

COHEN, TODD, KITE & STANFORD, LLC

ATTORNEYS AT LAW

DONALD J. RAFFERTY, Member

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PROFESSIONAL EXPERIENCE

Don Rafferty combines his experience in the areas of business restructuring, commercial finance, corporate law, and litigation to provide legal and strategic advice to the firm's business clients on a wide range of issues. Don frequently counsels clients who either are experiencing financial stress or are dealing with distressed companies. He has advised on sales, acquisitions, and restructurings for numerous middle-market companies. Don has significant experience in transactions, dispute resolution, and restructuring matters involving troubled real estate developments, shopping centers, commercial office projects, apartment and condominium developments, operating businesses, and manufacturing concerns. He has represented all constituencies – debtors, lenders, creditors, creditors' committees, and others – in Chapter 11 cases, out-of-court restructurings, UCC

Article 9 sales, and other similar mechanisms. Drawing on his unique and varied experience, Don is able to develop efficient and appropriate strategies for healthy and troubled companies as they confront the myriad challenges of running their businesses in today's challenging business environment.

Don also has acted as lead trial counsel in a broad spectrum of business disputes in federal and state trial and appellate courts. His litigation experience includes the prosecution and defense of numerous fraud or fraudulent transfer cases, bankruptcy preference actions, complex contract cases, class actions, complex commercial foreclosures, including disputes involving special servicers and non-recourse CMBS loans, and intellectual property matters, including prosecution of patent and copyright infringement lawsuits.

He has been listed in The Best Lawyers in America and Ohio Super Lawyers since 2006.

PRACTICE AREAS

Business & Commercial Law

- Transactions, Mergers & Acquisitions
- Commercial Finance
- Business & Complex Litigation

Bankruptcy Restructuring, Bankruptcy & Creditors Rights

Litigation

- Business & Complex Litigation

BAR ADMISSIONS

- Ohio, 1989
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, District of Arizona

EDUCATION

- J.D., University of Cincinnati College of Law, 1989, Student Articles Editor, U.C. Law Review
- B.A., Kalamazoo College, 1984

REPRESENTATIVE MATTERS

- Counsel for successful purchaser of minor league sports franchise in a 363 sale from a Chapter 11 debtor.
- Counsel for capital goods manufacturer with domestic and international operations in successful out of court Restructuring that involved recapitalization of company, refinance of senior debt, and restructuring of mezzanine and trade debt. The post-restructuring company realized revenue and operating margin growth, while enhancing its competitive market position.
- Counsel for owners of both the "Fee Interest" and "Leasehold Interest" in a complex tenants-in-common ownership structure that went into foreclosure, receivership, and restructuring proceedings involving a CBD office building with over \$115 Million in debt.
- Counsel for group of construction and development companies in debt restructurings with multiple lenders and debt totaling more than \$90 Million.
- Counsel for seller in sale of dredge manufacturer with domestic and international operations.
- Counsel for "high net worth" individual debtor in successful confirmed Chapter 11 case.
- Counsel for investors in multiple acquisitions of debt related to distressed real estate developments, shopping centers, commercial office projects, apartment buildings, and residential communities.
- Counsel for private equity investor in acquisition of distressed real estate opportunities in the Midwest and Texas.
- Counsel for Chapter 7 Bankruptcy Trustee in numerous fraudulent transfer and preference actions arising from multi-million dollar Ponzi scheme.
- Counsel for Chapter 11 Bankruptcy Trustee in multi-million dollar fraudulent transfer and improper stock redemption adversary proceeding in Chapter 11 case.
- Co-counsel for publicly held flavor and fragrance manufacturer in a highly successful Chapter 11 reorganization.
- Counsel for inventors in multiple patent infringement lawsuits involving, among other things, juvenile furniture, children's products, and explosives technologies.
- Achieved favorable resolutions for copyright owner, both in litigation and through negotiation, in numerous infringement disputes involving advertising copy and illustrations, product packaging designs, photography, technical drawings, and toys.

PROFESSIONAL ASSOCIATIONS

- Cincinnati Bar Association
- Ohio State Bar Association
- American Bankruptcy Institute
- Tri-State Association for Corporate Renewal



* Martindale-Hubbell is the facilitator of a peer review rating process. Ratings reflect the confidential opinions of members of the Bar and the Judiciary. Martindale-Hubbell Ratings fall into two categories – legal ability and general ethical standards.