

# Douglas B. Rosner

*Director*

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Doug Rosner is a bankruptcy and restructuring attorney who represents clients throughout the country and internationally.

Leader of the firm's nationally recognized Bankruptcy and Restructuring Group, Doug counsels corporate debtors, unsecured creditors and creditors' committees, lenders, landlords, asset purchasers and trustees.

Clients seek out Doug for a wide range of bankruptcy matters including complex Chapter 11 reorganizations, Chapter 7 liquidations, workouts and related litigation and transactions.

Chambers USA recognizes Doug as "*one of the superstars in the bankruptcy arena . . . who can 'balance the legal and business aspects, marry them together and find easy, workable solutions.'*"

Additionally, Doug counsels lenders and borrowers in corporate and real estate financing transactions, including asset-backed securitizations, inter-creditor agreements, factoring arrangements and asset-based loans.

Doug is a Fellow with the American College of Bankruptcy. This honorary public service association of bankruptcy and insolvency professionals invites only the top bankruptcy lawyers to join as Fellows based on a proven record of the highest standards of professionalism plus service to the profession and their communities.

## **Accolades**

- *Boston Magazine* Top Lawyers, Bankruptcy and Workout, 2022, 2023
- *Chambers USA*, Bankruptcy/Restructuring, Massachusetts, 2003-2024 (Band 1)
- Lawdragon 500: Top U.S. Bankruptcy & Restructuring Lawyers, 2020, 2022-2024
- *Best Lawyers in America*® (2006-2024): Real Estate Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
- Fellow, American College of Bankruptcy

- Martindale Hubbell Peer Review Rated AV Preeminent™
- Top Bankruptcy Lawyer by Volume, *The Deal Pipeline*, 2012-2014
- Massachusetts Super Lawyers, 2004 - 2016, 2019-2023
  - Top 100 Massachusetts Super Lawyers, 2016-2017, 2023

## **Affiliations**

- Turnaround Management Association, Board of Directors of Northeast Region, 2013-2018
- Co-Chair, The M. Ellen Carpenter Financial Literacy Program (Joint Program of Boston Bar Association and United States Bankruptcy Court for the District of Massachusetts), 2014-2020
- Arlington-Belmont Crew, Inc., Co-President, 2018-Present
- Brandeis Alumni Club of Greater Boston, President, 2010-2014
- Brandeis University Alumni Association Board of Directors, 2010-2014
- Boston Bar Association, Executive Committee, Finance Committee and Council, 2008-2011
- Boston Bar Association, Co-Chair, Bankruptcy Law Section, 2006-2008
- American Bankruptcy Institute
- Association for Corporate Growth

## **Admissions**

- Massachusetts
- New York
- U.S. Supreme Court

## **Education**

- Brandeis University (B.A., *cum laude*, 1988)
- Boston College Law School (J.D., *cum laude*, 1991)

## **Representative Matters**

### **YM Inc. (Sales) Acquisition of Rue 21 Intellectual Property Assets**

Represented Canadian retailer YM Inc. (Sales) in the acquisition of rue 21 intellectual property assets out of Chapter 11. YM Inc. (Sales) plans to open over 120 rue 21 stores in the coming months. Rue 21's financial circumstances required the transaction parties to start the process and

close the sale within 30 days. The transaction required creative solutions around lease arrangements with affected landlords, reopening of stores, fixture retention, and staffing.

### **Shopping Center Owner Agreements**

Representation of shopping center owners in negotiating forbearance agreements, settlement agreements, deed-in-lieu agreements and consensual foreclosures, using tax-advantageous structures in appropriate cases, with respect to commercial mortgage-backed securitized (CMBS) loans.

### **Gordon Brothers Group Acquisition of Wet Seal Brand and Related IP Assets**

Representation of Gordon Brothers Group in connection with its successful acquisition of the Wet Seal brand and related intellectual property assets in the Chapter 11 case.

### **Multiple Chapter 11 Reorganization Cases**

Debtors in chapter 11 reorganization cases filed in Delaware, Southern District of New York and Massachusetts, including, Betsey Johnson LLC (designer, wholesaler and retailer of women's apparel) and Fuddruckers (owner, operator and franchisor of over 200 fast casual restaurants).

