



CHRISTOPHER J. HARNEY, *Senior Attorney*

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Christopher Harney is a senior attorney in the Orange County office of Theodora Oringher PC. Mr. Harney concentrates his practice on bankruptcy matters and litigation and complex commercial disputes in both federal and state courts. In his bankruptcy practice, Mr. Harney serves as counsel for debtors, secured lenders, unsecured creditors, insurers, and chapter 7 and chapter 11 bankruptcy trustees. His commercial and general litigation practice includes the following sectors and practice areas: construction law, breach of contract, shareholder derivative claims, breach of fiduciary duty, white-collar crime, commercial foreclosures, fraudulent transfers, requests for injunctive relief, real estate, securities and financial services, trade secret and non-disclosure, forcible entry and detainer actions, premises-liability, intellectual property, and collection matters.

Mr. Harney has been selected as a "Rising Star" by Illinois Super Lawyers in 2014-2019 and as an "Emerging Lawyer" by Leading Lawyers in 2017. He was also the recipient of Award of Excellence in Pro Bono Service issued by the United States District Court of the Northern District of Illinois in conjunction with the Chicago Chapter of the Federal Bar Association. He was a board member of the Young Professionals Board of the Chicago Bar Foundation from, the charitable arm of the Chicago Bar Association from 2011-2017 and was one of the wrestling team representatives for the Graduate "Order of the C," an alumni association of the University of Chicago from 2011-2017. He also served as a co-chair for the Bankruptcy Committee of the Young Lawyers Section of the Chicago Bar Association from 2011 to 2014.

Prior to joining Theodora Oringher Mr. Harney was an associate at Seyfarth Shaw LLP.

## REPRESENTATIVE MATTERS

### *Trials and Settlements*

- › Served as first chair trial attorney and obtained a favorable judgment in the amount of the demand in an adversary proceeding seeking to avoid a fraudulent transfer under 11 U.S.C. § 548.
- › Obtained several favorable settlements in related bankruptcy cases resulting in recovery of over \$15 million on creditor's claims against debtor-companies and insiders.
- › Served as second chair attorney in a two-day trial and successfully defeated an Emergency Motion for Temporary Restraining Order filed by eight-jointly administered Debtors to enjoin secured lender's pending actions against Debtors' principals.

- › Served as co-chair attorney in a three-day joint trial on Motions for Relief from Stay filed by secured lender client in two related Debtors' cases.
- › Served as co-chair attorney in a trial on secured lender client's Motion to Convert Case to Chapter 7 or, alternatively, to Appoint a Chapter 11 Trustee.
- › Served as second chair trial attorney in single asset debtor case under 11 U.S.C. §101(51B), negotiated settlement with debtor, and prepared all settlement documents, including court orders reflecting settlement and negotiated lease and option to purchase agreement.
- › Obtained favorable judgment as second-chair during trial to determine priority of interests in funds held in receivership between judgment creditor and mortgagee.

### *Representative Engagements*

- › Represented welfare benefits plan in multi-million dollar non-dischargeability action under 11 U.S.C. § 523 against Chapter 7 debtor.
- › Represented one of the largest unsecured creditors in the PG&E Chapter 11 bankruptcy case.
- › Represented Chapter 7 trustee in wind-down of Ponzi scheme involving technology company with more than \$100 million in claims. Assisted in obtaining recoveries in excess of \$80 million through prosecution and settlement of fraudulent transfer and breach of fiduciary duty actions and the sale of assets.
- › Represented owner in complex multi-party lawsuit involving a \$36,000,000 hi-rise, hotel construction project located in downtown San Francisco.
- › Represented construction company in prosecuting claims in excess of \$26,000,000 against a prime contractor with respect work performed in connection with a large U.S. Government-funded project.
- › Represented former Chief Executive Officer and President of defunct nonprofit organization in a Chapter 7 case relating to Chapter 7 Trustee's claims of breach of duty of care and breach of duty of loyalty.
- › Represented Chief Executive Officer and other officers and directors in a shareholder's derivative lawsuit involving breaches of fiduciary duty and related claims.
- › Represented Chapter 11 trustee with respect to operation and reorganization of commercial real estate holding company with ownership interests in more than 50 non-debtor entities and land trusts holding title to more than 70 parcels of real property. Handled negotiations with the United States Department of Agriculture ("USDA") which resulted in the USDA agreeing withdraw its \$4.7 million demand for payment from client relating to loan guaranty entered into in conjunction with loss share agreement involving a defunct borrower, a failed bank, and the FDIC.
- › Represented petitioning creditors in involuntary Chapter 7 bankruptcy proceeding against defunct regional grocery store chain which resulted in entry of order for relief and commencement of chapter 7 bankruptcy case.
- › Represented former shareholder in fraudulent transfer adversary proceeding and related appeals before the District Court and the Seventh Circuit stemming from prior leveraged buyout transaction.
- › Represented large, commercial bank in individual Chapter 11 bankruptcy case involving over \$100 million in real estate related claims. Successfully obtained appointment of Chapter 11 trustee and favorable settlement involving over \$16.5 million in disputed state and federal income tax refunds.
- › Represented Chapter 7 trustee in wind-down of operating logistics and warehouse company with two facilities totaling over 615,000 sq. ft. in space, liquidation of inventory and personal property, and sale of real property.

## PROFESSIONAL RECOGNITION

- › Southern California Super Lawyers (Rising Star 2014 - 20)

## SPEAKING ENGAGEMENTS

- › Moderator, "What Every Bankruptcy Practitioner Should Know About Exceptions to Discharge (§ 523) and Denial of Discharge (§ 727) (June 2012)
- › Co-presenter, "Practice Pointers in Preference Litigation," Chicago Bar Association (April 2011)
- › Presenter, "Underwater Stock Options," Legal Seminar sponsored by the Illinois Paralegal Association, Chicago, IL (May 2009)

## MEMBERSHIPS & ASSOCIATIONS

- › Chicago Bar Association (Co-Chair, Young Lawyers Section Bankruptcy Committee (2011-2014))
- › Chicago Bar Foundation (Member, Young Professionals Board (2011-2017))
- › University of Chicago's Order of the C (Wrestling Team Representative (2011-2016))
- › American Bankruptcy Institute

## PRACTICE AREAS

- › Real Estate Litigation
- › Business and Commercial Litigation
- › Bankruptcy, Restructuring and Creditors' Rights
- › Consumer Financial Services Litigation

## ADMISSIONS

### BAR ADMISSIONS

- › Arizona (inactive)
- › California
- › Illinois (inactive)

### COURT ADMISSIONS

- › Illinois Supreme Court
- › U.S. Court of Appeals for the Seventh Circuit
- › U.S. District Court for the Northern District of California
- › U.S. District Court for the Central District of California
- › U.S. District Court for the Northern District of Illinois

## EDUCATION

- › University of Mississippi, 2008 J.D.
  - › *cum laude*
- › University of Chicago, 2004 BA