



# John R. Knapp, Jr.

Partner

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**“I am responsive, professional, and dedicated to finding practical solutions for clients who are owed money by entities in financial distress. Clients trust me to listen to their concerns, choose the right tools for the job, and bring projects to efficient and complete conclusion.”**

John Knapp is a partner in Miller Nash’s Seattle office and served for many years as the leader of the firm’s bankruptcy & creditors’ rights practice team. John advises businesses and individuals on business bankruptcy and commercial law matters, with an emphasis on Chapter 11 reorganization. John represents secured lenders, licensors, suppliers, and receivers. He focuses on maximizing recovery of unpaid balances, preservation of asset value, and protecting clients against additional losses. John served as the judicial law clerk to Judge Peter J. Walsh (deceased) of the U.S. Bankruptcy Court for the District of Delaware in 1997-1998.

## Professional Activities

- U.S. Bankruptcy Court, Western District of Washington, Local Bankruptcy Rules Committee, 2023
- King County Bar Association
  - Bankruptcy Law Section, Member
  - Immediate Past Chair, 2019-2020
  - Chair, 2018-2019
  - Vice Chair, 2017-2018
  - Treasurer, 2016-2017
- Washington State Bar Association
  - Creditor Debtor Rights Section Executive Committee, King County Representative, 2011-2013, 2019-2021
  - Northwest Bankruptcy Institute Planning Committee, Member, 2019-2021
- American Bar Association, Business Bankruptcy Committee
  - International Bankruptcy Subcommittee, Chair, 2020-present
  - Co-webmaster, 2013-2020
  - IP and Technology Subcommittee, Cochair, 2008-2020

## Education

J.D., Georgetown University Law Center, 1997

- Foreign Publications and Book Reviews Editor, *Georgetown International Environmental Law Review*

B.S.F.S., Georgetown University, *cum laude*, 1993

- Junior year abroad, Eberhard-Karls-Universität Tübingen, Germany, 1991-1992

## Bar Admissions

Idaho, 2004  
 Washington, 1999  
 Delaware, 1998

## Court Admissions

United States District Court, District of Colorado, 2023  
 United States District Court, District of Idaho, 2004

- Federal Bar Association
  - Bankruptcy Committee, Western District of Washington, Cochair, 2009-2012
- American Bankruptcy Institute, Member
- Seattle University School of Law, Real Estate Drafting Lab, Legal Writing Instructor, 2000-2002

### Civic Activities

- Kidspace Childcare Center, Board of Directors, 2013-2015
- Association of Washington Business, Board of Directors, 2003-2007

### Representative Experience

#### Bankruptcy & Creditors' Rights

- Represented secured creditor in the sale of assets of an oil company in Chapter 11, subsequently converted to Chapter 7. Objected to the Chapter 11 sale of real property because the creditor did not consent and the price would not satisfy the lien in full. The court denied the motion and converted the case to Chapter 7. Assisted in negotiation and obtained approval of the sale of collateral by the Chapter 7 trustee, resulting in payment of the creditor nearly in full and a large carveout for creditors of the estate.
- Kept state-court receiver in place to preserve creditor client's collateral during a Chapter 11 case. Objected to the debtor in possession's cash collateral motion to make repairs, due to no adequate protection or business justification. Obtained documents by subpoena and deposed the debtor's principal and appraiser. After an evidentiary hearing, the court denied the motion and granted relief from stay instead. The bankruptcy case converted to Chapter 7, and creditor foreclosed.
- Represented secured creditor in seeking to affirm on appeal a receivership sale order that included an excise tax exemption. King County Superior Court granted the receiver an excise tax exemption on the sale of Clark County real estate, subject to the client's judgment. The state appealed. The issue was whether the receiver's sale was "upon execution of a judgment" under RCW 82.45.010(3)(j). Wrote response brief and offered oral argument on this issue of first impression. Court of Appeals reversed the exemption order in a published opinion.
- Represented consulting firm as receiver for 15 American Eagle Mortgage entities. The entities own real estate and real estate contracts/loans. Placed the entities into voluntary receivership in Clark County Superior Court through an assignment for the benefit of creditors. The receiver has been selling the real property and collecting on the real estate contracts in order to generate proceeds to distribute because of millions of dollars in investor claims.
- Represent landlords in receivership and bankruptcy proceedings. The primary goal is to ensure timely payment of rent during the case and cure of defaults for leases that are assumed and assigned. Assist landlords with calculation of claims and recovery of collateral when leases are rejected and tenants vacate

