practice Group from 2007 to 2013. Additionally, he was recognized on the Southern California Super Lawyers list in 2007-2008 and 2012-2020.

Allan is also experienced in commercial real estate and asset based financing lien enforcement matters including receivership litigation, pre-foreclosure advice and planning, judicial foreclosure matters, mixed collateral issues and loan participation disputes. He has extensive complex litigation experience in both the trial and appellate levels.

His work involves all aspects of Chapter 9, Chapter 11 and Chapter 7 cases, including pre-bankruptcy planning and restructures, post-petition financing, reorganization plan negotiations, preparation and litigation, bankruptcy sale negotiations and litigation, executory contract litigation, valuation disputes, bankruptcy committee activities and automatic stay and cash collateral proceedings.

Allan has conducted numerous seminars for lenders and others in the areas of real estate foreclosure, workout and bankruptcy.

He is AV Preeminent® Peer Review Rated by Martindale-Hubbell.

## EXPERIENCE

- Represented the FDIC as receiver of the subsidiary financial institutions in litigation against the holding company bankruptcy debtors or trustees involving ownership rights in tax refunds, insurance premium refunds and other assets.
- Represented a wind energy company developing a wind-powered electric generating facility in the bankruptcy case filed by battery manufacturer A123 Systems, Inc. A123 Systems, Inc. had agreed to supply, install and commission a battery energy storage system at the facility and A123 Systems, Inc. filed bankruptcy before the system was completed.
- **San Francisco Area Water Emergency Transportation Authority.** Represented the San Francisco Area Water Emergency Transportation Authority in the bankruptcy proceeding in which a ferry builder, Nichols Brothers Boat Builders, Inc., a company under contract with the client, was in bankruptcy (2008-2009). Also represented this client in connection with the City of Vallejo's Chapter 9 bankruptcy case.

- Assisted a major healthcare firm in its acquisition of a community hospital from a Chapter 9 bankruptcy debtor, Valley Health Systems. The \$53 million sale closed after clearing numerous hurdles, including unique issues presented by the fact that the debtor in bankruptcy is a "public health district," as well as opposition from private citizens and the resolution of bond debt.
- ***In re Axiom International, Inc. et al.*** Represented several IT consulting firms hired by the debtors to perform services for third party customers for which the debtors then invoiced the third party customers. The debtors were serving as an "administrative" intermediary. Secured an emergency bankruptcy court order rejecting the prepetition business contracts with the debtors valued in excess of \$500,000 such that the clients could pursue direct relationships with third parties and minimize further contractual obligations to the bankrupt estate.
- **Trigen-LA Energy (formerly Sempra Energy Facilities/Solutions).** Represented this party to a major energy facilities operation and management contract in the Queen Mary (Queen's Seaport Development, Inc.) Chapter 11 bankruptcy case. Trigen's contract was assumed and assigned to the company buying the debtor's lease of the ship and related dockside premises in its entirety and delinquencies of nearly \$2M (including a portion of Trigen's legal fees) were paid out of closing escrow proceeds. Although the debtor and trustee initially challenged Trigen's contract rights and ownership of the subject energy infrastructure, those disputes ultimately were resolved in Trigen's favor pursuant to a negotiated settlement.
- Represented a California utility in negotiations to settle refund claims against Mirant Corporation stemming from electricity purchases by the California utility during the California energy crisis in 2001 and 2002. Like other energy production and trading companies including Enron and NEG, Mirant and its affiliates filed bankruptcy cases in 2003.
- Represented the largest unsecured creditor in a law firm bankruptcy case and assisted its client in reaching a settlement with the bankruptcy trustee. Nossaman's client was the sublessor of the law firm's primary office in Downtown Los Angeles in the Library Tower (now the USBank tower) prior to the law firm's demise. After several months of negotiations respecting the client's landlord claim and the statutory cap imposed under bankruptcy law, the Trustee agreed to an allowed claim of \$3.2 million which included a substantial portion of the additional rents claimed by the client for expenses in connection with the subleased premises and other items.
- Provided counsel to significant creditors and members of the Investment Pool Participants Committee in the Orange County Chapter 9 bankruptcy cases, as well as major Chapter 11 matters including the case involving a major downtown Los Angeles office building. Role included executory contract negotiation and litigation, interim post-petition financing and operations transactions and inter-creditor negotiation and proceedings.
- Represented a judgment creditor (with claims in excess of \$30 million) in Chapter 11 cases filed by two major independent power cogenerators.
- Served as counsel to purchasers of healthcare and other businesses in Chapter 11 proceedings.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Panelist, "Rapid Fire: Cutting Edge Topics Real Estate Professionals Need to Know Now," USC Gould School of Law Real Estate Law and Business Forum, Los Angeles, CA, 04.12.2018

Speaker, "Managing Legal Issues with Bankrupt Tenants," National Association of Industrial and Office Properties' University, Los Angeles, CA, 11.08.2017

Speaker, "When City Hall Moves to the Bankruptcy Courthouse (Chapter 9 and AB 506)," County Counsels' Association of California Annual Meeting 2012, San Diego, CA, 09.12.2012

### PUBLICATIONS

Co-Author, chapter titled, "Understanding the Unique Challenges of Chapter 9 Cases in *Representing Creditors in Chapter 9 Municipal Bankruptcy: Leading Lawyers on Navigating the Chapter 9 Filing Process, Counseling Municipalities, and Analyzing Recent Trends and Cases*," *Aspatore Books (Thomson Reuters)*, 10.2014

Author, "Bankruptcy Court Rules DOMA Unconstitutional," *Daily Journal*, 07.06.2011

Author, "The New Buzz! Sale of Electricity May Get Priority Status in Bankruptcy," *Daily Journal*, 09.24.2010

Author, "Bankruptcy Claims Trading: What Is It? How Can a Trader Maximize Returns?," *Pratt's Journal of Bankruptcy Law*, 07.21.2010

## HONORS & RECOGNITIONS

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AV Preeminent® Peer Review Rated by Martindale-Hubbell  
Selected to the Southern California Super Lawyers list, 2007-2008, 2012-2020

## COMMUNITY & PROFESSIONAL

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Advisory Board, Institute for Corporate Counsel (USC Gould School of Law- Los Angeles County Bar Association  
Corporate Law Departments Section  
American and State of California Bar Associations, Business Law Sections  
The Financial Lawyers Conference, Board of Governors, 2010-2011  
Serves on the approved panel of mediators of the United States Bankruptcy Court for the Central District of California

## PRACTICES

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Bankruptcy  
Litigation  
Health Law  
Corporate  
Workouts & Restructures

## INDUSTRIES

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Energy & Utilities

## EDUCATION

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Columbia University School of Law, J.D., 1975  
Columbia University, B.A., 1972

## ADMISSIONS

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California  
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