

Jeff K. Garfinkle

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Jeffrey Garfinkle is a Shareholder and Co-Chair of the Firm's Insolvency Practice Group. 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 recent notable bankruptcy cases Mr. Garfinkle has handled include:

- ThinkFilm & Capitol Films (Los Angeles and London): Counsel to senior secured creditors of multinational film production and distribution companies. Defendants to multiple adversary proceedings. Total secured debt in excess of \$120 million.
- A&P Supermarkets & Rotech Medical (New York): Counsel to large trade creditor who obtained a 100% recovery.
- Westcliff Laboratories (Santa Ana, CA): Counsel to creditors' committee.
- Spansion (Delaware): Counsel to large equipment lessor.
- Real Estate Partners (Santa Ana, CA): 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 February 2003, Mr. Garfinkle joined Buchalter Nemer following 12 years with a large national law firm. 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

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California

Court Admissions

Supreme Court of the United States
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U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Central District of California
U.S. District Court for the Eastern District of California
U.S. District Court for the Northern District of California
U.S. District Court for the Southern District of California



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