United States Court of Appeals for the Ninth Circuit, 2004

United States District Court, Western District of Washington, 2000

United States District Court, Eastern District of Washington, 2000

United States District Court, District of Delaware, 1998

### Languages

German

Portuguese

the premises. Handle these cases locally in state and bankruptcy courts, as well as in national bankruptcy cases, usually in Delaware, where large Chapter 11 retail cases are common.

- Represent licensors of intellectual property, service providers, and suppliers in receivership and bankruptcy cases locally and in Delaware and the Southern District of New York, among other places. The initial priority in newly filed Chapter 11 cases is to investigate the possibility of critical vendor status and negotiate payment terms going forward in the bankruptcy. Assist client with filing proofs of claim and monitoring notices in the case in order to object where necessary to ensure that amounts in default are paid as a condition to the assumption and assignment of any contracts between the clients and the debtors in connection with a sale of assets or plan of reorganization, or that licenses are not assigned without the client's consent. Service providers and suppliers may also have unique liens and rights to reclaim goods, which require legal analysis and protection. On the back of a bankruptcy, helps clients resolve demands for alleged "preferential transfers" (payments made in the 90 days before bankruptcy that may be subject to refund), including obtaining settlements at substantially reduced amount or even dismissal of lawsuits.

## Publications

- "Ninth Circuit Holds the Trustee Has Standing, Not the Employee, to Title VII Claims Rooted in the Pre-Bankruptcy Past," Miller Nash, *Bank Law Monitor* (Jul. 2024)
- "Brazil's Reorganization Law Finds a Way During the Pandemic," American Bar Association, Business Law Section, *Business Law Today* (Mar. 2021)
- "CARES Act Amends Bankruptcy Code to Address COVID-19 Dislocation," Miller Nash Graham & Dunn, *Bank Law Monitor* (Mar. 2020)
- "Supreme Court Holds that Trademark Licensee Retains Rights After Rejection of License by Licensor in Bankruptcy," Miller Nash Graham & Dunn, *IP Law Trends* (May 2019)
- "Intellectual Property and Bankruptcy," American Bar Association, *Intellectual Property Deskbook for the Business Lawyer*, coauthor (Sharon K. Sandeen ed., 4th ed. 2019)
- "Give Me Liberty, or Give Me Death? Supreme Court May Resolve Circuit Split on Effect of Rejection of Trademark Licenses in Bankruptcy," Miller Nash Graham & Dunn, *IP Law Trends* (Sept. 2018)
- "Trademarks Are Not Intellectual Property in Bankruptcy Cases, So Circuits Are Split on What Happens upon Rejection of Trademark Licenses," American Bar Association Section of Intellectual Property Law, *Landslide* (July/Aug. 2018)
- "Reorganizing Failing Businesses," *Third Edition: A Comprehensive Review and Analysis of Financial Restructuring and Business Reorganization*, coauthor (Rafael X. Zahraiddin-Aravena and Megan Adeyemo, eds., 2017)
- "Intellectual Property and Bankruptcy," American Bar Association, *Intellectual Property Deskbook for the Business Lawyer* 173, coauthor (Sharon K. Sandeen ed., 3d ed. 2013)
- "Intellectual Property and Bankruptcy: A Transactions-Based Guide to Intellectual Property Law," American Bar Association, *Intellectual Property Deskbook for the Business Lawyer* 163, coauthor (Sharon K. Sandeen ed., 2009)
- "The New Brazilian Bankruptcy Law—Nova Lei de Falências e Recuperação de Empresas, Law No. 11101," American Bankruptcy Institute, *International Committee Newsletter* (Jan. 2008)
- "Intellectual Property and Bankruptcy," American Bar Association, *Intellectual Property Deskbook for the Business Lawyer* 163, coauthor (Sharon K. Sandeen ed., 2007)

