

## James C. Vandermark

Partner

New York, NY

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James advises clients facing financial challenges with an eye toward their unique needs. He collaborates with various stakeholders to preserve business relationships, minimize disruption and move quickly toward a workable solution.

### OVERVIEW

James Vandermark provides strategic guidance and cutting-edge solutions to clients facing financial challenges. He advises on the full spectrum of restructuring solutions, including complex business transactions, contract negotiations, financial restructurings, out-of-court workouts, commercial foreclosures and Chapter 11 reorganizations.

For each matter, James develops a strategy based on a clear understanding of his client's needs. His goals are to preserve the business or business relationship, to minimize disruption, and to move quickly toward a workable solution. This often includes working closely with equity holders, investors, lenders, landlords, management, labor and other interested parties in varied industries such as health and fitness, tech, digital advertising, retail and real estate.

Prior to joining White and Williams, James was a Deputy City Solicitor in the Corporate and Tax Group of the City of Philadelphia's Law Department.

### RECOGNITION AND INVOLVEMENT

James writes and speaks frequently about tax and financial issues as well as bankruptcy matters. This recently included moderating panel discussions for Pennsylvania Bar Institute's *Bankruptcy in a Pandemic: What You Need to Know*. He also serves on the firm's Diversity Committee and is an active member of the LGBTQ Bar Associations of Greater New York and Philadelphia. He is a past president of the Philadelphia LGBTQ Bar Association.

### PRACTICES

Financial Restructuring and Bankruptcy  
Tax

### BAR AND COURT ADMISSIONS

Pennsylvania

New Jersey

New York

U.S. Court of Appeals for the Third Circuit

U.S. District Court for the District of  
Colorado

U.S. District Court for the District of  
Nebraska

U.S. District Court for the District of New  
Jersey

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

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

U.S. District Court for the Eastern District of  
Pennsylvania

U.S. District Court for the Middle District of  
Pennsylvania

U.S. District Court for the Southern District  
of Texas

### EDUCATION

Temple University Beasley School of Law,  
JD, 2009; LLM in Taxation, 2010

Gannon University, BS, 2005

University of Pittsburgh, BA & BS, 2003

## REPRESENTATIVE MATTERS

Obtained bankruptcy court approval for a \$3.1 million sale of a UWS apartment building, partially rent stabilized, in a contentious single asset real estate bankruptcy case; *In re 60 91<sup>st</sup> Street Corp.*

Represented client negotiating multimillion dollar contracts for digital advertising and cloud services with chapter 11 debtors; *In re LATAM Airlines Group S.A., et al.*

Negotiated an \$8.2 million property assessment reduction resulting in over \$450,000 in real estate tax savings; *Glasgow Inc. v. City of Philadelphia*

Represented an international construction equipment company against preference and fraudulent transfer claims utilizing mechanic's liens and warranties as additional defenses to the avoidance claims; *In re Magnetation LLC, et al.*

Successfully enforced client's mechanic's lien rights and recovered over \$1M of assets from failed nuclear projects in Georgia and South Carolina; negotiated amendments to several commercial purchase order and equipment agreements as well as recovered prepetition and administrative expense claims on behalf of large commercial mining and construction companies in excess of \$500K; *In re Westinghouse Electric Company LLC, et al.*

Represented the City of Philadelphia in a state court trial and appeal involving the fair market value of a condominium development for real estate tax purposes; after three years of litigation, the City received favorable decisions before both the Court of Common Pleas and the Commonwealth Court, which resulted in an adjustment to the real estate assessment in excess of \$70M; *Dockside Associates/Pier 30, LP v. City of Philadelphia*

Defended the City of Philadelphia in a bankruptcy adversary proceeding brought by a debtor seeking damages, including attorney fees, for an alleged violation of the automatic stay; although the Bankruptcy Court found the City's acts constituted a willful violation, the City argued that attorney's fees could not be awarded as the debtor failed to establish the City's acts caused an injury; on appeal, the U.S. District Court for the Eastern District of Pennsylvania overruled the Bankruptcy Court and found in favor of the City

Represented the First Judicial District (FJD) against allegations brought by a debtor that the FJD efforts to collect prepetition court costs violated the discharge order entered in the debtor's bankruptcy case; the Third Circuit Court of Appeals, in a matter of first impression, agreed with the FJD's position and found court costs excepted from discharge and thus, attempts to collect prepetition criminal court costs do not violate a discharge order; *In re Lopez*

## MEMBERSHIPS

Eastern District of Pennsylvania Bankruptcy Conference

Independence Business Alliance

New York LGBTQ Bar Association

New York Turnaround Management Association

Philadelphia LGBTQ Bar Association

Philadelphia State and Local Tax Committee

Handled preference actions, claims objections, and adversary proceedings for secured and unsecured creditors in Chapter 11 bankruptcy cases for various companies

## IN THE NEWS

White and Williams Announces 15 Lawyer Promotions  
1.3.22

White And Williams Announces Lawyer Promotions  
Three Lawyers Elected to Partnership and Eight Associates Promoted To Counsel  
1.4.21

White and Williams Honored with Philadelphia LGBTQ Bar Association Partner of the Year Award  
12.20.19

