



Michelle McMahon

Partner

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Michelle McMahon is a partner in the firm's Bankruptcy and Creditors' Rights department. She focuses her practice on representing clients in complex restructurings and Chapter 7, 11, and 15 bankruptcies and related litigation, including the Securities and Exchange Commission (SEC) receiverships. Her clients include secured and unsecured lenders, special servicers of securitized commercial mortgages, indenture trustees, creditors' committees, patient care ombudsman, unsecured creditors, landlords, investors, and debtors.

Michelle works with her clients to create strategies tailored to meet their business needs and objectives. Her experience includes preparing and prosecuting pleadings and motions, negotiating out-of-court settlements and appearing at adversarial hearings related to first-day motions, DIP financings, automatic stays, asset sales, disclosure statements, reorganization plans, assumptions and assignments of leases and contracts, and objections to claims. She has also defended numerous clients in avoidance actions, and she advises buyers in acquisitions of distressed assets and other transactions involving troubled companies.

Practices

- Bankruptcy and Creditors' Rights
- International Bankruptcy
- Banking and Financial Services
- Commercial Foreclosures/ Total Debt Restructuring
- Creditors' Committees
- Distressed M & A
- Secured Creditors' and Lenders
- Debtor Representations
- Loan Workout

Industries

- Financial Institutions
- Business Reorganization and Financial Restructuring
- Energy and Utilities
- Real Estate

Bar Admissions

- California
- Connecticut
- Delaware
- New York
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of Delaware
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

Education

- J.D., Georgetown University Law Center, 1999
- B.B.A., Western Michigan University, 1996

Representative Experience

- *In re Hobbico, Inc. et al.*, Case No. 18-10055 (Bankr. D. Del.) (represented Official Committee of Unsecured Creditors).
- *In re Exelco North America, Inc., et al.*, Case No. 17-12029 (Bankr. D. Del.) (represented secured lender in successfully dismissing Chapter 11 case in favor of pending insolvency proceeding in Belgium).
- Represented special servicers of securitized commercial mortgages in out-of-court loan workouts.
- *In re Primorsk Int'l Shipping Limited, et al.*, Case No. 16-10073 (Bankr. S.D.N.Y.) (represented foreign buyer of substantially all of the Debtors' commercial shipping tanker fleet).
- *Securities and Exchange Commission v. Aequitas Management, LLC, et al.*, Case No. 16-00438 (D. Or.) (represented client in SEC receivership with respect to enforcing certain ROFO and transfer restrictions in a sale of property).
- *In re Relativity Fashion, LLC, et al.*, Case No. 15-11989 (Bankr. S.D.N.Y.) (represented owner of certain rights related to the production and recording of a music album in protecting those rights in light of a pending sale and ultimately purchasing those rights from the Debtors).

- *In re David Rose Perennials Inc.*, Case No. 14-73433 (Bankr. E.D.N.Y.) (represented lender holding small business loan).
- *In re Nesbitt Portland Property LLC, et al.*, Case No. 12-12883 (Bankr. N.D. Ca.) (represented special servicer of approximately \$190 million of securitized debt in formulating and successfully confirming a plan of reorganization providing for a sale of assets and selling the note and subsequently represented CRO in conducting and closing the sale and in confirming and administering the plan following the sale of the note).
- *In re Innkeepers USA Trust, et al.*, Case No. 10-13800 (Bankr. S.D.N.Y.) (represented special servicer in restructuring of approximately \$160 million of securitized debt).
- *In re Story Building LLC*, Case No. 10-16614 (Bankr. C.D. Ca.) (represented special servicer in restructuring approximately \$13 million of securitized debt).
- *In re General Growth, Inc., et al.*, Case No. 09-11977 (Bankr. S.D.N.Y.) (represented special servicers in restructuring approximately \$3.8 billion of securitized debt as part of the largest operating real estate bankruptcy to date).

Professional and Community Activities

- Member, American Bankruptcy Institute
- Member, International Women's Insolvency and Reorganization Confederation
- Coach for the Justice Resource Center/Fordham Law School, Mentor, Moot Court competition for New York City high schools, 2008—2017

Publications

- “Securitized Loans in Bankruptcy” (section co-author), Mortgage and Asset Backed Securities Litigation Handbook, West® Legalworks (2008).
- “Whitehall: A Debtor Cannot Sell What It May Not Own” (co-author), Law360 (October 31, 2008).