

## Rising Star: Willkie's Melissa Fischetti

By **Grace Dixon**

*Law360 (August 7, 2024, 2:02 PM EDT)* -- Melissa Fischetti of Willkie Farr & Gallagher LLP navigated SL Green's \$1.76 billion acquisition of 245 Park Ave, New York, amid contentious bankruptcy proceedings brought without the preferred equity investor's approval, earning her a spot among the real estate practitioners under 40 honored by Law360 as Rising Stars.

### The biggest case she's worked on lately:

When the owner of a 1.8 million-square-foot Class A office property in New York City at 245 Park Ave. filed for Chapter 11 bankruptcy protection without approval from an SL Green affiliate — then a preferred equity investor in the Manhattan property — Fischetti stepped in to lead a cross-disciplinary team of real estate, bankruptcy and litigation professionals representing SL Green.

Fischetti noted that the case was made all the more interesting because the proceedings were combative from the start. SL Green accused debtor PWM Property Management LLC of filing bankruptcy proceedings to strip the city's largest commercial landlord of its rights.

In May 2022, an arbiter determined that the move violated the agreement governing SL Green's investment, and that the office operator was owed \$184.5 million by Chinese conglomerate HNA Group International Ltd., PWM's parent company.

SL Green emerged as the stalking horse bidder and acquired 245 Park Ave. out of PWM's bankruptcy proceedings in July 2022, according to Fischetti.

"As a real estate transactional attorney, I negotiate bankruptcy provisions, but I rarely ever see a bankruptcy in action," Fischetti said. "It was an eight- to nine-month process of being in contentious litigation and bankruptcy. ... It really exposed me to a totally different animal of the legal world."

Fischetti added that her team was able to negotiate a relatively quick resolution to the bankruptcy proceedings by appealing to secure lenders' reluctance to see an asset stuck in bankruptcy and their desire for a borrower

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**RISING  
STAR**



**Melissa Fischetti**

Willkie

**Age:** 37

**Home base:** New York

**Position:** Partner

**Law school:** New York University School of Law

**First job after law school:** Summer associate at Willkie Farr & Gallagher

and owner who could operate the asset and resume payments.

The "caliber and quality" of SL Green's reputation eased lenders' concerns, she added.

"We were able to say 'SL Green is a white knight coming in, and is going to save this asset,'" Fischetti said. "We are a first-class operator. ... The market knows SL Green, we can save this asset, we can get this out of bankruptcy and get this positioned and back on track in a positive fashion."

Fischetti also negotiated significant loan modifications with lenders and services for mortgage and mezzanine loans totaling \$1.7 billion. The new owner sold a 49.9% stake in the property to Mori Trust for \$2 billion, the first New York City investment for the Tokyo-based company, according to Willkie.

### **The biggest deal of her career:**

Fischetti pointed to her role on a Willkie team that guided Brookfield Asset Management's strategic partnership with life science real estate developer King Street Properties in 2021 as a highlight of her career, adding that the deal helped propel her promotion to partner.

The strategic partnership was effectively a joint venture with King Street to acquire and develop life science assets, a sector that was "blowing up" at the time due to the pandemic, Fischetti said. The deal saw Brookfield invest approximately \$1.5 billion in King Street's pipeline and purchase an interest in the developer's operating platform, according to Willkie.

"In addition to essentially creating a vehicle that would acquire assets, we were also acquiring an operating business that would actually operate the assets," Fischetti said. "We were in one sense doing the large transaction to create this vehicle, but also doing individual asset deals to acquire properties."

Fischetti singled out the deal as particularly challenging given that it required the Willkie team to complete due diligence on King Street's entire portfolio of 2.5 million square feet of stabilized assets and 2.3 million square feet of assets under development.

"It culminated in the year I made partner at Willkie, so it was a really transformational deal for me. Plus, I have had a really strong relationship with Brookfield after that, because of the extensive nature of the negotiation and the deal worth that was involved," Fischetti said.

In the following years, she expanded her relationship with Brookfield, and recently guided the company's acquisitions of properties in San Francisco and Cambridge, Massachusetts, Fischetti added.

### **Why she's a real estate attorney:**

When Fischetti first joined Willkie as a summer associate, she immediately gravitated to real estate after completing her first rotation. Being able to look out of the office windows and see deals that she had worked on within reach lent the practice a tangible quality that she immediately loved, Fischetti said.

"We actually did diligence on the building that Willkie is in," she said. "Things like that just feel real and tangible and understandable to me."

She noted that through her career, the reasons drawing her to the field have evolved.

"Over the years, especially with clients who stay with you for a while, and they own an asset or a

property for a while, you get to see that property go through its life cycle," Fischetti said. "You could assist a client with acquiring that property, then financing it, then refinancing it, then leasing it and then selling it, all during your career."

This was the case for client The Generation Cos., which a Willkie team guided through a \$215 million recapitalization of 23 hotels. The firm then helped secure financing for the portfolio and then guided Generation's later sale of the portfolio.

**How she sees her real estate practice changing in the next 10 years:**

Fischetti noted that as she looks into the future of the real estate landscape, she's taking lessons from the disruptions that have roiled the market in recent years.

With cash flow issues stemming from the pandemic, high office vacancies and the tough economic climate bearing down on real estate over the past two years, her practice has been under constant pressure and in an unending state of flux, she noted.

"There's always going to be changes and there's always going to be something that's going to hit the market that we have to respond to," Fischetti said. "But what I always see happening, and what I think I've learned over the last 10 years, is that you have to be able to adapt, to be able to learn new practice areas, to be able to be creative."

This need to adapt to market changes will continue, regardless of what hurdles present themselves over the coming decade, she added.

*--As told to Grace Dixon. Editing by Lakshna Mehta.*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.*