James Vandermark Appointed Chair of GALLOP Philly  
5.14.19

White and William Sponsors Eastern District of Pennsylvania Bankruptcy Conference 30th Annual Forum  
1.24.19

White and Williams Sponsors the Eastern District of Pennsylvania Bankruptcy Conference  
*Convene at the Cira Center (Philadelphia, PA)*, 1.18.18

## EVENTS

Bad Romance: At the Intersection of Bankruptcy Disclosures and Privacy  
EDPA Bankruptcy Conference Annual Forum, 4.5.24

White and Williams Partner James Vandermark to Present at the National LGBT Chamber of Commerce 2023 Conference  
August 15-18, 2023 - Denver, Colorado, 8.15.23

White and Williams Sponsors the 33rd Annual Eastern District of Pennsylvania Bankruptcy Conference  
Borgata (Atlantic City, NJ), 3.31.23

Coverage College 2022  
10.13.22

White and Williams Sponsors the Eastern District of Pennsylvania Bankruptcy Conference  
*Convene Cityview (Philadelphia, PA)*, 4.1.22

Is Your Insured in a Financial Crisis? Not Sure What to Do Next? Part II: Assignments for Benefit of Creditors (ABCs)  
Webinar, 12.7.21

Bankruptcy in a Pandemic: What You Need to Know  
Pennsylvania Bar Institute (Webcast), 10.30.20

Getting Ahead of the Tidal Wave: Bankruptcy Basics and Pre-Bankruptcy Risk Mitigation Strategies  
Webinar, 6.24.20

2020 Eastern District of Pennsylvania Bankruptcy Conference  
EDPABC 31st Annual Forum (Philadelphia, PA), 1.24.20

Pennsylvania Bar Institute 24th Annual Bankruptcy Institute  
PBI Bankruptcy Institute, 9.25.19

2019 Eastern District of Pennsylvania Bankruptcy Conference  
EDPABC 30th Annual Forum (Atlantic City, NJ), 1.25.19

UST's Most Watched List  
PBI Annual Bankruptcy Institute (Philadelphia, PA), 10.24.18

Philadelphia Real Estate Taxes  
Philadelphia Bar Association Bench-Bar & Annual Conference (Atlantic City, NJ), 10.12.18

60 Cases in 90 Minutes  
Eastern District of Pennsylvania Bankruptcy Conference (Philadelphia, PA), 1.18.18

The Chapter 13 is Ending – Now What?  
PBI Annual Bankruptcy Institute (Philadelphia, PA), 10.20.16

The Chapter 13 is Ending – Now What?  
PBI Annual Bankruptcy Institute (Pittsburgh, PA), 9.8.16

## PUBLICATIONS

Philadelphia Delays 2025 Assessment Notices in Face of Billion Dollar Loss in Commercial Assessment Values  
*Tax Alert*, 5.9.24

New York City Faces Property Tax Appeal Deadline Amid Real Estate Challenges  
*Tax Alert*, 3.6.24

Revised Common Level Ratios Provide Opportunity for Pennsylvania Commercial Property Tax Savings  
*Tax Alert*, 8.9.23

Maryland Digital Advertising Tax Survives In Recent Supreme Court Decision  
*Tax Alert*, 5.18.23

Philadelphia Extends Deadline for First Level Reviews of Tax Assessments  
*Tax Alert*, 10.5.22

Recipe for Survival: What Restaurants Should "Takeaway" From Recent Retail Bankruptcies  
Part Two of a Two-Part Series Covering Hospitality Industry Bankruptcy Considerations  
*Financial Restructuring and Bankruptcy Alert*, 5.6.20

Looming Hotel Bankruptcies Impact Loan Workouts  
Part One of a Two-Part Series Covering Hospitality Industry Bankruptcy Considerations  
*Financial Restructuring and Bankruptcy Alert*, 4.24.20

Preparing for a "Looming" Recession: Practical Tips for Lenders  
Part One of a Three-Part Series  
*Finance Alert*, 9.16.19

Philadelphia Taxpayers Win Challenge to City's Discriminatory Tax Assessments of Commercial Properties  
*Real Estate Alert*, 7.18.19

PACE Loan Considerations for Commercial Real Estate Lenders  
*Real Estate Alert*, 2.5.19

Possible Real Estate and Use and Occupancy Tax Relief for Philadelphia Commercial and Industrial Property Owners  
*Tax and Estates Alert*, 9.5.17

Legalized Marijuana Sector Reaches New Highs: Safeguards for Investors and Creditors  
*Financial Restructuring and Bankruptcy Alert*, 8.15.17

Revised Common Level Ratios Provide Opportunity for Tax Savings  
*Tax Alert*, 6.26.17

Pennsylvania Partnership and LLC Law Revised  
Spring 2017

Philadelphia Revises Realty Transfer Tax Treatment of Acquired Real Estate Companies  
*Real Estate Alert*, 12.27.16

Residential Mortgage Lenders and Servicers Beware of Changes to Rule 3002.1  
*Financial Restructuring and Bankruptcy Alert*, 11.30.16

School District of Philadelphia to Challenge Real Estate Tax Assessments  
*Tax and Real Estate Alert*, 9.30.16