## Presentations

- “Executory Contracts and Unexpired Leases in Chapter 11 Proceedings,” United States Bankruptcy Court, Western District of Washington, Chapter 11 Training Program (Apr. 2024)
- “Liens on Intangible Property,” Washington State Bar Association, CLE seminar (Dec. 2022)
- “Lost in Tokenization: Legal Implications of Non-Fungible Tokens on Finance, Art, Property, and Culture,” American Bar Association Business Law Section Annual Meeting, CLE seminar (Sept. 2022)
- “Estate Planning with Intellectual Property—IP and Bankruptcy: Ownership Issues and Effect on Licenses,” American Bar Association Section of Real Property, Trust and Estate Law, CLE webinar (Jun. 2022)
- “Liens on Intangible Personal Property,” King County Bar Association, CLE webinar (Nov. 2021)
- “Liens on Intangible Property,” Washington State Bar Association, Creditor Debtor Rights Section, webinar (Dec. 2020)
- “Planning for the Unknown: A Special Assets Approach for 2021,” RMA (Risk Management Association) Puget Sound Chapter, webinar (Nov. 2020)
- “Legal and Practical Considerations: The Treatment of Real and Personal Property Leases and Licenses,” Oregon State Bar, 33rd Annual NW Bankruptcy Institute, webinar (May 2020)
- “Intellectual Property, Security Interests, and Bankruptcy,” King County Bar Association, CLE seminar (February 2020)
- “Liens on Intangible Personal Property,” King County Bar Association, CLE seminar (November 2019)
- “Intellectual Property Considerations in the Bankruptcy Context,” Washington State Bar Association, CLE seminar (May 2019)
- “The Nuts & Bolts of IP in Business Transactions,” American Bar Association Business Law Section, Spring Meeting (Mar. 2019)
- “Protecting Rights to Payment in Bankruptcy,” NACM Northwest—Western Regional Building Materials Credit Association (Feb. 2018)
- “Secured Lenders in Chapters 7, 11, and 13, and Receivership,” NACM Northwest—Western Regional Building Materials Credit Association (June 2017)
- “Advanced Bankruptcy: Navigating Complex Bankruptcy Cases,” King County Bar Association, CLE Seminar (Jan. 2014)
- “Case Law Developments,” King County Bar Association, Advanced Bankruptcy CLE Seminar (Jan. 2014)
- “Chapters and Borders: Developments in Cross-Border Insolvencies,” Turnaround Management Association, Northwest Cross-Border Conference (Sept. 2013)
- “Protecting Rights to Payment in Bankruptcy,” National Forest Products Group (Nov. 2012)
- “Intellectual Property and Bankruptcy: Recent Developments,” King County Bar Association, CLE Seminar (Jan. 2012)
- “Navigating Commercial Loan Defaults,” Washington State Bar Association, Fall Real Estate Conference: Real Estate in Turbulent Times (Dec. 2009)
- “State Receiverships,” Federal Bar Association, Annual CLE Seminar (Dec. 2009)
- “State Receiverships: Is More Judicial Oversight Better?” Northwest Bankruptcy Institute (Apr. 2008)

## Recognition & Honors

- Recognized as a “Leader in Their Field” by *Chambers USA* for Bankruptcy/Restructuring—Washington, 2022-present
- Selected for inclusion in *The Best Lawyers in America*<sup>®</sup> (Seattle, WA)
  - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2020-present
- Selected for inclusion as a Washington Super Lawyer—Rising Star, 2002 and 2004-2009

## Personal Activities

John enjoys playing guitar and singing, skiing, golfing, cheering for Sounders FC soccer with his family, and finding the beauty and humor in everything.