### **Cross-Border Out-of-Court Balance Sheet Restructuring**

Designer, manufacturer and distributor of home décor in cross-border out-of-court balance sheet restructuring. Company contributed operating assets to new subsidiary, reduced long term debt by more than 50%, converted subordinated debt to equity, reduced legacy retirement obligations by 50% and improved liquidity to help stabilize and grow operations.

### **Commercial Borrowers in Asset-Based Loan Facilities**

Commercial borrowers in connection with asset-based loan facilities including a national manufacturer, distributor and retailer of ice cream products, a national jewelry wholesaler and retailer, and a national women's wear and accessory designer, manufacturer and retailer.

### **Lehman Brothers Bankruptcy-Related Matters**

Multiple creditors, purchasers of mortgage-backed securities, parties to swaps and other derivative contracts in Lehman Brothers bankruptcy.

### **Official Committees of Unsecured Creditors in Chapter 11 Cases**

Official Committees of Unsecured Creditors in the Chapter 11 cases of Elephant & Castle, Arthur D. Little, Inc., Diomed Inc., Parks Corporation, USM Corporation, Whistler Corporation, CSA, Inc., Martha's Vineyard Hospital, Inc., National Fish & Seafood, Inc., Cambex Corporation and Thinking Machines Corporation.

### **Asset Acquisition of Biopure Corporation**

OPK, a Russian fund, in acquisition of substantially all of the assets of Biopure Corporation in its chapter 11 case.

### **Restructuring of Multi-Family Portfolio**

Starwood Capital as plan sponsor in \$500M Chapter 11 restructuring of multi-family portfolio owned by PJ Finance Company LLC.

**Liquidating Trustee in Chapter 11 Reorganization**

Liquidating Trustee in a multi-billion dollar Chapter 11 reorganization of MSR Resort Golf Course LLC and its affiliates.

**Lender Representation in Bankruptcy-Related Matters**

Lenders in workouts, foreclosures, loan purchases and sales, receiverships and bankruptcies involving operating companies, condominium construction loans, assisted living facilities, multi-family and commercial properties in multiple jurisdictions.

**Lenders and Borrower Representation in Bankruptcy Matters**

Lenders and borrowers in commercial mortgage-backed securitization (CMBS) transactions, single purpose entity structures, substantive non-consolidation opinions and workouts and foreclosures in multiple jurisdictions.

**Shopping Center Landlords in Chapter 11 Cases**

Shopping center landlords in Chapter 11 cases of Aeropostale, Inc., Ames Department Stores, Inc., Bally's Total Fitness, Barney's, Inc., Borders Group, Inc., Bob's Stores LLC, Calumet Photographic, Inc., City Sports, Inc., Coldwater Creek, Inc., Crumbs LLC, Deb Stores Holding LLC, Discovery Zone, Inc., Draw Another Circle LLC (MovieStop), Edison Brothers Stores, Inc., EMS Operating Company LLC, Filene's Basement, LLC, Friendly Ice Cream Corp., General Wireless Operations Inc. (RadioShack), The Great Atlantic & Pacific Tea Company, Inc. (A&P), The Gymboree Corporation, Kmart Corporation, Linens Holding Co. (Linen 'n Things), Loehmann's Holdings, Inc., Loews Cineplex Entertainment, Merry-Go-Round Enterprises, Inc., Montgomery Ward & Co., Inc., Old Country Buffets, Pacific Sunwear of California, Inc., Performance Sports Group (dba Bauer Hockey), RadioShack Corporation, Ritz Camera, Strawberries, Inc., Toys "R" Us, Inc., TSAWD Holdings, Inc. (Sports Authority), The Weathervane Retail Corp. and The Wet Seal LLC.

**Office Landlords in Bankruptcy Cases**

Office landlords in bankruptcy cases of Cengage Learning Inc., Digital Broadband Communications, Inc., EC Cubed, Inc., The Finova Group, Inc., General Motors Corporation, Genuity Solutions, Inc., Howrey LLP, HQ Global Workplaces, Inc., LandAmerica Financial Group, Inc., Lightsquared, Inc., Metromedia Fiber Network, Inc., Nortel Networks, Inc., Pinpoint Corporation, Teligent, Inc., Thelen LLP, USG Corporation, Washington Group International, Inc., Winstar Communications, Inc., WorldCom, Inc. and XO Communications, Inc.