

GLANKLER BROWN.

ATTORNEYS



S. Joshua Kahane

Professional Experience

Mr. Kahane is licensed to practice in Tennessee, Mississippi, New York, and Texas and concentrates his practice primarily in the areas of general business litigation, commercial disputes of all types, work outs, and complex litigation. He is a recognized authority in the area of Landlord-Tenant matters, and is highly experienced representing multi-family and commercial property owners and management companies before Courts in Memphis, Tennessee; Nashville, Tennessee; Jackson, Tennessee; Northern Mississippi; and Jackson, Mississippi. Mr. Kahane represents local, regional, and national ownership and management groups with portfolios that include over 1.7 million multi-family housing units, more than 500 million square feet of commercial space, 400,000 units of affordable housing, and 25,000 units of military housing.

In addition, Mr. Kahane represents individuals and companies before the General Sessions 14 Environmental Court in Memphis on code citation, zoning, and commercial signage matters, and before the City of Memphis and administrative departments on land use matters of all types.

In 2011, Mr. Kahane authored *Landlord Tenant Law - Guide and Handbook*, a reference to the practice of landlord and tenant law in Shelby County, Tennessee. Having sold and distributed the first edition of 250 books in less than 6 months, and its second printing in less than 3 months, *Landlord Tenant Law - Guide and Handbook*, is currently in its third printing. From its thorough and easy-to-read description of the eviction process and post-judgment collection strategies, to the text of the updated Uniform Residential Landlord Tenant Act with interlineated comments, to sample form pleadings and notices, *Landlord Tenant Law - Guide and Handbook* has become a must-have resource for legal practitioners, property management companies, and multi-family property owners. Mr. Kahane is a well-known lecturer and has presented seminars on landlord and tenant practice, fair housing, and CAM training, for judges, lawyers, and property professionals across the mid-south.

Mr. Kahane represents commercial real estate owners in loan renegotiations, modifications and restructurings. He works closely with clients to assess their individual needs, and then assists them in finding the best possible options to reach their unique short- and long-term goals including Discounted Payoffs (DPO), debt subordinations (A/B Notes), interest rate and amortization relief and recapitalizations.

Mr. Kahane also has extensive and successful experience providing counsel and representation to owners and management entities across the United States before city councils, local governments, and municipality departments. This counsel has been in connection with a wide range of redevelopment and real estate related issues such as building standards, zoning requirements, neighborhood preservation, and other conditions or conduct affecting public health, safety or welfare. Mr. Kahane has successfully shielded clients from the commencement of costly litigation and negotiated instead improvement plans with government representatives and their attorneys which resulted in the dismissal of city and county claims, preservation of the subject assets, and the waiver of millions of dollars in fees, fines, and penalties.

Mr. Kahane is a SUPERLAWYER® in the areas of Real Estate Law and Business Litigation.

While not verified, it is believed that Mr. Kahane is the only real estate lawyer in the United States for whom a bobble head doll, bearing his exact likeness, has been made.

Education

- Temple University School of Law, 2004
- University of Pennsylvania Wharton School, *Graduation with Honors*, 2004
- Yeshiva University, *Magna Cum Laude*, Political Science and Sociology, 2001

Admitted to Practice

- Tennessee
- Mississippi
- New York
- Texas

Member

901.576.1701

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Practice Areas

- Litigation
- Landlord/Tenant
- Real Estate & Secured Lending
- Personal Injury Law
- Bankruptcy
- Creditors' Rights
- Estate Planning & Probate
- Health Care Law

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Honors/Awards

- 2013, 2014, 2015, 2016 Mid South SuperLawyers, Real Estate, Business Litigation
- Chairman, Maccabi USA Men's Masters National Basketball Team, 20th Maccabiah Games, Israel, 2017
- Silver Medalist, Maccabi USA Men's Masters National Basketball Team, Santiago, Chile, 2015
- 2011 Jefferson Award Nominee - Commercial Appeal
- 2009 "Top 40 Under 40" - Memphis Business Journal
- "Community Service Award" - Baron Hirsch Synagogue- 2009
- "National Leadership Award" - Yeshiva University (Presented in Orlando, FL)- 2009
- "Man of the Year" - Margolin Hebrew Academy/ Feinstone Yeshiva of the South- 2008
- "National High School Basketball Coach of the Year Nominee" - JVElite (New York, NY)- 2008

