

John R. Gardner

Partner

Raleigh
+1.919.743.7325

Charlotte
+1.704.331.7400

john.gardner@klgates.com

OVERVIEW

John Gardner is a partner in the firm's Finance practice. He focuses his practice on the representation of secured and unsecured creditors in the structuring and restructuring of financial transactions, as well as representation of domestic and foreign companies, lenders, CMBS and CLO loan servicers, special servicers, mortgage servicers, and creditors in federal and state court litigation, including business disputes, bankruptcy proceedings, receivership and foreclosure actions, and regulatory compliance.

John serves as the hiring partner for the Raleigh office and the co-chair of the Raleigh Parents Council.

PROFESSIONAL BACKGROUND

Prior to joining the firm, John served as law clerk for the Hon. J Rich Leonard, United States Bankruptcy Court, Eastern District of North Carolina, 2004-2005.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Bankruptcy/Restructuring in North Carolina, 2022-2026
- Recognized by *The Best Lawyers in America*® for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law in Raleigh, NC, 2023-2027
- Legal Elite, *Business North Carolina Magazine*, Bankruptcy Law (various years)
- Named to North Carolina Rising Stars list, 2016-2018

PROFESSIONAL / CIVIC ACTIVITIES

- Wake County Bar Association, Public Service Committee
- Wake Forest Law School Young Alumni Board of Visitors (Rose Council)
- Campbell Law School Mentorship Program

- StepUp Ministry Volunteer
- Alpha Tau Omega Fraternity Board of Trustees, UNC-Chapel Hill, Chairman
- Christ Church, Sunday school teacher and Youth Council Member

SPEAKING ENGAGEMENTS

- Speaker, “The Rundown on Real Property Receiverships: The Intersection of Creditors, Collateral and Common Interests,” ABA 37th Annual RPTE National CLE Conference, 30 April 2025

EDUCATION

- J.D., Wake Forest University School of Law, 2004 *(Wake Forest Law Review, Articles Editor)*
- B.A., University of North Carolina at Chapel Hill, 2000

ADMISSIONS

- Bar of North Carolina
- Bar of Texas
- United States Bankruptcy Court for the Eastern District of North Carolina
- United States Bankruptcy Court for the Middle District of North Carolina
- United States Bankruptcy Court for the Western District of North Carolina
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Western District of North Carolina

THOUGHT LEADERSHIP *POWERED BY HUB*

- 7 May 2020, COVID-19: PPP Eligibility of Debtors in Bankruptcy
- 13 April 2020, COVID-19: Impact of the CARES Act on Subchapter V Reorganizations under the Bankruptcy Code
- 28 November 2018, Distressed Solutions: The Ins and Outs of Receiverships
- 12 September 2016, To support payments innovation, avoid unnecessary regulation

OTHER PUBLICATIONS

- "Limited Liability Companies and the Bankruptcy Code," Practical Law, December 2017 (Updated Annually)
- "To Support Payments Innovation, Avoid Unnecessary Regulation," *Banking Law Journal,* April 2016
- "Banks Beware: Mobile Checking and the Rise of Duplicate Presentment," *UCC Law Journal,* July 2015
- "How to enforce bankruptcy court orders," co-authored with Jo Ann Brighton, *Charlotte Business Journal,* April 2008
- "Effects of the Shift in the Burden of Proof in the Disposition of Tax Cases," *38 Wake Forest L. Rev. 1357,* 2003, *and Tax Law and Policy, 2004*

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 10 February 2023, K&L Gates Successfully Recovers Breakup Fee for Italian Pharmaceutical Company in Delaware Chapter 11 Case
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide

AREAS OF FOCUS

- Restructuring and Insolvency
- Commercial Disputes
- Corporate and Acquisition Finance
- Fintech Lending
- Real Estate Finance
- Real Estate Litigation

INDUSTRIES

- Financial Services

- Fintech
- Life Sciences

REPRESENTATIVE EXPERIENCE

- Representation of special servicer for $725M CMBS loan secured by United States mall properties, resulting in appointment of receiver in multiple jurisdictions
- Representation of CMBS trust in restructuring of $600M loan secured by dozens of United States hotel properties
- Representation of special servicer for CMBS loan secured by Houston, TX office building in S.D. Tex. chapter 11 case resulting in published opinion denying confirmation and granting relief from stay
- Provide day-to-day advice to a number of mortgage servicers regarding consumer bankruptcy, including issues relating to proofs of claim, payment change notices, post-petition fee notices, bankruptcy escrow, monthly statements to debtors, bankruptcy credit reporting, responses to notices of final cure, motions for relief from stay, bankruptcy loss mitigation, violations of the automatic stay and discharge injunction, and disclosure of personal identifying information
- Representation of lenders and other secured and unsecured creditors in chapter 11 and chapter 7 cases in NC, SC, TX, CA, FL, DE & NY
- Defense of creditor in $40 million insider preference claim in Delaware bankruptcy case
- Representation of domestic and foreign corporate clients in North Carolina Business Court in defense of breach of contract, fraud, unfair and deceptive trade practices and misrepresentation claims and managerial disputes/dissolution claims
- Representation of clients in state and federal courts involving real estate issues, UCC issues, personal and real property lien priority disputes and contract litigation
- Representation of Fortune 500 company in complex chapter 11 litigation in Delaware concerning a Louisiana oil refinery and resulting in recovery in excess of $20 million claim
- Representation of owner participant in leveraged aircraft lease transaction in New York chapter 11 cases of two major airlines
- Representation of senior secured lender in $750 million Texas chapter 11 bankruptcy case, adversary proceedings and related CA class action lawsuits
- Representation of creditors in connection with enforcing their rights and remedies in bankruptcy proceedings in numerous business contexts, including litigation involving the automatic stay, adequate protection, use of cash collateral, appointments of chapter 7 trustees, disclosure statement and confirmation hearings, valuation and feasibility disputes, lease/executory contract assumptions and rejections and fraudulent conveyance and preference litigation Representation of clients in purchases of assets through statute 363 bankruptcy sales