



## Joshua Gadharf

Member

Detroit

P: 248.593.2942

### Practice Focus

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- Strategic advisory and restructuring
- Business counseling
- Litigation finance
- Automotive Restructuring
- Creditors' committees
- Creditors' rights
- Distressed M&A

Josh is a member in the Business and Strategic Advisory and Restructuring Departments and counsels clients on strategic alternatives in both distressed and non-distressed settings. He regularly represents public and private companies, strategic and financial investors, directors, officers, lenders, creditors, and shareholders.

Josh's debtor practice involves advising companies and their boards of directors and management teams in business restructuring scenarios ranging from out-of-court restructurings to chapter 11 reorganizations and liquidations. He also represents purchasers of distressed assets and lenders involved in distressed workouts.

Josh also provides general business counseling in non-distressed settings to a variety of businesses, business owners, and investors. He is skilled at drafting, analyzing, and negotiating all types of commercial contracts and complex agreements and regularly provides general corporate counseling to clients, including assisting with employment and corporate governance matters.

Selected for inclusion as a Michigan Rising Star (2015-2020) by Super Lawyers, Josh is also a member of the Detroit chapter of the Turnaround Management Association.

Prior to joining the McDonald Hopkins, Josh was an associate in the Bankruptcy and Creditors' Rights Practice at Katten Muchin Rosenman LLP in Chicago, Illinois.

Josh earned a J.D., with honors, from Chicago-Kent College of Law in 2008. He received a B.A., with honors, from Washington University in St. Louis in 2003.

### Representative Cases/Matters

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- **KL Outdoor** – Represents kayak manufacturer in its assignment for the benefit of creditors in Michigan.
- **AT Group/Eastern Connection** – Represents transportation and logistics company in its assignment for the benefit of creditors in Michigan.
- **HVAC Compressor Manufacturer** – Represented former manufacture of HVAC compressors with sales to

worldwide customers in its out-of-court wind down and liquidation, including drafting and negotiating dozens of customer and supply agreements, drafting and negotiating purchase agreement, and closing sale of assets to foreign strategic purchaser.

- **City of Detroit** – Represented Syncora Guarantee and Syncora Capital Assurance in the City of Detroit chapter 9 bankruptcy case in connection with Syncora’s holdings of the City’s certificates of participation and as insurers of certain of the City’s swap and COPs obligations.
- **Leading Distributor of Steel Products** – Provides regular business advice as outside corporate counsel, including negotiating settlements of contract and other business disputes with customers and suppliers and advising company during its WBENC certification process.
- **Leading Designer of Automotive, Mobile, and Consumer Electronics** – Provides regular business advice as outside corporate counsel.
- **Billnat Corporation dba Sav-On Drugs** – Represented chapter 11 debtor in successful sale of its regional drugstore chain to CVS.
- **Gulf Chemical & Metallurgical Corp.** – Represented metals producer based in Freeport, Texas and Pittsburgh, Pennsylvania in its chapter 11 bankruptcy cases in Pittsburgh, Pennsylvania, and currently represents the Liquidating Trustee of the liquidating trust established post-bankruptcy.
- **Keywell L.L.C.** – Represented Official Committee of Unsecured Creditors in chapter 11 bankruptcy case of leading supplier of recycled titanium, high-temperature alloys and stainless steel in North America, and currently represents the Liquidating Trustee of the liquidating trust established post-bankruptcy.
- **Lee Steel Corporation** – Represented chapter 11 debtors in successful sale of its steel service business to Union Partners and its excess manufacturing facility to Hilco Industrial and Hilco Real Estate in a transaction fully paying the lender and earning the TMA Chicago/Midwest Small Deal of the Year 2016.
- **Bertucci’s Holdings, Inc.** – Represented strategic buyer, who is also providing debtor-in-possession financing, in its stalking horse bid to acquire substantially all the assets of Bertucci’s, the owner and operator of full-service casual family restaurants located in the Northeast and Mid-Atlantic regions.
- **Central Grocers, Inc.** – Represented wholesale cooperative and its subsidiaries, including Strack and Van Til Super Market, Inc., in their chapter 11 bankruptcy cases in Chicago, Illinois.
- **Elements Behavioral Health** – Represented joint venture in providing DIP financing and acquiring leading operator of addiction treatment facility out of bankruptcy.
- **Park Place Christian Community of Elmhurst** – Represented continuing care retirement community in pre-negotiated chapter 11 bankruptcy in Chicago, Illinois, which restructured over \$150 million in bond debt.
- **Werthan Packaging** – Represented strategic buyer in its stalking horse bid and acquisition of substantially all the assets of Werthan Packaging out of bankruptcy.
- **Large Automotive Supplier** – Drafted and negotiated supply agreements for one of the world’s largest manufacturers of transmission and wet-wheel brake friction products, supplying both OEMs and automotive aftermarket customers.
- **Awrey Bakeries LLC** – Represented one of the largest privately owned baked goods producers in the country, in its out-of-court restructuring, wind-down and going concern Article 9 sale to Minnie Marie Bakers, Inc.
- **Edison Mission Energy** – Represented Edison Mission Energy (EME) as conflicts counsel in its chapter 11 restructuring of approximately \$3.7 billion of senior unsecured notes and other obligations; represented EME subsidiary, Camino Energy, as primary debtor’s counsel. EME, through its subsidiaries, owns or leases

