



# John G. Loughnane

*Partner*

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John G. Loughnane is a partner in Nutter's Corporate and Transactions Department. Clients rely on John's forward thinking advocacy to navigate change and build resilient businesses in today's fast paced innovation economy.

John helps clients negotiate and implement durable technology and financing transactions. Clients rely on John for practical guidance in navigating the turbulence caused by the distressed circumstances of other parties. His recent clients include owners, investors, board members, lenders, buyers, licensors, licensees, vendors, customers, and others described in the Experience tab.

Clients working with John have the benefit of his in-house experience at PTC, an international publicly-traded technology company, where he worked directly with business teams. Clients also benefit from his problem-solving training and experience as a commercial mediator. In all matters, John's focus is on helping clients achieve practical business results to satisfy key interests.

Focused intently on the efficient and effective practice of law, John's leadership roles include service on the Board of the Legal Technology Resource Center (LTRC) of the American Bar Association's Law Practice Division.

John also serves as Special Projects Leader for the Mediation Committee of the American Bankruptcy Institute (ABI). He is a member of the International Association of Privacy Professionals and is a Certified Information Privacy Professional (CIPP/US). He speaks and writes regularly on a variety of commercial topics including financing, technology and dealing effectively with disruption and innovation as described under News & Insights.

Past leadership responsibilities include service on the Executive Board of TMA Global (Turnaround Management Association), service as the president of the Northeast Chapter of TMA, co-chair of the Technology & Intellectual Property Committee of ABI as well as co-chair of the Bankruptcy Section of the Boston Bar Association.

## Practices

Bankruptcy, Restructuring and Workout  
Commercial and Real Estate Finance  
Corporate and Transactions  
Licensing  
Mergers and Acquisitions  
Privacy and Data Security

## Industries

Banking and Financial Services  
Emerging Companies and Entrepreneurship  
Health Care  
Information and Technology  
Manufacturing  
Real Estate

## Education

The George Washington University Law School, J.D., with honors  
College of the Holy Cross, A.B.

## Admissions

Massachusetts  
New York  
U.S. District Court for the District of Massachusetts  
U.S. District Court for the Eastern District of New York  
U.S. District Court for the Northern District of New York

John G. Loughnane

Passionate about community organizations focused on youth and family as well as supporting military veterans, John's volunteerism includes service as chair of his community's Youth and Family Services Commission as well as past service as Little League president and scout leader. He co-chairs and volunteers for the Boston Bar Association's M. Ellen Carpenter Financial Literacy Program and is on the Advisory Board and volunteers for the Veteran Entrepreneurial Training and Resource Network.

U.S. District Court for the  
Southern District of New York

U.S. Court of Appeals for the  
First Circuit

U.S. Supreme Court

John has also served as a board member of the George Washington University Law Alumni Association and as president of the Holy Cross Club of Boston. He currently serves as President of the Holy Cross Lawyers Association.

Following his graduation from George Washington University Law School, John served as a law clerk for the Honorable Ronald R. Lagueux of the United States District Court for the District of Rhode Island.

His admissions include Massachusetts, New York, the U.S. Court of Appeals for the First Circuit and the U.S. Supreme Court. He is listed on the Register of Mediators for the United States Bankruptcy Courts for the District of Delaware, the District of Massachusetts, and the Southern District of New York. John's full list of admissions can be found under Education & Admissions.

## Experience

### **Chapter 11 Examiner**

Served as Court-appointed Chapter 11 Examiner of Merchants Bankcard Systems, Inc. with expanded powers to supervise a sale of the company. Worked with company management, creditors and numerous bidders expressing interest in acquiring the company. Supervised the closing to the winning strategic buyer shortly after a court-supervised auction.

### **Contract manufacturer**

Represented contract manufacturer both before and during the chapter 11 of its major biopharmaceutical customer. Work included guidance on sales of all of assets pursuant to Section 363, payment of claims and documentation of agreements and licenses with buyer of reorganized assets.

### **Joint venture party**

Represented joint venture party in cross licensing technology transactions focused on health care compliance and data security issues.

**Medical device company**

Represented medical device company in sale of all assets outside of court pursuant to Uniform Commercial Code Article 9 secured party sale.

**Strategic buyer**

Represented strategic buyer in connection with sale process for selected assets of large Chapter 11 retail debtor pending in New York.

**Specialty retailer**

Represented specialty retailer in out of court business reorganization and refinancing of senior and junior debt with lenders.

**Venture backed contract party**

Represented venture backed contract party in pursuing substantial contract rejection damage claim in chapter 11 proceedings of technology company which enabled client to be paid the full amount of its claim.

**Private equity portfolio company**

Represented private equity portfolio company focused on consumer products in connection with its debt financing arrangement for both senior secured and junior financing tranche.

**Former executives of clean energy company**

Represented former executives of clean energy company in defending claims made by liquidating trustee for return of contractual payments under employment contracts.

**Large publicly traded software company**

Represented large publicly traded software company in defense of avoidance allegations made by liquidating trustee.

**Minority shareholder**

Represented minority shareholder of distressed technology corporation in connection with negotiation of asset acquisition and subsequent investigation of majority shareholder in subsequent insolvency proceedings.

**Large healthcare institution**

Represented large healthcare institution in connection with its rights as licensee in distressed asset sale of technology licensor for inventory tracking system.

