Timothy John Carter

Director

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Tim Carter is a corporate attorney with particular expertise in finance, restructuring, and bankruptcy. He represents agents, lenders, borrowers, and sponsors in lending and restructuring transactions, as well as debtors, lenders, acquirers, and creditors in insolvency proceedings.

His corporate finance expertise includes cash-flow and asset-based financings, first lien-second lien, split-collateral, and unitranche intercreditor structures, acquisition financings, distressed debt investments, and UCC Article 9 matters. He also advises on bankruptcy-remote structures and special purpose entity matters in securitizations and real estate financings. A true collaborator with his colleagues across legal disciplines, Tim focuses on efficiently achieving the best possible solutions for his clients.

In Tim's restructuring and bankruptcy practice, he applies his broad corporate and real estate finance experience to counsel debtors, lenders, acquirers, landlords, and other creditors. He advises clients in bankruptcy cases and work-outs, recapitalizations, foreclosure sales, strict foreclosures, and other restructuring transactions and insolvency proceedings throughout the United States and in cross-border contexts.

Through Tim's combined finance and restructuring expertise he can advise businesses on a wide variety of finance-related matters at all points from debt origination, through any distress or special situations, to recapitalizations, dispositions, and other exit transactions.

Accolades

- Massachusetts Super Lawyers Rising Stars, 2013-2020
- President's Volunteer Service Award, Corporation for National and Community Service, 2013-2014
- Stone Scholar, Columbia Law School

Affiliations

- Turnaround Management Association

- American Bankruptcy Institute
    - Northeast Conference Planning Committee
- Boston Bar Association, Bankruptcy Section
    - Communications Committee, Former Co-Chair
    - Public Policy Committee, Former Co-Chair
    - New Lawyers Committee, Former Co-Chair
    - Former Calendar Clerk
- Meritas
    - Young Lawyers Advisory Board
    - Young Lawyer Liaison

Before joining the firm, Tim volunteered with the New York City Bankruptcy Assistance Project, advising low-income individuals on bankruptcy issues. He continues to give of his time on a pro bono basis, and he recently acted as pro bono counsel for a non-profit organization in connection with purchasing real estate assets out of bankruptcy to preserve affordable housing in gentrifying areas of the City of Boston.

Admissions

- Massachusetts
- New York

Education

- Columbia University School of Law (J.D., 2010)
- Columbia College, Columbia University (2003)

Representative Matters

Sale of Romanow Container to SupplyOne, Inc.
Represented Romanow Container, a leading independent corrugated and protective packaging supplier, in its sale to SupplyOne, Inc., a portfolio company of Wellspring Capital Management.

Representation of PT Networks in Sale to Athletico
Represented PT Networks, a premier provider of physical therapy, occupational health, and onsite corporate health services, in its sale to Athletico Physical Therapy, a portfolio company of funds affiliated with BDT Capital Partners, LLC, through an auction process conducted by Jefferies. G&S,

in collaboration with key trusted advisors and industry experts, helped Pivot attain significant operational and financial improvements, while the company continued to provide top-notch patient care despite challenges faced throughout the pandemic.

Boston Properties $1B Financing of 601 Lexington Avenue in New York
Representation of Boston Properties in connection with its $1 billion refinancing of 601 Lexington Avenue, a 59-story office tower (formerly known as the Citigroup Building) located in Midtown East, Manhattan.

Counsel to Cross Harbor as First Mortgagee and Successful Acquirer of Spanish Peaks Ski Resort
Counsel to Cross Harbor as first mortgagee and successful acquirer of a major Montana ski resort in the Spanish Peaks case. The representation included a successful challenge to a lease to an insider tenant that encumbered the acquired property through litigation that was ultimately resolved by the United States Court of Appeals for the Ninth Circuit in a case of first impression to that Court.

Restructuring Counsel for National Food Services Organization
Lead restructuring counsel in representation of Accent Food Services and affiliates, a national operation, in negotiations with creditors and restructurings, including consensual strict foreclosure and wind down.

Restructuring Counsel for Archway Marketing Services in Negotiations with Creditors, Litigation, and Merger Transaction
Lead restructuring counsel in representation of Archway Marketing Services including negotiations with creditors, litigation with minority lenders and merger transaction.