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and operates a portfolio of more than 40 electric generating facilities powered by coal, natural gas, wind, and biomass (with aggregate existing project indebtedness of approximately \$1.5 billion), as well as an energy marketing and trading operation.

- **Kurz-Kasch** – Represented leading manufacturer of conventional coils and stators, engineered composite components and subassemblies, magnetic/electrical/electronic sensing devices, and high performance solenoids in its out-of-court restructuring.
- **Real Alloy Recycling** – Representing holder of 503(b)(9) claims in chapter 11 cases filed by leading aluminum producer.
- **Tribune Company** – Represented Tribune Company’s two largest former shareholders and dozens of other former shareholders, all defendants in several fraudulent transfer lawsuits where plaintiffs sought to claw back payments made to shareholders during Tribune’s leveraged buy-out in 2007.
- **Lake County Family Young Men’s Christian Association** – Represented Illinois not-for-profit corporation in its out-of-court restructuring, wind down, and assignment for the benefit of creditors.
- **TSC Global, LLC** – Represented company involved in the sale, marketing, and distribution of consumer brand products, including “e-cigarettes,” to top retailers, travel centers, and truck stops, in its out-of-court restructuring, wind down, and two UCC Article 9 sales.
- **Hess Industries, Inc.** – Represented manufacturer of heavy equipment and metal forming machines in its out-of-court restructuring and eventual chapter 7 filing.
- **Commercial Foreclosures** – Represented secured lenders in all phases of commercial mortgage foreclosure litigation.
- **Pro Bono** – Represented plaintiff in race and sex discrimination lawsuit brought against his employer.

### Admissions - Court

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- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Illinois

### Admissions - State

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- Illinois
- Michigan

### Education

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- Illinois Institute of Technology - Chicago-Kent College of Law
- Washington University in St Louis

### Honors and Awards

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- Selected for inclusion in *Michigan Rising Stars* (2015-2020)

### Professional Membership

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- Turnaround Management Association

### Public Service and Volunteerism

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- Member, Board of Trustees, Temple Israel
- Member, Board of Directors, JARC

### Blog Posts

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- New Senate bill would force bankruptcy filings closer to home
- Venue Reform Unlikely for Chapter 11 Bankruptcy Cases
- Bankruptcy Unlikely to Save East Cleveland

### News

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- Nine McDonald Hopkins attorneys recognized as Michigan Super Lawyers and Rising Stars
- Four attorneys elected as members at McDonald Hopkins
- Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars

### External Publications

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- "Gadharf Excited for Debtor Work In New McDonald Hopkins Gig," DBR Small Cap, June 22, 2012
- "The Decline of Traditional Pensions, the Impact of the Pension Protection Act of 2006, and the Future of America's Defined-Benefit Pension System," 83 CHI.-KENT L. REV. 1409 (2008)

### Events

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- The nuts and bolts of bankruptcy law 2022: The nuts and bolts of a Chapter 11 plan | Tuesday, May 3, 2022