

Jonathan D. Marshall

Counsel

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Jonathan Marshall advises financial institutions in a range of complex financial transactions, with a concentration on corporate restructurings and loan workouts. He specializes in advising lenders, troubled companies, and other strategic parties in both in- and out-of-court restructurings.

Prior to joining Choate, Mr. Marshall was a corporate restructuring and bankruptcy attorney at Brown Rudnick LLP, where his practice focused on creditor-side representations in all facets of Chapter 11 restructurings, as well as complex litigation and corporate transactions arising therefrom. He has advocated for lenders and equity investors in some of the largest Chapter 11 restructurings, including Energy Future Holdings, GMAC/ResCap, Lyondell Chemical Company, Lehman Brothers, and Washington Mutual, Inc. He has supported and contested bids for debtor-in-possession financing and prosecuted and defended avoidance actions, from the filing of complaints to the settlement and trial stages. Mr. Marshall also has experience representing financial institutions in state court indenture litigation.

Mr. Marshall has been named a “Rising Star” by *Super Lawyers* every year since 2013. He has served on the ABI Emerging Insolvency Professionals Committee since 2015 and as a contributing author for *Bloomberg Law on Bankruptcy* since 2014.

EDUCATION

Syracuse University College of Law
JD, 2010, *summa cum laude*

Maxwell School of Citizenship and Public Affairs
MA, 2010

S.I. Newhouse School of Public Communications
MS, 2010

Texas A&M University
BA, 2006

PRACTICE FOCUS

Finance & Restructuring

Represents senior and second lien secured lenders, official and *ad hoc* committees, borrowers, and equity sponsors in a range of financing transactions, primarily related to corporate restructuring.

REPRESENTATIVE ENGAGEMENTS

- Representation of Agent in connection with \$200 million debtor-in-possession revolving credit facility in the Chapter 11 proceedings of BPS U.S. Holdings, Inc.
- Representation of a minority secured noteholder in the Chapter 11 proceedings of Horsehead Holdings Corp. in its successful attempt to participate in a rights offering for the reorganized company.
- Representation of a consortium of second lien secured noteholders, as well as their indenture trustee, in the Chapter 11 proceedings of Energy Future Holdings.

ADMISSIONS

Massachusetts

New York

PRACTICE AREAS

Finance & Restructuring

- Representation of strategic investor in its bid to provide an alternative plan and debtor-in-possession financing for a major telecommunications company in its Chapter 11 restructuring.
- Representation of purchaser in its acquisition of the mortgage origination business and Fannie Mae mortgage servicing business of the bankruptcy estate of GMAC/ResCap for a purchase price of approximately \$500 million.
- Representation of a consortium of institutional investors in state court litigation with a major retailer regarding an alleged default under multiple tranches of debt.
- Representation of retirement fund as debtor-in-possession in landmark Chapter 11 proceeding of the Northern Mariana Islands Retirement Fund, testing whether a public pension fund can reorganize through the Chapter 11 process.
- Representation of a trustee for post-confirmation litigation trust in the Chapter 11 proceedings of Lyondell Chemical Company, prosecuting a number of preference and fraudulent conveyance actions.
- Representation of consortium of preferred shareholders in the Chapter 11 proceedings of Washington Mutual, Inc., representing the largest bank failure in U.S. history.

PUBLICATIONS AND PRESENTATIONS

- “Emerging Leaders Program,” *speaker*, ABI Northeast Conference, July 2018.

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mr. Marshall is actively involved in the Volunteer Lawyer’s Project of the Boston Bar Association, having represented a number of pro bono clients in their Chapter 7 cases. He has been named multiple years to the Pro Bono Honor Roll for the United States Bankruptcy Court for the District of Massachusetts.