



Keith Patrick Banner

Counsel

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Keith Patrick Banner is an attorney in Greenberg Glusker's Bankruptcy and Financial Restructuring Group.

Keith focuses on business insolvency and distressed transactions with relevant experience in a variety of industries, including retail, entertainment, technology and real estate. Keith helps guide companies through a myriad of insolvency solutions that are appropriate for the particular circumstance, including out-of-court transactions, such as the refinance of complex loan facilities or an assignment for the benefit of creditors ("ABC"); or through the bankruptcy court in a chapter 11 reorganization or chapter 7 liquidation. Keith provides a calm and understanding approach to what often amounts to a rather tumultuous time for a business.

Prior to joining the firm, Keith served as the judicial law clerk to the Honorable Peter H. Carroll, U.S. Bankruptcy Judge for the Central District of California. Prior to clerking, Keith practiced at an AM Law 100 firm and a boutique insolvency firm, both located in Los Angeles. This diversity of experience provides Keith with a broad perspective and the tools for a company's successful rehabilitation.

Bar Admissions

- California

Court Admissions

- Central District of California
- Eastern District of California
- Northern District of California

Education

- Northwestern University School of Law (J.D., *cum laude*, 2008)
- University of California, Los Angeles (B.A., *summa cum laude*, 2005)
 - Political Science

Representative Matters

Litigation

- Defending landlord in a complex fraudulent transfer case by the liquidating trustee of Art & Architecture, a Chapter 11 debtor. The case involves several companies and several defendants, and also involves an unusual aspect of fraudulent transfer law as to whether a third-party recipient of funds may raise certain defenses.
- Represented client in a complex commercial case involving failed oil and gas investments in three countries (Canada, United States & Spain). Assisted client with wind down of its operations and in asserting claims in connection therewith.
- Represented client in a multi-defendant fraudulent transfer lawsuit arising out of the bankruptcy of the debtor company. The plaintiff sued our client, a mezzanine lender, and several other parties, for fraudulent transfer in connection with a previous leveraged buyout (LBO).
- Represented oversees company in successful defense of preference lawsuit in Chapter 7 case of American Solar Direct.

Bankruptcy & Insolvency

- Representing Jason Rund, the Chapter 7 Trustee of the bankruptcy estate of non-profit Youth Policy Institute, Inc.
- Represented men's clothing retail company Bachrach in "Chapter 22" (two separate Chapter 11 cases), one in which the company re-organized and the other through which the company liquidated.
- Represented retail furniture operator in Southern California in out-of-court liquidation, after which we guided the client through a Chapter 7 bankruptcy.
- Assisted client, an architectural group, in enforcing rights under executory contracts in the Verity Health System bankruptcy, one of the largest hospital bankruptcy filings in California.
- Represented oversees television distribution company in enforcing its contractual rights in Penthouse Global Media Chapter 11 case.
- Assisted client in enforcing right to priority payment under Section 503(b)(9) of the Bankruptcy Code in the Gymboree Chapter 11 case.
- Represented Frame LA Brands, LLC and Good American, LLC in connection with their contested termination of third-party logistics agreements in the Chapter 11 case of West Coast Distribution.
- Represented fashion brand in connection with negotiating critical vendor and supply agreement in Neiman Marcus Chapter 11 case.

Corporate Transactional

- Assisted client in workout of multiple real estate projects, including hotels, land developments, and commercial properties. Also evaluated and assisted in workout of funds raised by client to purchase real estate projects.

- Represented a vegetarian restaurant group in its acquisition by a private equity firm.
- Represented international musical equipment manufacturer in its acquisition of popular guitar amp manufacturer.
- Represented Ramona's Restaurant Group in general corporate/franchise reorganization.

Insights

July 24, 2020

Victory! Student Debtor gets over \$320,000 in Student Loans Discharged in Bankruptcy Case with the help of Public Counsel and Greenberg Glusker

Public Counsel | Our Stories

March 24, 2020

Keith Banner Placed on the 2019 Honor Roll of Pro Bono Volunteers

March 9, 2020

Why lenders still love retail, bankruptcies and all

Retail Dive

Bankruptcy Blog

Wisdom and Wit About the World of Bankruptcy & Insolvency

July 26, 2021

Bankruptcy & Restructuring - A Roundtable Discussion

Due in large part to the challenges brought on by the pandemic, Chapter 11 bankruptcy filings last year hit the highest level since 2010—a trend expected to continue throughout this year. Bankruptcy and restructuring is complex, full of twists...

April 20, 2021

Private Retirement Plans as an Asset Protection Tool

After years of hard work and planning, or perhaps through the timely entrance into a fledgling market, your business is thriving. With day-to-day operations running smoothly, you begin to consider how to best plan ahead to protect your newly-accumulated...

March 17, 2020

9 Things for Businesses to Consider During a COVID-19 Cash Crunch

The abrupt mandatory closures of bars, coffee shops, restaurants, fitness centers and essentially any commercial location where people socially congregate has invoked surprise and unease in consumers throughout the country. For business owners, however, such news rises beyond mere...

September 17, 2018

A Sweet Victory: New Value Defense Bolstered by Court's Protection of Ice Cream Vendor

You have fresh goods delivered to your largest customer daily, as has been the case for as long as you can remember. You noticed over the last few months that payments have become less frequent—weekly instead of twice weekly—and...

August 29, 2017

Beware of the ABL Trap: The Challenges of Retail Chapter 11 Debtors and Asset Based Lending

An asset-based loan (“ABL”) is often the financing of choice for retail borrowers – and for good reason. In its simplest form, an ABL is a credit facility, usually in the form of a revolving line of credit, the...

March 15, 2017

A Hypothetical Question Deserves a Hypothetical Answer: The Ninth Circuit's Approach to Preference Transfers in In re Tenderloin Health

As a creditor, the news of a debtor who owes you a substantial sum of money filing bankruptcy is often the most alarming news you can learn—that is, until you seek advice of counsel and learn that payments the...

December 21, 2016

December 1, 2016 Revisions to the FRBPs: Taking the Bite Out of the Core-Noncore Distinction

On December 1, 2016, something extraordinary happened. No, it was not president-elect Trump visiting another Carrier air conditioning factory in Indianapolis. It was an event that made no headlines and caused no stir. The Federal Rules of Bankruptcy Procedure...