

## Monique Jewett-Brewster

Shareholder

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- **Industries**

- Banking & Financial Services
- Industrial & Manufacturing
- Retail
- Technology

- **Services**

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



## Overview

Monique Jewett-Brewster is Co-Chair of the Financial Institutions and Creditors Rights Practice Group and a member of Hopkins & Carley's Litigation Department in the San Jose office. With more than two decades of practice experience, Monique helps her secured and unsecured creditor clients collect commercial debt in state, district, appellate and bankruptcy courts nationwide. Monique also represents lenders in the workout, restructuring and enforcement of complex loan transactions secured by commercial real estate, accounts receivable, inventory and other business assets. Her clients include:

- Financial institutions
- Mortgage lenders
- Credit unions
- Factors

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- Private money lenders
- Commercial landlords and tenants
- Receivers and trustees
- Equipment leasing companies
- Judgment creditors

She also counsels the City of Oakland in its bankruptcy matters.

Monique was the 2018-19 Chair of the Business Law Section of the California Lawyers Association (CLA), the largest statewide voluntary bar association in the country. As Chair of the Business Law Section (BLS), with 8,000+ members, and 15 different Standing Committees organized by areas of substantive expertise and industry, Monique helped facilitate the Section's activities for publications, programming, legislative and membership constituency outreach. Prior to that, Monique served as Co-Chair of the State Bar of California Business Law Section's Insolvency Law Committee.

After completing two externships during law school with three bankruptcy judges, Monique completed a two-year post-graduate clerkship with the Hon. Meredith A. Jury, U.S. Bankruptcy Judge for the Central District of California (ret.). Thereafter, Monique served on the prestigious Bench Bar Liaison Committee of the U.S. Bankruptcy Court for the Northern District of California, working with the court and staff to improve bankruptcy practice in the Northern District.

Monique is passionate about increasing diversity, equality and inclusion in the legal profession. She was the inaugural 2019-20 Co-Chair of the CLA's Diversity Outreach Committee, which works to address the dearth of students from historically underrepresented backgrounds in pathways to careers in law. Monique served on the Board of the Black Women Lawyers of Northern California, and is also a past member of the California Minority Counsel Program (CMCP)'s Ambassadors Council, which works to expand CMCP's outreach and promote the advancement of business attorneys of color.

## Experience

- Represented successful purchaser of Chapter 11 debtor's packing machinery business unit and related assets free and clear of liens in a competitive auction, and subsequently documented and facilitated the time-sensitive sale closing.
- Facilitated judicial and non-judicial foreclosure proceedings concerning commercial real estate collateral located in five different states for credit union client, resulting in payoff of all five loans in full.
- Drafted all transactional documents required to modify a multi-million dollar tax-exempt loan issued by a state municipal authority.
- Represented church lender with respect to defaulted multi-million dollar construction loan to borrower church, and negotiated and documented a complex lease-option purchase agreement which allowed borrower to remain in the church

premises subject to the terms and conditions agreed to by the parties.

- Represented receiver in successfully selling real property of the receivership estate pursuant to a charging lien in order to partially carry judgment into effect.
- Negotiated and collected a six-figure settlement for her municipality client in complex litigation involving a state court-appointed receiver, a bankrupt entity landlord that filed for Chapter 11 bankruptcy protection, a bankruptcy court-appointed Chapter 11 Trustee, a class action suit with dozens of class members, and several related tenant suits against the landlord, among others.
- Regularly advocates for creditor clients by litigating and pursuing provisional remedies to enforce outstanding debts, including obtaining writs of attachment against individual guarantors of commercial real estate secured debt, and writs of possession/claim and delivery to obtain possession of clients' tangible, personal property collateral.
- Regularly advocates for creditor clients in bankruptcy cases by defending preference and fraudulent conveyance actions, negotiating the proposed use of cash collateral, objecting to, or facilitating, the assumption and assignment of executory contracts and unexpired leases, and prosecuting proofs of claims.

