



Philip J. Gross

Counsel

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Philip's practice focuses on counseling secured and unsecured creditors, debtors, and committees in commercial bankruptcy proceedings, as well as on providing banks, funds, and other clients with structuring and out-of-court advice. He guides clients through all phases of bankruptcy matters to ensure their success, from pre-bankruptcy negotiations and first-day hearings through plan confirmation and beyond. Philip has extensive experience in national contested bankruptcy hearings and trials, Chapter 15 recognition and Chapter 9 municipality proceedings, and bankruptcy appeals at the federal district and circuit court levels.

Prior to joining Lowenstein Sandler, Philip was an associate at Kaye Scholer LLP in New York City. He served as the 2006 Milton Pollack Fellow in the Southern District of New York (SDNY), where he worked with the Honorable Loretta A. Preska, Chief Judge of the United States District Court for the SDNY, and former Attorney General/SDNY Chief Judge Michael B. Mukasey to draft a report for district court judges on issues and challenges that arise in high-security and terrorism trials, entitled "**Guide to High Security & Terrorism Cases**" (2006). The guide has been extensively cited in publications issued by the Federal Judicial Center, including Robert Timothy Reagan's "National Security Case Studies: Special Case-Management Challenges" (Federal Judicial Center, June 25, 2013).

EXPERIENCE

- > Aceto Corporation and Rising Pharmaceuticals, Inc.: District of New Jersey, counsel to debtors.
- > M&G USA Corporation: District of Delaware, counsel to Indorama Ventures Holdings LP, a partner in a joint venture that served as the DIP lender and winning bidder for M&G's integrated PTA-PET plant currently under construction in Corpus Christi, Texas. Purchase price exceeded \$1.125 billion in cash and other capital contributions.
- > Corpus Christi Polymers LLC/M&G USA Corporation Mechanics' Lien Litigation: District of Delaware, bankruptcy counsel to Corpus Christi Polymers LLC in litigation and settlement proceedings resolving over \$200 million in asserted mechanics' liens claims.
- > Remington Outdoor Company, Inc.: District of Delaware, special conflicts counsel to debtors.
- > Frank W. Kerr Company: Eastern District of Michigan, counsel to official committee of unsecured creditors in bankruptcy of one of the country's largest independent pharmaceutical wholesalers.
- > Lane, Inc., d/b/a Fashion to Figure: District of New Jersey, counsel to debtors.
- > Hanjin Shipping Co., Ltd.: District of New Jersey, Chapter 15 recognition proceeding, counsel to several container terminal operators and railway/transportation carrier.
- > Horsehead Holding Corp.: District of Delaware, counsel to official committee of unsecured creditors.
- > United Mine Workers of America: bankruptcy counsel to labor union in the following bankruptcy cases: Patriot Coal Corp. (Bankr. E.D. Va.); Walter Energy Inc. (Bankr. N.D. Ala.); Alpha Natural Resources Inc. (Bankr. E.D. Va.).
- > NJ Healthcare Facilities Management LLC: counsel to secured creditor/nursing home facility owner.
- > American Federation of State, County, and Municipal Employees (AFSCME): Detroit's Chapter 9 bankruptcy.
- > Universal Cooperatives Inc.: District of Delaware, counsel to official committee of unsecured creditors.
- > Gridway Energy Holdings: District of Delaware, counsel to official committee of unsecured creditors.
- > Daytop Village, Inc.: Southern District of New York, counsel to debtors.
- > KidsPeace Corporation: Eastern District of Pennsylvania, counsel to official committee of unsecured creditors.
- > Velo Holdings Inc.: Southern District of New York, counsel to major creditor/adversary proceeding defendant.
- > Hostess Brands, Inc.: Southern District of New York, counsel to amicus curiae party and national pension fund.
- > Ocean Place Development LLC: District of New Jersey, counsel to debtors.

- > Coach America Holdings: District of Delaware, counsel to debtors.
- > Lighthouse Global Partners LLC: Southern District of New York, counsel to liquidating trustee.