**Chapter 7 trustee**

Represented Chapter 7 trustee in investigation of "Ponzi Scheme" and related litigation to deny exemption of individual debtor/corporate officer who perpetuated the financial fraud.

**Secured lender financial institution**

Represented secured lender financial institution in connection with its loan to owner/operator of clean energy project. Obtained repayment for client from proceeds sale of assets facilitated by liquidating trustee.

**Secured lender financial institution**

Represented secured lender financial institution in workout and repayment of financing to real estate developer including negotiation and documentation of debtor in possession post-petition financing and payment in full.

**Secured lender**

Represented secured lender in obtaining relief from the automatic stay to enforce rights and proceed against real property collateral in upstate New York in the hospitality/lodging industry.

**Debtor in possession lender**

Represented debtor in possession lender for private equity fund invested in energy project in connection with its support of a consensual Chapter 11 reorganization of the project.

**Equipment lessor**

Represented equipment lessor in obtaining payment and return of leased networking and computer equipment from Chapter 11 proceedings of corporate debtor/lessee cloud storage provider pending in Delaware.

**Commercial landlord**

Represented commercial landlord in connection with amendment of lease for Chapter 11 debtor emerging technology company and eventual termination in connection with rejection and payment of pre and postpetition rent claims.

**Commercial landlord**

Represented commercial landlord in connection with defense of avoidance actions instituted by trustee for former retail chain debtor that ceased operations and liquidated.

**Commercial landlord**

Represented commercial landlord in connection with assumption and assignment of retail lease from retail debtor to asset buyer.

**Honors & Awards**

- *Massachusetts Super Lawyers*, 2005-2018
- *The Best Lawyers in America*, 2016-2019
- Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell's peer review rating system

## News

John Loughnane Discusses 2019 Technology Resolutions in *Law Technology Today*  
12.31.2018 | Media Coverage

John Loughnane Elected President of the Holy Cross Lawyers Association  
11.05.2018 | Announcement

John Loughnane Quoted on the Importance of BBA Membership in *BBA Voices of the Bar*  
08.20.2018 | Media Coverage

Thirty-nine Nutter Lawyers Named 2019 *Best Lawyers in America*©  
08.15.2018 | Press Release

Writing for the *ABI Journal*, John Loughnane Authors Article on the Importance of Mediation  
02.01.2018 | Media Coverage

Nutter Lawyers Recognized for Pro Bono Efforts in *Mass Lawyers Weekly*  
01.08.2018 | Media Coverage

John Loughnane Quoted on Causes for Dismissal of Chapter 7 Bankruptcy Case in *Mass Lawyers Weekly*  
10.30.2017 | Media Coverage

Forty-one Nutter Lawyers Named 2018 *Best Lawyers in America*©  
08.15.2017 | Press Release

*TMA Weekly Report* Features John Loughnane in Chapter President Spotlight  
05.05.2017 | Media Coverage

Nutter Partner John Loughnane Serves as Chapter 11 Examiner of Merchants Bankcard Systems, Inc.  
03.06.2017 | Media Coverage

## Speaking Engagements

John Loughnane to Serve as Program Co-Chair and Panelist of ABI's 'Three-Hour Portable Mediation Training Program'  
01.25.2019

John Loughnane to Moderate Cybersecurity Panel at the American Bankruptcy Institute's Winter Leadership Conference  
12.07.2018

John Loughnane to Present on Business Bankruptcy at the 2018 New England Bankruptcy Law Conference  
12.03.2018

John Loughnane to Present at the Canadian Bar Association's Webinar 'Secured Transactions in Domain Names & Websites'  
10.23.2018

John Loughnane to Present on Mediation before the Consumer Bankruptcy Commission  
04.20.2018

John Loughnane to Speak on Effective Mediation of E-Discovery Issues at the ABA Business Law Section's Spring Meeting 2018  
04.12.2018

John Loughnane Presents 'Commercial Leases with Financially Distressed Tenants' at the BBA  
09.27.2017

John Loughnane Presents at ALI's 'Modern Real Estate Transactions 2017' Program  
08.10.2017

John Loughnane Presents at 2017 Northeastern University Collegiate Alternative Investment Summit  
04.08.2017

## **Publications**

Writing for *ABI Journal*, John Loughnane Analyzes Using Mediation to Resolve e-Discovery Issues  
10.03.2018 | Article

Writing for the 2018 *Norton Annual Survey of Bankruptcy Law*, John Loughnane Analyzes Intellectual Property and Technology Issues in Distressed Situations  
09.25.2018 | Article

Emerging Company Essentials: Getting Paid – Legal Update from Jeremy Halpern and John Loughnane  
10.18.2017 | Legal Update

Writing for *ABA Business Law Today*, John Loughnane Outlines Essential Aspects of D&O Insurance  
10.02.2017 | Article

John Loughnane Authors IP and Technology Issues Chapter in the Norton Annual Survey of Bankruptcy Law  
10.02.2017 | Article

Terminating a Distressed Tenant's Lease – Part II  
07.12.2017 | Legal Advisory

Writing for *ABI Journal*, John Loughnane Analyzes Mediating Cybersecurity Disputes in Distressed Situations  
July 2017 | Article

Writing for *ABI Journal*, John Loughnane Analyzes Trademarks and Bankruptcy  
April 2017 | Article

John Loughnane Contributes Guest Blog Post on Mediation Skills for MWI  
03.16.2017 | Article

Writing for *Law360*, John Loughnane Evaluates Substantive Consolidation  
01.18.2017 | Article