



Joel D. Nessel

Member

Minneapolis

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Joel focuses his practice on bankruptcy, insolvency, restructuring, and the complex commercial transactions and receiverships associated with the business solutions he provides to his clients both inside and outside of bankruptcy court. Joel's practice focuses not only on representation of financially troubled businesses and individuals, but also on advocating on behalf of secured and unsecured creditors. As part of his work for creditors in bankruptcy, Joel has considerable experience representing unsecured creditors' committees and petitioning creditors in involuntary bankruptcy cases. Joel has experience in Chapter 11, Chapter 7, and Chapter 13 bankruptcy cases, and the broad scope of his representation and experience in numerous facets of bankruptcy and insolvency gives him a 360-degree perspective that he brings to bear on each matter he handles.

In addition to his general bankruptcy and restructuring practice, Joel represents clients in complex transactional matters, including asset sales, financing, and leasing. He also has experience representing defendants in "clawback" actions in cases arising out of Ponzi schemes, and representing clients in other litigation matters in bankruptcy court.

Since 2009, Joel has been an adjunct professor at the University of St. Thomas School of Law, where he teaches clinical bankruptcy courses.

Joel graduated *magna cum laude* from William Mitchell College of Law. He received his bachelor's degree in history from St. Olaf College.

Experience

Represented the Trustee of IntegraMed America (ITMD) and nine of its affiliates in Chapter 7 proceedings. ITMD -- with more than 1,000 employees who performed all of the non-clinical functions for 19 medical practices operating almost 150 fertility clinics across the country (several of which included labs housing cryo-preserved embryos and other human tissue) -- ceased operations overnight. We quickly negotiated agreements with all 19 medical practices and ITMD's secured creditor, enabling employees to keep their jobs and the clinics to maintain their operations, which were ultimately approved by the Bankruptcy Court. We also crafted and ran a sale process, which resulted in the negotiation, approval, and consummation of seven separate sale transactions (without any issues arising with respect to the cryo-preserved human tissue) that transitioned all 19 medical practices to new owners, who assumed almost \$20 million of claims held by thousands of patients. This matter drew on the experience of the firm's Bankruptcy, Insolvency, & Restructuring; Corporate; Health Law; and Commercial Litigation attorneys.

Designed a classification and valuation system for an international textile and sportswear manufacturer.

Designed the legal structure for a transformative, three-country manufacturing platform under NAFTA, CAFTA, SFTA, and the USMCA proposed regulations.

Represented a corporation founded in 1888 and known as the producer of "the Minnesota Pickle" in its successful chapter 11 reorganization. The matter involved issues related to the Perishable Agricultural Commodities Act ("PACA") and disputes among several tranches of financing. *In re M.A. Gedney*

Practice Areas

- Bankruptcy, Insolvency & Restructuring
- Customs, Imports & Trade Remedies

Education

- William Mitchell College of Law, J.D., 2000
- St. Olaf College, B.A., 1990

Bar Admissions

- Minnesota

Court Admissions

- U.S. District Court - District of Minnesota

Awards & Honors

- Minnesota Super Lawyers "Rising Star" 2004-2008

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Company, Case No. 02-83631 (Bankr. D. Minn.)

Represented a manufacturer of bath and beauty products in its successful chapter 11 reorganization. *In re Minnetonka Brands, Inc.*, Case No. 02-90319 (Bankr. D. Minn.)

Represented an internet service provider and two affiliates offering various types of internet access, web site hosting, and related services to homes and businesses in the Twin Cities area in their successful chapter 11 reorganization. *In re Oction Corp.*, Case No. 05-80737 (Bankr. D. Minn.)

Represented a real estate development company in its successful chapter 11 reorganization. *In re Edina Development Corporation*, Case No. 06-42532 (Bankr. D. Minn.)

Represented multiple defendants in separate “clawback” actions arising out of Ponzi schemes operated by Thomas Petters and Bernard Madoff.

Represented a bank holding company in a chapter 11 case that resulted in its orderly liquidation under a plan negotiated with a committee of unsecured creditors. *In re Midwest Bank Holdings, Inc.*, Case No. 10-37319 (Bankr. N.D. Ill.)

Represented the debtor in a chapter 11 case that resulted in the sale of substantially all assets of a beef processing plant in Aberdeen, South Dakota. *In re Northern Beef Packers Limited Partnership*, Case No. 13-10118 (Bankr. D. S.D.)

Represented an individual chapter 11 debtor in litigation and appeals addressing statutory limitations on claims stemming from a default under a lease. *In re Michael Robert Wigley*, 14-40541 (Bankr. D. Minn.)

Won a motion to dismiss all claims brought by the purchaser of certain trademarks against our client, a secured creditor with a blanket security interest. The complaint, filed in the U.S. District Court for the District of Minnesota, sought a declaration that the secured creditor had no interest in various trademark applications and registrations, and an injunction barring the creditor from interfering with the purchaser's rights in the trademarks. In granting the motion, the court accepted our argument that the plaintiff had not stated any basis for challenging the secured creditor's interest in the trademarks under Article 9 of the Uniform Commercial Code, failed to allege an actual case or controversy and, in effect, sought an improper advisory opinion.