HONORS & AWARDS

- > **The M&A Advisor: THE M&A ADVISOR'S 14th ANNUAL TURNAROUND AWARDS (2019)**
Chapter 11 restructuring of M&G Chemicals named winner of "Cross-Border Restructuring of the Year"
Chapter 11 reorganization of New England Motor Freight (NEMF) named winner of "Restructuring of the Year (\$25M to \$50M)"

NEWS & INSIGHTS

Publications

- > June 22, 2020
"Some going concerns: A primer on intellectual property issues in bankruptcy for licensors and licensees," *Westlaw Journal Bankruptcy*
Bryan Sterba, Matt Savare, Philip J. Gross
- > June 22, 2020
"A well-planned Chapter 11 can save a fleet," *Transport Dive*
Kenneth A. Rosen, Mary E. Seymour, Philip J. Gross
- > May 11, 2020
"Seeking Lender Relief During Uncertainty and Distress," *Bloomberg Law*
Kenneth A. Rosen, Jeffrey D. Prol, Lowell A. Citron, Philip J. Gross
- > May 11, 2020
"Creditor Compositions: Overview," *Practical Law*
Kenneth A. Rosen, Philip J. Gross
- > April 2, 2020
"Is the Board to Blame?," *Global Banking & Finance Review*
Kenneth A. Rosen, Philip J. Gross, Colleen M. Maker
- > May 23, 2019
"Mission Product: Supreme Court Protects Rights of Trademark Licensees in Bankruptcy Despite "Rejection" of Underlying Trademark License Agreement by Debtor-Licensor," *Lowenstein Sandler Client Alert*
Joseph J. DiPasquale, Philip J. Gross, Vanessa A. Ignacio, Matthew P. Hintz
- > July/August 2017
"Impact of Cross-Border Court-to-Court Communications on U.S. Creditors' Rights," *Business Credit*
Philip J. Gross, Bruce S. Nathan
- > May 2017
"Jevic: U.S. Supreme Court Strikes Down Nonconsensual "Structured Dismissals" That Violate Bankruptcy Priority Rules," *Business Credit*
Bruce S. Nathan, Philip J. Gross
- > April 2017
"The Intersection of Commercial Real Estate and Bankruptcy Law: Know the Lease/Contract Counterparty, the Lease Terms, and How to Protect One's Rights or Face the Consequences," *New Jersey Lawyer*
Kenneth A. Rosen, Philip J. Gross
- > March 23, 2017
"Jevic: Supreme Court Invalidates Non-Consensual 'Structured Dismissals,' But Critical Vendor Orders, First-Day Wage Orders, DIP Financing 'Roll-Ups,' and Interim Settlement Distributions Remain Undisturbed," *Bankruptcy, Financial Reorganization & Creditors' Rights Client Alert*
Bruce D. Buechler, Bruce S. Nathan, Philip J. Gross
- > March 23, 2017
"Jevic: Supreme Court Invalidates Non-Consensual 'Structured Dismissals,' But Critical Vendor Orders, First-Day Wage Orders, DIP Financing 'Roll-Ups,' and Interim Settlement Distributions Remain Undisturbed," *Credit Today*
Bruce D. Buechler, Philip J. Gross
- > June 3, 2015
"Does a Bankruptcy Court Have the Authority to Disband an Official Committee?," *New York Law Journal*
Philip J. Gross
- > June 2014

"Chapter 9 May Be Tough to Swallow for Unions, Retirees," *Journal of Corporate Renewal*

Philip J. Gross

In the Media

> July 31, 2020

Lowenstein's selection as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 bankruptcy case of Sur La Table, Inc. is highlighted in the **Global Legal Chronicle**. The Lowenstein team includes **Jeffrey Cohen, Eric Chafetz, and Philip J. Gross**. **View Lowenstein's news announcement about this retention.**

> October 24, 2019

Kenneth A. Rosen, Christopher Porrino, and Philip J. Gross are mentioned in the **Jewish Standard's** piece on the 13th Annual Jewish Law Symposium, which explored ethical lessons from "Fiddler on the Roof." The symposium is designed for attorneys across New Jersey who are interested in exploring the ethical and moral dilemmas they might face today, as lawyers, through the lens of both civil and Talmudic law. Rosen served as the event's chair.

> February 19-20; March 8; April 15; May 20; June 22, 2019

Lowenstein Sandler's role as legal counsel to Aceto Corporation in its Chapter 11 bankruptcy filing and in the proposed \$338 million sale of its chemical business assets to New Mountain Capital is highlighted in **Bankrupt Company News, MarketWatch, GlobeNewswire, Markets Insider, StreetInsider.com, EIN Presswire, MarketScreener.com,** and the **Global Legal Chronicle (May 20, 2019; June 22, 2019)**. The firm's role as legal counsel in Aceto's sale of subsidiary Rising Pharmaceuticals, Inc. is noted in **The Associated Press, MarketScreener.com,** and the **Global Legal Chronicle**. (Lowenstein team: **Kenneth A. Rosen, Steven E. Siesser, Paul Kizel, Michael S. Etkin, Jeffrey Cohen, Wojciech F. Jung, Philip J. Gross, Michael Savetsky, and Michael Papandrea.**) *(subscription required to view certain content)* **View Lowenstein's news announcements about this representation: March 18, 2019; May 13, 2019.**

