

Stephen J. Kottmeier

Of Counsel

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- **Industries**

- Banking & Financial Services

- **Services**

- Bankruptcy
- Financial Institutions & Creditors' Rights
- Litigation
- Appellate

Overview

Stephen Kottmeier has practiced commercial litigation for almost forty years and is a member of Hopkins & Carley's Financial Institutions & Creditors' Rights Practice. His experience includes extensive complex civil litigation in federal, state and bankruptcy courts, and other proceedings.

Steve is regularly involved in representing creditors in enforcement and defense matters regarding:

- Evaluating and effecting civil enforcement proceedings
- Prejudgment actions to recover assets or impose liens
- Resolution of disputes under Articles 3 and 4
- Forbearance and restructure agreements
- Creditor rights and actions in bankruptcy
- Judicial and non-judicial foreclosure of real and personal collateral

In 2011, Steve was selected to join the Northern District Bankruptcy Court Bench-Bar Liaison Committee, which allowed him to work with the District's Bankruptcy Judges and other selected practitioners to evaluate the Court's procedure and how they may

be improved. Steve has been recognized by Best Lawyers® for Commercial Litigation every year since 2006.

Experience

- Represented a bank involving claims by various victims of a \$60 million Ponzi scheme by one of the bank's customers. The client prevailed on summary procedures and demurrers in all matters, including affirmation on appeal.
- Represented a regional bank in a series of foreclosure and asset sales resulting from borrowers default on multiple loans. Client received multi-million dollar recovery and ultimately will have forgave only a relatively small amount of the debt.
- Represented a regional bank after a borrower defaulted on a \$20 million construction loan with the project 75% complete. Negotiated short sale of project after completion and stipulation for judgment against the guarantors avoiding a law suit.
- Obtained a complete defense award for a global technology company in claim by an Eastern European distributor for failure to reimburse it for local taxes.
- Obtained a defense verdict in a four week jury trial on behalf of a financial institution which was sued by two individuals for alleged defamation and interference with contracts.

Insights

Lectures and Publications

- National Business Institute
- Sterling Education Services
- State Bar of California
- William Ingram Inn of the American Inns of Court
- Santa Clara County Bar Association
- Episcopal Chancellor's Network (Western Regional Conference)

Professional Activities

- Santa Clara County Superior Court, Judge Pro Tem
- United States Bankruptcy Court, Northern District of California, Bench Bar Committee, 2011-2014 (Co-Chair 2013-2014)
- City of San Jose Mayor's Arts 20/20 Task Force, Chair
- YMCA Silicon Valley, Board of Directors and Executive Committee, Member 2005 - 2013
- William F. Ingram Inn of American Inns of Court
- Goodwill Industries of Santa Clara County, Inc., Member 1978 to 2000, Chairman for two years

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- City of San Jose, Public Art Master Plan Steering Committee Member
- San Jose Fine Arts Commission, Member 1982-1990, Chairman 1985-1987
- St. Andrew's Episcopal School, Saratoga, California, Member 1996 to 2002, 2007-2010 and 2015-2016, President of Board 2000-2002
- Silicon Valley Arts Council, Member 2001 to 2007, Member of the Board of Trustees, President of the Board, 2004-2005
- Episcopal Diocese of El Camino Real, California, Vice-Chancellor
- Santa Clara County Bar Association

Bar Admissions

- State Bar of California (1977)

Court Admissions

- U.S. Supreme Court
- Ninth Circuit Court of Appeals
- Sixth Circuit Court of Appeals
- U.S. District Court for the E.D. Texas
- 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 Eastern District of California
- U.S. District Court for the Southern District of California
- State Courts of California

Education

- J.D. (Order of the Coif), University of California, Hastings
- B.A., Economics (with Honors), University of California, Santa Barbara