

Vanessa P. Moody

Director

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Vanessa Moody is a real estate lawyer focusing on complex commercial real estate transactions involving retail, office and mixed-use properties. Vanessa primarily counsels sophisticated real estate developers and institutional clients on the leasing of lifestyle centers, urban retail centers, restaurant space, power centers, outlet centers and enclosed malls, as well as related development matters, including the negotiation and interpretation of ground leases, master leases, reciprocal easement agreements and condominium documents. Vanessa also represents various national retailers in connection with acquisition transactions (both distressed and non-distressed) and national store roll-outs, as well as with branding/rebranding efforts.

In connection with her retail work, Vanessa represents landlords in the complex commercial bankruptcy cases of their tenants, which typically includes lease restructuring negotiations, bankruptcy auction/sale processes, bankruptcy-related litigation and out-of-court workouts.

Vanessa's practice has additionally included the representation of debtors and creditors' committees in Chapter 11 bankruptcy cases, and lenders in leveraged buy-outs, secured financings and other debt transactions.

Vanessa is a regular speaker at the annual International Council on Shopping Centers (ICSC) Law Conference. Prior to her time at Goulston & Storrs, Vanessa was Law Clerk to Chief Judge (Ret.) Henry J. Boroff of the United States Bankruptcy Court, District of Massachusetts.

Accolades

- Massachusetts Super Lawyers "Rising Stars," 2009-2012

Affiliations

- International Council of Shopping Centers (ICSC)
- Commercial Real Estate Women (CREW) Network (f/k/a NEWIRE)
- U.S. Bankruptcy Court District of Massachusetts Local Rules Advisory Committee Member

- Boston Bar Association
- American Bankruptcy Institute

Admissions

- Massachusetts

Education

- Northeastern University School of Law (J.D., 2005)
- University of California, Santa Cruz (B.A., 2000)

Representative Matters

Boston Properties Commercial Leasing at the Prudential Center and for the Retail Component of a New Urban Parcel

Representation of Boston Properties in the negotiation and drafting of its commercial leases and related documents, including for retail space at The Prudential Center, The Hub on Causeway and various other client's mixed-use office and residential towers in the greater Boston area.

WS Development Commercial Leasing for the Seaport District

Representation of WS Development in the negotiation and drafting of its commercial leases and related documents, including in connection with urban retail leasing for the newly developed Seaport District of Boston. Negotiated leases with national retail tenants, which involves, among other things, the specific consideration and understanding of the interplay between urban street retail needs and city easements and other public rights.

Distressed National Retailer Restructuring of its Leases and Vendor Arrangements

Counsel to a distressed national retailer in the restructuring of its leases and vendor arrangements. Negotiates, counsels and advises the client on strategies in connection with these out-of-court restructuring processes.

Negotiation of Commercial Leases with Retailers and Restaurant Operators

Represents landlords in the negotiation of commercial leases with national and regional retailers and restaurant operators, including anchor tenants, in lifestyle centers, outlet centers and major urban mixed-use projects throughout the United States.

Real Estate Developers Long-Term Ground Leases to Tenants

Represents real estate developers in connection with long-term ground leases to tenants. Properties include office, retail, multifamily and mixed-use commercial projects.

Property Owners Leases and Lease Amendments for Installation and Use of Cell Tower Equipment

Representation of property owners in connection with drafting leases and lease amendments for the installation and use of cell tower equipment on the rooftops of commercial buildings.

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.

October 8, 2020

Bankrupt Retailers Seek Extraordinary Relief in Time of COVID

The COVID-19 pandemic has forced big-name brands to pursue unique strategies to secure fiscal relief. Even prior to the pandemic's outbreak, certain retailers experienced financial difficulties and filed for Chapter 11 bankruptcy. The pandemic only exacerbated retailers' difficulties by...

September 10, 2020

Straightening Their Tenants' Ties: Retail Property Owners Are Buying Distressed Retailers Out of Bankruptcy

Since the early days of the COVID-19 crisis in the U.S., it has been a recurring theme to turn on the news and see that yet another big-name retailer is rumored to be on the brink of filing, or...

March 28, 2018

Bankruptcy Lease Auctions – Landlords Can Play Too

Toys "R" Us filed for bankruptcy in September 2017, with hopes that a strong holiday season would facilitate a successful reorganization. After holiday sales proved to be far less lucrative than the company and its professionals had hoped, the ...

November 1, 2017

2017 ICSC US Shopping Center Law Conference

San Antonio was host to this year's ICSC US Shopping Center Law Conference, which occurred from October 25 through October 28, 2017. In-house counsel, counsel from outside law firms, tenant's lawyers, landlord's counsel, paralegals, lease administrators and others involved...

January 11, 2017

Amazon Go: Let's Get (More) Physical

We recently noted that among the latest e-tail trends is the expansion of once exclusively online retail operations into physical store locations. In-store sales continue to dominate over online sales, with the U.S. Census Bureau reporting that online sales...

September 14, 2016

The Future of Retail: Brick and Mortar!

If you believe the hype, it is only a matter of time before brick and mortar retail succumbs to its online competitors. Recent decisions made by several stalwart retailers appear to support this theory: Macy's recently announced that it...

June 15, 2016

Are Prohibited Uses Prohibiting Opportunity?

Despite how it may sometimes seem when in the throes of negotiating a lease between a shopping center landlord and a retail tenant, the overarching goals of the two parties are aligned. Both parties want the tenant to be...

March 16, 2016

Off-Price Retail Therapy for Landlords: New Opportunity in the Age of Millennials

On March 2nd, after much media speculation, Sports Authority commenced a case under chapter 11 of the United States Bankruptcy Code. In its initial bankruptcy filings, the company's CFO announced that it will close up to 200 of its...

January 7, 2015

Would You Like That Retail Purchase Take-Out or Delivery? The 2014 Holiday Season Saw Brick-and-Mortar Retailers and Shopping Centers Increasingly Offering Same-Day Delivery Services

Necessity is the mother of invention, as they say, and online retailers such as Amazon and Zappos (each offering free 2-day shipping to their Prime and VIP customers, respectively) are certainly driving traditional brick-and-mortar retailers and shopping center owners...

Publications

March 2014

Author, "Chapter 12: Executory Contracts and Unexpired Leases: An Overview of Section 365 of the Bankruptcy Code in Bankruptcy Practice in Massachusetts" (1st Ed. 2014), MCLE

2012

Author, "Paid vs. Unpaid New Value Under § 547(c)(4)(B): The Meaning of an 'Otherwise Unavoidable Transfer,'" MCLE – 14th Annual Bankruptcy Conference