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Jeff Garfinkle is a Shareholder of Buchalter Nemer. Mr. Garfinkle is head of Buchalter's Insolvency and Bank and Finance Practice Groups in its Orange County office. Mr. Garfinkle's practice encompasses the representation of secured creditors, creditors' committees, unsecured creditors, debtors and other parties in a variety of bankruptcy and restructuring cases, including out of court workouts.

Mr. Garfinkle routinely represents clients throughout the United States. Some of the more notable bankruptcy cases Mr. Garfinkle has handled include:

- *Real Estate Partners*—Represents the joint equity committee in these large real estate investment bankruptcy cases, involving \$60 million in investments in multiple limited partnerships. These cases filed Chapter 11 in November 2007 in Santa Ana, California.
- *Ownit Mortgage*—Represents this large subprime lender, as special corporate and reorganization counsel, in its Chapter 11 case filed in December 2006 in Los Angeles, California. This case involves the first major subprime lender to file Chapter 11.
- *London Fog/Pacific Trails/Homestead Home Furnishings*—Represents the creditors' committee of these debtors that filed Chapter 11 in Reno, Nevada in March 2006. The debtors were involved in the manufacture, distribution and sale of apparel and home furnishings.
- *Protocol Services*—Represents the debtors in the Chapter 11 cases of Protocol Services and its related companies which are pending in San Diego, California. Protocol is one the largest direct marketing companies in North America with operations in 10 states and Canada and over 4,000 employees. The company successfully reorganized in January 2007.
- *Intrepid USA*—From 2004 until 2006, represented the creditors' committee in the Chapter 11 cases of Intrepid USA, which were filed in Minneapolis, Minnesota. Intrepid USA was one of the largest home health care providers in the United States then operating in 27 states. In January 2006, Intrepid's reorganization plan was confirmed. Under the plan, unsecured creditors were paid in full.
- *Proxim, Inc.*—During 2005, represented Moseley Wireless as the stalking horse bidder and DIP lender in its proposed acquisition of Proxim out of the Delaware bankruptcy court.
- *Phar-Mor, Inc.*—Since 2001, represents the largest unsecured creditor and chairman of the creditors' committee in the Phar-Mor bankruptcy case (currently pending in Youngstown, Ohio). Phar-Mor was a regional pharmacy based in the mid-west that as of its bankruptcy filing had nearly 140 stores. In its second bankruptcy case, Phar-Mor liquidated all of its stores and Mr. Garfinkle was actively involved in those liquidations.
- *K-Mart*—In 2003, represented United Online in its purchaser of Bluelight.com, an internet service provider with 600,000 customers, in the K-Mart bankruptcy case in Chicago, Illinois.
- *Philippine Airlines*—From 1997 through 2003, represented Philippine Airlines in its world-wide bankruptcy case, including its § 304 ancillary bankruptcy proceeding in San Francisco, California.



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From 1991 through 2003, Mr. Garfinkle was an Associate then Senior Counsel with the national law firm of Brobeck, Phleger & Harrison LLP. In February 2003, Mr. Garfinkle relocated his practice to Buchalter, Nemer. During 1990 and 1991, Mr. Garfinkle served as law clerk to the Honorable Louise DeCarl Adler, United States Bankruptcy Judge for the Southern District of California.

Throughout his career, Mr. Garfinkle has been lead counsel in notable bankruptcy appellate decisions issued by Federal Courts of Appeals. They include:

- *Ameriquest v. Nosek*, 544 F.3d 34 (1st Cir. 2008)—first appellate court decision holding that Bankruptcy Code § 1322(b) does not require home mortgage lenders to conform internal accounting practices to the repayment structures authorized by Chapter 13 plans, thereby resulting in a reversal of \$750,000 in sanctions awarded against the mortgage servicer.
- *Phar-Mor, Inc. v. McKesson*, 534 F.3d 502 (6th Cir. 2008)—landmark appellate court decision establishing the senior priority of reclaiming sellers over all secured creditors and the right of reclaiming sellers to receive administrative claims on account of goods sold on the eve of bankruptcy. In this decision, the 6th Circuit rejected numerous contrary lower court decisions.
- *In re Rainbow Magazine, Inc.*, 77 F.3d 278 (9th Cir. 1996)—recognizing the inherent power of bankruptcy courts to sanction, and in so doing, reversed prior case law in 9th Circuit.

In addition, Mr. Garfinkle has been involved with numerous disputes that resulted in published decisions of bankruptcy courts. They include *In re Women First Healthcare, Inc.*, 345 B.R. 131 (Bankr.D.Del. 2006); *Homestead Holdings, Inc. v. Broome & Wellington (In re PTI Holding Corp.)*, 346 B.R. 820 (Bankr. D. Nev. 2006); *In re Phar-Mor, Inc.*, 301 B.R. 482 (Bankr. N.D. Ohio 2003); *In re Jaeger*, 213 B.R. 578 (Bankr. C.D. Cal. 1997); *In re Maruko, Inc.*, 206 B.R. 225 (Bankr. S.D. Cal. 1997); *In re San Diego Symphony Orchestra Ass'n.*, 201 B.R. 978 (Bankr. S.D. Cal. 1996); *In re Maruko, Inc.*, 200 B.R. 876 (Bankr. S.D. Cal. 1996); and *In re Warner Springs Partnership*, 193 B.R. 28 (Bankr. S.D. Cal. 1995).

Mr. Garfinkle is a frequent speaker on bankruptcy, debt financing and commercial law issues. He has spoken at the National Conference of Bankruptcy Judges, conferences of the American Bankruptcy Institute, and several conferences held by the American Bar Association.

The following is a partial list of Mr. Garfinkle's published articles: "Choice of Bankruptcy Law Arising from International Transactions" (ABA 1999); "Close Enough for Comity: Philippine Rehabilitation Law and Philippine Airlines' Section 304 Proceeding," American Bankruptcy Institute Journal, February 1999; and "Ninth Circuit Recognizes 'New Value Exception' for Chapter 11 Plans," Distressed Business Real Estate Newsletter, Oct.–Nov. 1993.

Mr. Garfinkle is admitted to the United States Supreme Court, First, Sixth and Ninth Circuit Courts of Appeals as well as all United States District Courts in California. He is a member of the American Bar Association, American Bankruptcy Institute, Financial Lawyers Conference and the California Bankruptcy Forum.

Mr. Garfinkle earned his J.D. degree in 1990 from Emory University School of Law. He received his B.A. degree from the University of Florida in 1987.

Areas of Practice:

Bank and Finance
Insolvency
Financial Solutions
Workouts and Restructuring

Bar Admissions:

U.S. Supreme Court
U.S. Courts of Appeal
1st, 6th and 9th Circuits
U.S. District Courts, All Districts in California