Professional/Civic/Charitable Organizations

- Board of Trustees: Yeshiva University Azrieli Graduate School of Education and Administration, 2013-Present
- Legal Counsel: Memphis Jewish Community Center Board of Directors (Executive Committee Member)- 2008-2010
- President: Margolin Hebrew Academy/Feinstone Yeshiva of the South Board of Trustees- 2011-2014
- Board Member: Apartment Association of Greater Memphis- 2012- 2015
- Director: Jewish Foundation of Memphis- 2012-2016
- Executive Committee: Baron Hirsch Synagogue Board of Trustees- 2008-2011
- Member: Memphis Jewish Federation Board of Directors- 2007-2016
- Founder/Director: Cooper Yeshiva High School National Invitational Basketball Tournament
- Intern: Office of the Public Liaison, The White House: Clinton Administration

Representative Matters

- File and prosecute 500+ residential evictions per month in courts across Western and Central Tennessee, North Mississippi, and Metro Jackson, Mississippi.
- Represent owners and management entities in bankruptcy proceedings, secure creditor side interest in real property, gain foreclosure and/or dispossession authority for post-petition delinquent tenants.
- Represented buyers and sellers in acquisitions and disposition transactions valued at well over \$375,000,000.00.
- Negotiated loan restructure post borrower default of \$17,000,000.00 loan with return by lender to borrower of \$700,000.00 in default interest,
- Negotiated settlement of a 9.2 million dollar litigation claim involving 116 parties spread throughout the United States, Canada, London and Israel.
- Defended lawsuit filed by Texas area City Attorney's office against national real estate investment company seeking judicial foreclosure of several multi-family assets, and the imposition of fines and penalties against owners. Successfully gained dismissal of City's lawsuit and the underlying claims, removal of all encumbrances to title of the asset, and the waiver of fines and penalties.
- Won complete dismissal by summary judgment of \$100,000,000 lawsuit filed against national real estate trust.
- Shielded Client from lawsuit threatened by Texas's Attorney General for violation of the particular state's strict "health and safety regulations"; negotiated improvement plan for Client; presented plan to City Mayor and City Council; resolved matter with waiver of fines and penalties previously assessed against owners.
- Successfully defeated injunction sought to block closing of multifamily portfolio sale.
- Negotiated \$2,500,000.00 settlement in favor of Client for lawsuit against insurance company alleging bad faith and breach of contract.
- Represented post-merger national labor union in dispute involving ownership rights over valuable commercial property held by the predecessor local union. Negotiated conveyance of real property from local union to Client. Devised conveyance strategy and negotiated reduction in conveyance tax liability.
- Negotiated a significant settlement on behalf of a 9 year old girl exposed to lead based paint.
- Represented *Daimler Chrysler Corporation* in multiple regional lawsuits involving vehicle warranty, contract litigation and corporate purchase agreements.
- Special emphasis on Estate Planning, Administration, and Litigation, Trust Formation, and Petitions for Conservatorships

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Publications & Presentations

- Kahane Report- Monthly newsletter on topics of relevance to multi-family owners and managers.
- Tennessee Real Estate Law Conference, Nashville, TN, *Landlord-Tenant Law and Litigation*, October 2015
- Sterling Executive Seminars- Full day presentation on Landlord-Tenant Law and Bankruptcy- 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017
- Tennessee Attorney's Memo- National Webinar on *Commercial and Residential Leasing*, June 2015
- Tennessee Attorney's Memo- National Webinar on *Evictions, Court and Litigation*, July 2015
- Apartment Association of Greater Memphis Fair Housing Seminar- 2014, 2015, 2016
- Apartment Association of Greater Memphis Education Conference- Legal Section Instructor- 2015, 2016, 2017
- National Apartment Association, Certified Apartment Manager, Legal Section Instructor- 2014, 2015, 2016, 2017
- National Business Institute Seminar- *Retail, Office & Restaurant Leases: Key Provisions and Warranties*, 2013, 2014, 2015
- Landlord Tenant Law- *Guide and Handbook*, 1st Edition Published 2012, 2nd Edition Published 2013



Super Lawyers