> February 19-20; March 8, 2019

Lowenstein Sandler's role as legal counsel to Aceto Corporation in its Chapter 11 bankruptcy filing and in the proposed \$338 million sale of its chemical business assets to New Mountain Capital is highlighted in **Bankrupt Company News, MarketWatch, GlobeNewswire, Markets Insider, StreetInsider.com,** and **EIN Presswire**. The firm's role as legal counsel in Aceto's sale of subsidiary Rising Pharmaceuticals, Inc. is noted in **The Associated Press** and **MarketScreener.com**. (Lowenstein team: **Kenneth A. Rosen, Steven E. Siesser, Paul Kizel, Michael S. Etkin, Jeffrey Cohen, Wojciech F. Jung, Philip J. Gross, Michael Savetsky, and Michael Papandrea.**) *(subscription required to view certain content)* **View Lowenstein's news announcement about this transaction.**

> October 20, 2016

Philip J. Gross is quoted in *Debtwire* regarding the implications of unresolved legal issues for creditors in Chapter 9 municipal bankruptcy cases. Philip participated on a panel entitled "Chapter 9 in Theory and Practice: Lessons Learned from the California and Detroit Cases" at the 41st Annual Bond Attorneys' Workshop in Chicago run by the National Association of Bond Lawyers. He previously represented the American Federation of State, County, and Municipal Employees (AFSCME) in Detroit's Chapter 9 bankruptcy.

> June 17, 2014

Philip J. Gross is quoted in the *Daily Bankruptcy Review* regarding the settlement reached by Glacial Energy Holdings Inc. and the Official Committee of Unsecured Creditors. Gross represents the committee.

> June 16, 2014

Philip J. Gross is mentioned in **Law360** for representing the Official Committee of Unsecured Creditors of Glacial Energy Holdings Inc.

SPEAKING ENGAGEMENTS

> Participant, **National Conference of Bankruptcy Judges Next Generation Program**, NCBJ Annual Conference, San Antonio, TX, October 28-31, 2018

> Presenter, **Bankruptcy and Restructuring Toolbox – What Every Lawyer Should Know**, NJICLE's 2018 Business Law Symposium, Iselin, NJ, April 20, 2018

> Presenter, **Is Your Ship Stranded at Sea: Demystifying Chapter 15 of the Bankruptcy Code and Recent Cross Border Insolvency Developments**, National Association of Credit Management, Indianapolis, IN, November 15, 2017

> Presenter, **Unlocking Chapter 15 of the Bankruptcy Code and Recent Cross-Border Insolvency Development**, Credit Research Foundation Webinar, November 8, 2017

> Presenter, **Is Your Ship Stranded at Sea: Demystifying Chapter 15 of the Bankruptcy Code and Recent Cross Border Insolvency Developments**, National Association of Credit Management, Chicago, IL, October 18, 2017

> Presenter, **International Best Practices Forum: Demystifying Chapter 15 of the Bankruptcy Code**, Credit Management Association Webinar, October 17, 2017

> Speaker, **Is Your Ship Stranded at Sea? Demystifying Chapter 15 of the Bankruptcy Code and Recent Cross-Border Insolvency Developments**, NACM Northwest, March 17, 2017

> Speaker, **19th Annual William H. Gindin Bankruptcy Bench-Bar**, East Brunswick, NJ, March 10, 2017

> Speaker, **Is Your Ship Stranded at Sea? Demystifying Chapter 15 of the Bankruptcy Code and Recent Cross-Border Insolvency Developments**, Finance, Credit & International Business Association, March 2, 2017

> Speaker, **Seminar on Bankruptcy and Creditors' Rights Issues**, Northeast CORE (Chief Officers Reaching Excellence) Group, International Housewares Association, Fort Lee, NJ, December 7, 2016

> Speaker, **Lessons Learned from the California and Detroit Cases**, 41st Annual Bond Attorneys' Workshop, Chicago, IL., October 19-21, 2016

- > Speaker, **Credit Management Association**, October 17, 2017

EDUCATION

- > Fordham University School of Law (J.D. 2008), *Fordham Urban Law Journal*, Notes & Articles Editor; Milton Pollack Fellow (Summer 2006); U.S. District Court, Southern District of New York
- > Yeshiva University (B.A. 2002), Computer Science, summa cum laude

ADMISSIONS

- > New York
- > New Jersey