

## Jonathan D. Marshall

### Partner



T (617) 248-4799

jmarshall@choate.com

### Practice Areas

Finance

Bankruptcy & Restructuring

### 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)

### Admissions

Massachusetts

New York

U.S. District Court and Bankruptcy Court,  
District of Massachusetts

U.S. District Court and Bankruptcy Court,  
Southern District of New York

Jonathan Marshall has over a decade of experience advising financial institutions and companies in a range of complex financial transactions, with a concentration on corporate restructurings and loan workouts. He specializes in advising first- and second-lien lenders, troubled companies, and other strategic parties in both in- and out-of-court restructurings. Jonathan also has substantial experience representing insurance providers throughout the bankruptcy process.

Advising clients primarily on creditor-side representations in all facets of Chapter 11 restructurings, as well as complex litigation and corporate transactions arising therefrom, Jonathan 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. He also has experience representing companies in out-of-court restructurings across a wide array of industries.

An active member of the bankruptcy community, Jonathan has served on the ABI Emerging Insolvency Professionals Committee, as a co-chair for various subcommittees of the Boston Bar Association Bankruptcy Section, and as a contributing author for *Bloomberg Law* on Bankruptcy.

Jonathan's clients include SLR Credit Solutions, Second Avenue Capital Partners, Citizens Bank, Wells Fargo Bank, Pathlight Capital, and Liberty Mutual Insurance Company.

### Representative Engagements

- 1903P Loan Agent, LLC (an affiliate of Gordon Brothers Group) as FILO Documentation Agent in a \$153 million first in, last out exit financing facility to national fabric and crafts retailer Jo-Ann Stores, LLC, upon the company's emergence from Chapter 11 restructuring.
- Represent first- and second-lien lenders and agents in connection with a number of Chapter 11 bankruptcies in the retail sector. Notable cases include: Brooks Brothers, Barneys New York, J. Crew, Sears, Payless, Pier 1, True Religion, and Gymboree.
- Represent insurers in numerous bankruptcy cases, including mass tort bankruptcy cases, throughout United States relating to collateral, surety, and premium disputes, as well as advising on procedures for resolving coverage disputes. Notable cases include: Boy Scouts of America, Neiman Marcus, Pacific Gas & Electric Company, Mallinckrodt, Insys Therapeutics, ITT Educational Services, and USA Gymnastics.
- Represent agents and participants in workouts and out-of-court restructurings involving the food and transportation industries.

- Represent buyers and purchasers in Section 363 sales across a broad range of industries, including food, retail, and energy.
- Represented consortium of second lien secured noteholders, as well as their indenture trustee, in the Chapter 11 proceedings of Energy Future Holdings, then the largest energy producer in Texas.
- Represented a consortium of institutional investors in state court litigation with a major retailer regarding an alleged default under multiple tranches of debt.
- Represented post-confirmation litigation trusts prosecuting a number of preference and fraudulent conveyance actions. Notable cases include: Lyondell Chemical Company and Green Field Energy Services.
- Represented consortium of preferred shareholders in the Chapter 11 proceedings of Washington Mutual, 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

- Volunteer Lawyers Project of the Boston Bar Association
- ABI Emerging Insolvency Professionals Committee
- Co-Chair, Public Service Subcommittee, Boston Bar Association Bankruptcy Section
- Pro Bono Honor Roll for the United States Bankruptcy Court for the District of Massachusetts

## Recognition

- *Chambers USA*: “Up and Coming” (2022-2024)
- *The Legal 500* (2024)
- *Boston Magazine* Top Lawyer in Bankruptcy and Workout (2021-2022)
- *Massachusetts Super Lawyers*: “Rising Star” (2013-2021)
- *Massachusetts Super Lawyers*