## Insights

### Selected Publications

- "Automatic Stay in Bankruptcy Proceeding Did Not Prevent Judgment Creditor from Renewing Judgment While Case Was Pending, But Ten-Year Renewal Period Was Extended" [*Rubin v. Ross*, 2021 WL 2283771 (Cal. App. 4<sup>th</sup> Dist. 2021)], 2021-24 Comm. Fin. News. NL 48, published in Westlaw's *Commercial Finance Newsletter*, June 2021
- "California Court of Appeal Holds Provision Limiting Liability in Lease is No Longer Enforceable After the Lease is Subsequently Assigned to Foreclosing Lender" [*Gietzen v. Covenant RE Management, Inc.*, 40 Cal. App. 5<sup>th</sup> 331, 2019 WL 4635154 (2d Dist. 2019)], 2019-32 Comm. Fin. News. NL 63, published in Westlaw's *Commercial Finance Newsletter*, October 2019
- "Bankruptcy Impact on Title & Sales," chapter published in the Continuing Education of the Bar – California (CEB), *Real Property Ownership and Taxation Practice Guide*, February 2017 (updated April 2019)
- *JPMCC 2007-C1 Grasslawn Lodging, LLC v. Transwest Resort Props. Inc. (In re Transwest Resort Props., Inc.), Bankruptcy e?Bulletin*, Insolvency Law Committee, State Bar of California, Business Law Section, March 2016
- *Frealy v. Reynolds (In re Reynolds), Bankruptcy e?Bulletin*, Insolvency Law Committee, State Bar of California, Business Law Section, November 2015
- *Stern v. Marshall: The End of Bankruptcy Courts As We Know Them, or Just a Minor Correction to the Bankruptcy Code?* *Business Law News*, Business Law Section of the State Bar of California, co author, December 2012
- "An Introduction to California Receivership Law," Continuing Education of the Bar – California (CEB), *California Business Law Practitioner*, co author, August 2010
- "Chapter 11 Petition Filed Before Expiration of Holdover, At-Will Tenancy Constitutes 'Bad Faith' Filing," *Pratt's Journal of Bankruptcy Law*, March 2008

### Selected Speaking Engagements

- “Advanced Automatic Stay Issues,” with the Hon. M. Elaine Hammond, Bar Association of San Francisco, Commercial Law and Bankruptcy Section, September 2021
- “The New California Homestead Exemption: Scenarios on its Effect,” with the Hon. Scott C. Clarkson, Los Angeles Bankruptcy Forum, October 2020
- “Practical Courtroom Tips for Lawyers,” with the Hon. Hannah Blumenstiel, Bar Association of San Francisco, Commercial Law and Bankruptcy Section, May 2019
- “Recent Developments Affecting Real Estate Secured Lending,” State Bar of California, Business Law Section, July 2017
- “Preparing for a Downturn: What Commercial Landlords and Tenants Should Know About Bankruptcy,” Association of Corporate Counsel, Bay Area Chapter, April 2016
- “How the Automatic Stay Can Disrupt, If Not Destroy, Your Litigation Strategy: What Every Litigator Needs to Know About the Scope of the Automatic Stay,” State Bar of California, Business Law Section, December 2015
- “*Much Ado About Nothing?* Lien Stripping in Chapter 7 Bankruptcy and the Supreme Court’s *Caulkett* Decision,” Bar Association of San Francisco, Commercial Law and Bankruptcy Section, July 2015
- “Maximizing the Value of Intellectual Property in Bankruptcy,” Association of Corporate Counsel, Bay Area Chapter, June 2015
- “Hot Topics in Commercial and Real Estate Lending,” California Bankers Association, Bank Counsel Seminar, May 2015

## Professional Activities

- Turnaround Management Association, Northern California chapter
- California Minority Counsel Program, Ambassadors Council
- California Lawyers Association, 2018-19 Chair, Business Law Section
- California Lawyers Association, Business Law Section, Executive Committee
- State Bar of California, Business Law Section, Vice-Chair of Publications, Diversity Coordinator and Standing Committee Coordinator
- National Coalition of 100 Black Women, Silicon Valley Chapter, Public Policy Committee
- State Bar of California, Business Law Section, Insolvency Law Committee Co Chair, Co-Vice Chair, eBulletin Editor-in-Chief
- Black Women Lawyers of Northern California, Board of Directors
- United States Bankruptcy Court for the Northern District of California, Bench-Bar Liaison Committee
- California Bankruptcy Forum Conference, Young Insolvency Professional Program Co Chair and program producer
- Bay Area Bankruptcy Forum, Board of Directors
- International Women’s Insolvency and Restructuring Confederation, Northern California chapter
- Financial Women of San Francisco (fka Financial Women’s Association of San Francisco), Board of Directors, Secretary and Chair of Scholarship Committee
- Girl Scouts of Northern California, Camp CEO

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## Bar Admissions

- State Bar of California (2001)

## Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Central District of California
- U.S. Bankruptcy Court for the Northern District of California
- U.S. Bankruptcy Court for the Eastern District of California
- U.S. Bankruptcy Court for the Central District of California
- U.S. Bankruptcy Court for the Southern District of California

## Education

- J.D., University of Southern California School of Law
- B.A., Politics (minor in Japanese), University of San Francisco