Mark S. Lichtenstein

Partner, Bankruptcy and Reorganization

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vCard

Mark Lichtenstein focuses his practice on a broad range of corporate and bankruptcy matters, including restructuring of private equity portfolio companies, bankruptcy litigation, and the acquisition of assets in bankruptcy cases, as well as workouts, creditors' rights litigation, distressed real estate matters, and commercial counseling. Mark also has experience in structured finance transactions and the rendering of opinions in connection with these transactions.

In addition, Mark has experience representing secured and unsecured creditors, indenture trustees, debtors, Chapter 7 and Chapter 11 Trustees, landlords, and licensees and licensors of intellectual property. Mark has handled bankruptcy litigation, including fraudulent conveyance, preferential transfer, breach of fiduciary duty, recharacterization, involuntary bankruptcy and equitable subordination cases. Mark also has experience in corporate and real estate transactions and non-bankruptcy litigations, including foreclosure actions in the CMBS context or otherwise, lender liability actions, and partnership and corporate disputes.

Notable Work

Private Equity Funds and Family Offices: Represented private equity funds and family offices in the restructurings of their portfolio companies in the restaurant, hospitality, e-commerce, and retail sectors.

Enron Creditors Recovery Committee: Represented Enron Creditors Recovery Committee in adversary proceedings against certain financial institutions.

GreenTech Automotive, Inc.: Represented GreenTech Automotive, Inc. as debtor's counsel in a successful Chapter 11 liquidation involving the sale of industrial assets to Chinese investors and resolution of multiple litigation matters.

Areas of Experience

Bankruptcy and Reorganization
Assignments for the Benefit of Creditors
Chapter 11 Business Debtors
Corporate Restructuring and Insolvency
M&A and Private Equity
Preference and Fraudulent Transfer Litigation
Distressed Property
Distressed and Special Assets
Franchise and Licensing
Hospitality
Restaurant
Senior Living and Care

Education

J.D., Benjamin N. Cardozo School of Law, 1992
B.A., University of Michigan, 1984

Admissions

Bars

New York
New Jersey

Courts

U.S. District Court, Eastern District of New York
U.S. District Court, Southern District of New York
U.S. District Court, District of New Jersey
U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Third Circuit

Related Content

Akerman Sponsors the CREFC Capital Markets Conference
September 28, 2023

Akerman Sponsors the 37th Annual Environmental Permitting Summer School
July 18, 2023

Lehman Brothers Bankruptcy: Represented a non-debtor counter-party to a derivatives contract in the Lehman Brothers bankruptcy.

Commodities Broker: Represented a large commodities broker in the U.S. Coal bankruptcy case.

Michael Vick: Represented Michael Vick in his Chapter 11 case.

Hedge Funds: Represented hedge funds and other opportunistic investors as secured creditors in numerous Chapter 11 cases.

Bondholder Counsel: Represented a group of bondholders owed in excess of $100 million in the bankruptcy cases of two major airport hotels in Queens, New York.

Opportunity Funds: Represented special servicers and real estate opportunity funds in numerous commercial foreclosure actions, workouts and restructurings.

Government Contract Receivables: Represented multinational corporations in the assignment of government contract receivables.

Acquisition of Telecommunications Business: Represented a publicly traded company in the acquisition of the long distance and enterprise telecommunications businesses in the Chapter 11 cases of World Access, Inc. and RSL Com USA.

Shareholder Adversary Proceeding: Part of a team that achieved a successful result for a group of shareholders in an $18 million adversary proceeding to recover proceeds of a leverage buyout in the In re Grand Eagle bankruptcy.

Ponzi Scheme: Represented an assortment of title companies in connection with a massive Ponzi scheme of a sub-prime loan originator in bankruptcy.

Chapter 7 Trustee: Assisted a Chapter 7 Trustee in the prosecution of various adversary proceedings in the In re Cassandra Group bankruptcy.

Receiver Counsel: Part of a team that represented a receiver appointed by the Southern District of New York in complex receivership proceedings of various hedge funds, including related bankruptcy matters.

Published Work and Lectures

- American Bar Association's (ABA) Business Law Section Annual Meeting, Speaker, "Real World Applications of Charter, Bylaw, and Related Provisions in LLCs, Partnerships, and Business Entities," September 23, 2021
- Strafford Webinar, Speaker, "Structuring Special Purpose Entities: Separateness, Bankruptcy Remoteness and True Sales," September 8, 2020
- *New York Law Journal,* Co-Author, "Surge of Retail Bankruptcies Coincides With The Anniversary of Tempnology," August 28, 2020
- *Westlaw,* Co-Author, "Considerations For Lenders During And After COVID-19," June 6, 2020
- Family Office & Private Equity Dealmakers Breakfast Series, Moderator, "Opportunities in the Real Estate Sector," December 1, 2016

Akerman's Mark Lichtenstein Draws Parallels Between Enron and FTX
November 18, 2022

- *Trigild Deskbook, Guide to Receivership & Foreclosure*, 4th Edition, Co-Author, Chapter: “New Jersey Foreclosure Process,” 2012
- Distressed Debt Summit, Speaker, “Maximizing Value In Distressed Assets Through Receivers,” March 15-16, 2011
- ALM’s *The Bankruptcy Strategist*, Vol. 24, No. 12, Co-Author, “Riding the Fulcrum Seesaw: How Hedge Funds Will Change the Dynamics of Future Bankruptcies,” October 2007