

People



D. Brett Marks

Partner, Bankruptcy and Reorganization

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D. Brett Marks represents troubled companies, secured and unsecured creditors, asset purchasers, private equity groups, trustees, and creditors' committees in Chapter 7 and Chapter 11 cases, out-of-court workouts, and litigation matters. Brett also has significant experience representing and counseling officers and directors of insolvent companies, including defense of alleged breach of fiduciary duty claims and other claims of malfeasance.

Brett's experience extends across a number of diverse sectors, including professional sports, gaming, telecommunications, real estate, finance, and technology. He is recognized by numerous publications for his work, including *Chambers USA*, *The Best Lawyers in America*, and *Florida Trend's* Legal Elite, among others.

Notable Work

Fiduciary Representation: Represent state court appointed curator over significant probate estate which owned and operated over 70 different business interests, most of which were insolvent. Counseled client on insolvency matters, litigation matters and sale transactions.

Bank Representation: Represent multiple regional and national banks in bankruptcy cases enforcing bank's liens on assets and cash collateral, including navigating through Section 363 sales.

Asset Purchasers: Represent asset purchasers in Chapter 7 and Chapter 11 bankruptcy cases, including as examples: A) successful representation of a nationally known real estate developer with the purchase of a \$28 million parcel of real estate from a Chapter 11 debtor in less than two weeks from start to closing; and B) successful representation of buyer of all operating assets of Chapter 11 debtor which manufactured and sold health food and energy drinks.

Areas of Experience

Bankruptcy and Reorganization
Bankruptcy Trustees and Court Appointed Fiduciaries
Buying and Selling Assets (Section 363 Sales)
Distressed Transactions and Corporate Restructuring
Creditors' Committees
Secured Creditors and Debtor-in-Possession Financing
Preference and Fraudulent Transfer Litigation
Financial Services
Assignments for the Benefit of Creditors

Education

J.D., St. Thomas University School of Law, 1996
B.A., University of Florida, 1991

Admissions

Bars

Florida

Courts

U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida

Related Content

Akerman Lawyers Ranked in Florida by *Super Lawyers* Magazine
July 16, 2024

Chambers USA Ranks Akerman Among the Nation's Best Law Firms in 2024
June 06, 2024

Akerman Represents Sandton Capital Partners in Asset Purchase of Vertical Farming Company in

Officers/Directors and Managers of Troubled Companies:

Represent officers, directors and managers of troubled companies, including defending claims of breach of fiduciary duty, negligence and other malfeasance.

NHL Franchise: Represented a National Hockey League franchise as bankruptcy counsel in the Chapter 11 filing of a limited partner.

Public Company: Represented a NASDAQ-traded company as bankruptcy counsel in Fair Debt Collection Practices Act litigation in several jurisdictions.

Public Company: Represented NASDAQ traded company with over \$30 million in claims against a solar power plant developer.

Software: Represent a software developer and licensor as national bankruptcy counsel.

Private Equity: Represented a large private equity group as bankruptcy litigation counsel in dispute alleging fraudulent/preferential transfers in major Chapter 11 filing in Southern District of New York.

Bankruptcy Trustees: Represents Chapter 11 and Chapter 7 Trustees in several high profile cases involving a well known ex-NFL football player, the alleged heir to the Carvel Ice Cream Cake fortune, and a large retail chain of bridal and wedding dresses with locations around the country and world.

Construction: Represented a national construction company with an \$8 million lien claim in large Delaware telecom Chapter 11 case.

AT&T Latin America: Represented the Committee of Unsecured Creditors as co-counsel in the AT&T Latin America Chapter 11 case involving over \$100 million in assets and liabilities.

New Florida Properties: Represented the Committee of Unsecured Creditors in the New Florida Properties Chapter 11 case involving a significant real estate development on Miami Beach.

Restaurant Group, Inc.: Represented the Committee of Unsecured Creditors in the Restaurant Group, Inc. Chapter 11 case involving the sale of eight Church's Fried Chicken franchises.

Cardiac Care Management: Represented the Committee of Unsecured Creditors in the Cardiac Care Management Chapter 11 case involving the sale of seven MRI centers.

Chain Reaction Jewelry, Inc.: Represented the Committee of Unsecured Creditors in the Chain Reaction Jewelry, Inc. Chapter 11 case involving the restructuring of 14 jewelry stores located in several different states.

Sentinel Funds, Inc.: Represented the Trustee as general counsel in the Sentinel Funds, Inc. bankruptcy case involving \$20 million in lost investments.

Southeastern Paper Products, Inc.: Represented the Trustee as general counsel in the Southeastern Paper Products, Inc. bankruptcy case involving the liquidation of extensive real estate holdings, equipment and foreign account receivables.

Affiliations

- South Florida Bankruptcy Bar Association, Member
- Dade County Bar Association, Bankruptcy Section, Member
- American Bankruptcy Institute, Member

Honors and Distinctions

- *Chambers USA*, 2024, Ranked in Florida (North and Central Florida) for Bankruptcy/Restructuring
- *Chambers USA*, 2020-2023, Ranked in Florida (South Florida) for Bankruptcy/Restructuring
- *Super Lawyers Magazine*, 2017-2024, Listed in Florida for Bankruptcy: Business
- *Best Lawyers*, 2013-2018, 2020-2025, Listed in Florida for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation – Bankruptcy
- *Best Lawyers*, 2023, Listed as “Lawyer of the Year” for Litigation - Bankruptcy and Bankruptcy, and Creditor Debtor Rights/Insolvency and Reorganization Law in Fort Lauderdale
- *Fort Lauderdale Illustrated*, Recognized as a “Top Lawyer in Broward County” for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2021-2022
- *Florida Trend’s Legal Elite*, 2011-2013, Listed for Bankruptcy & Workout
- *South Florida Legal Guide*, Listed as an “Up and Comer”
- *Florida Trend’s Legal Elite* 2006, Listed as an “Up and Comer”