



## Joshua S. Bauchner

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Joshua Bauchner is co-chair of the Litigation Department, head of the Cannabis Law Department, and a member of the Community Association and Bankruptcy departments. He devotes his practice to complex commercial, class action, bankruptcy-related and securities litigation, including:

- Enforcing commercial lease agreements, guaranties, purchase and sale contracts, and commission agreements
- Litigating partnership disputes
- Defending against class actions arising from alleged violations of consumer protection and related statutes
- Litigating claims arising from bad faith denial of insurance coverage
- Defending against commercial foreclosure actions

Josh also represents condominium and cooperative boards of management, is a licensed real estate instructor in the state of New York, and teaches a course for real estate sales professionals. He has taught as an adjunct professor at Brooklyn Law School.

### Practice Areas

- Bankruptcy Law
- Community Association Law
- Controlled Substance and Regulatory Law
- Creditors' Rights Law
- Franchising Law
- Labor & Employment Law
- Litigation

### Education

- Wheaton College, B.A., cum laude, 1995
- Brooklyn Law School, J.D., magna cum laude, 2001

### Admissions

- New York Bar
- New Jersey Bar
- United States District Court for
  - the Southern, Eastern, and Western Districts of New York
  - the District of New Jersey
- United States Court of Appeals for
  - the Second Circuit
  - the Third Circuit

Following law school, Josh served as law clerk to the Honorable Ursula Ungaro in the United States District Court for the Southern District of Florida. Immediately prior to joining Ansell Grimm & Aaron, he was deputy director of the Legal Division at the New York City Department of Consumer Affairs and previously worked at a national litigation firm.

## **Representative Matters**

- Prosecuted construction and design defect claims against the sponsor, developer and architect of a luxury condominium building in New York City
- Prosecuted a bankruptcy trustee's claims for fraudulent conveyance, business torts and a violation of the Bank Holding Company Act against more than 40 commercial and investment bank defendants
- Defended a landlord against business interruption and related claims arising from the 1993 terrorist attack on the World Trade Center
- Obtained a favorable settlement for an institutional investor asserting securities, Blue Sky and related common law claims against commercial and investment bank defendants
- Defended a Boston-area hospital against medical malpractice and related claims seeking \$50 million in damages by obtaining a dismissal on personal jurisdiction grounds, which was affirmed by the Second Circuit on appeal
- Prosecuted institutional investors' securities, Blue Sky and related common claims against placement agents, auditors, rating agencies and corporate insiders in a multidistrict litigation proceeding
- Defended corporate clients against securities fraud claims brought by the SEC, DOJ and class plaintiffs
- Represented an NFL franchise in its attempt to secure a new stadium on Manhattan's west side

## **Associations & Memberships**

- Manhattan Community Board 10, Treasurer and Co-Chair of the Committee on Land Use
- Board of Trustees of Wheaton College in Norton, Massachusetts
- Board of Trustees of New York Theater Ballet
- Board of Trustees of Frederick Douglass Boulevard Alliance
- Board of Trustees of Harlem Wellness Center

## **Publications**

- “Managing Medical Marijuana in the Workplace,” GreenEntrepreneur (April 3, 2019)
- “Staying Ahead of New Cannabis Laws,” IndustryWeek (March 28, 2019)
- “New Jersey’s Cannabis Industry Is Growing: Where Does It Grow from Here?” High Times Magazine
- “Creditors Rights in Bankruptcy: How to Keep from Losing Your Shirt,” Retail Info Systems (Feb. 20, 2019)
- “NJ Arbitration Ruling Puts Burden On Employers” (April, 5, 2018)
- “The NJ Construction Lien Law: A Powerful, Equitable Tool,” New Jersey Law Journal (Oct. 3, 2016)
- “Brokers Beware: NJ Real Estate License Act has Strict Requirements,” New Jersey Law Journal (Feb. 29, 2016)
- “The Linear Construct of A Negligence Claim,” New Jersey Law Journal (March 23, 2015)
- “Let Them Plead in the Alternative,” New York Law Journal (Sept. 12, 2014)
- “The False Hope of Lost Profits Damages,” New York Law Journal (Sept. 27, 2013)
- “Fending Off The Appointment of a Receiver,” New Jersey Law Journal (July 1, 2013)
- “Bankruptcy Trustee’s Avoidance Rights Are Nearly Limitless,” Law360 (Oct. 22, 2012)
- “Spotlight on Section 550 of the Bankruptcy Code,” Law360 (July 18, 2012)
- “The Forgotten Bank Holding Company Act of 1972,” Law360 (June 12, 2012)