Successful Restructuring of Outstanding Indebtedness, Equity Ownership, and Corporate Governance for Physical Therapy Provider
Lead counsel in representation of a leading regional health services provider with 250+ physical and occupational therapy clinics in the successful restructuring of the company’s outstanding indebtedness and equity ownership, new equity investment, corporate governance, and related general corporate matters, lease negotiations, settlements with employees and roll-over equity holders.

Agents and Lenders Credit Facilities for Middle-Market Borrowers in Retail, Hospitality, Professional Services, Waste Removal and Technology Industries
Representing agents and lenders including JPMorgan Chase Bank, N.A., Bank of America, N.A. and Abacus Finance Group in connection with credit facilities for middle market borrowers in a wide range of industries including retail, hospitality, professional services, waste removal and technology companies.

Lenders and Sponsors Private Equity Acquisition Finance and Asset Disposition Matters

Representing lenders and sponsors in private equity acquisition finance and asset disposition matters.

Operating Companies in Debt and Equity Restructurings
Representation of operating companies in connection with successful restructurings of indebtedness and equity ownership, corporate governance, and related general corporate matters, ensuing litigation, lease negotiations, settlements with employees and roll-over equity holders and new financing solutions.

Private Equity Sponsor as DIP Lender, Plan Sponsor and Acquirer in Chapter 11 Cases
Representation of private equity firm as DIP lender and acquirer in several chapter 11 bankruptcy cases.

Major Global Fixed Income Manager in Chapter 11, Chapter 7 cases and Securities Investor Protection Act Matters
Representation of one of a major global fixed income manager in connection with Chapter 11 and Chapter 7 cases and Securities Investor Protection Act matters.

Outside Bankruptcy Counsel for U.S. Fortune 100 Insurance Company
Contribute to team acting as outside bankruptcy counsel to a US Fortune 100 insurance company in connection with dozens of bankruptcy matters across the country involving its insureds and contractual counter-parties.

Preference and Fraudulent Transfer Claw-Back Litigation
Representing defendants in preference and fraudulent transfer claw-back litigation brought by bankruptcy trustees.

Services for Corporate and Real Estate Finance Transactions
Consulting on special purpose entity formation, structuring and management; Analyzing consolidation risks and providing reasoned opinions on substantive consolidation, true lease and true sale matters in connection with corporate and real estate finance transactions.

Publications

June 4, 2020
PPP Update - Paycheck Protection Flexibility Act

May 21, 2020
Updates on the Main Street Lending Program

May 1, 2020
The Fed Updates the Main Street Lending Program – as of May 1, 2020

April 10, 2020

Who's Counting? A Closer Look at SBA Affiliation Rules and Size Standards Under the CARES Act

April 7, 2020
UPDATED: Summary COVID-19: Paycheck Protection Program (PPP)

April 22, 2018
Trends in M&A Provisions: Compliance with Laws Representations
Bloomberg Law

February 7, 2018
Trends in Private Counsel M&A Transactions: Target Counsel Legal Opinions
Bloomberg Law

May 2014
Be Careful What You Wish For: Super Nova 330 LLC v. Gazes and the Termination of Leases by Warrants of Eviction Under New York Law, Shopping Center Legal Update

Blog Posts: Retail Law Advisor

This blog keeps you connected to timely developments and emerging issues in retail law and covers a wide range of topics related to the retail, restaurant and consumer industry. We invite you to learn more about Goulston & Storrs and our Retail, Restaurant & Consumer Group.

May 1, 2020
The Fed Updates the Main Street Lending Program – as of May 1, 2020
Executive Summary On April 30, the Federal Reserve Board (Fed) announced revisions to the scope and eligibility requirements for the Main Street Lending Program (the MSLP or Program) in response to over 2,200 comment letters. The changes generally expand...

July 18, 2018
A Trademark Licensee's Rights after its Licensor's Bankruptcy May Vary Depending on the Venue of the Bankruptcy Case
In this tumultuous retail climate , a string of recent conflicting court decisions remind retailers that the potential impact of a licensor bankruptcy on a trademark licensee's rights may vary dramatically depending on the location of the licensor's bankruptcy...