

People



Mark J. Bernet

Partner, Litigation

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Mark Bernet litigates complex commercial and business disputes, class action defense, bankruptcy, creditors' rights/foreclosures, and appellate matters in state and federal court. Experienced across a range of sectors, including finance, banking, real estate, aviation finance, and hospitality, his clients include local, regional, and national banks and financial institutions, manufacturers, and venture capitalists.

Frequently recommended by the federal agencies and Attorneys General from Florida and other states, he has been appointed as a federal equity receiver by district courts in multiple states for numerous high-profile businesses, in cases brought by agencies charging companies and principals with engaging in fraudulent conduct. He is experienced in conducting fraud investigations and recoveries, including tracing and recovering transfers of funds and property.

In his transactional practice, Mark helps navigate the purchase and sale of loans and loan portfolios, routinely documents commercial and real estate workouts, and has a significant focus on aircraft finance.

Notable Work

Textron Financial Corporation: Represented the client in the Optical Technologies (Recomm) bankruptcy case, as well as in multiple actions consolidated into an MDL proceeding.

T.H. Resorts and T.H. Orlando: Represented the clients in connection with their Chapter 11 bankruptcy case. The case involved restructuring over \$100 million in secured hotel debt.

Keller Financial Services: Represented the Chapter 11 Trustee in the client's group of bankruptcy cases, a series of subprime automobile lending companies that defrauded investors out of \$100 million.

Areas of Experience

Litigation
 Aviation and Aerospace
 Corporate Finance and Lending
 Commercial Disputes
 Commercial Landlord-Tenant Bankruptcy
 Distressed Transactions and Corporate Restructuring
 Creditors' Committees
 Secured Creditors and Debtor-in-Possession Financing
 Financial Institutions Commercial Litigation
 Preference and Fraudulent Transfer Litigation
 SEC Receiverships and Ponzi Schemes
 Secured Financing Litigation
 Corporate Restructuring and Insolvency
 Financial Services
 Probate and Fiduciary Litigation

Education

J.D., Notre Dame Law School, 1986
 B.A., University of Wisconsin - Madison, Journalism and Political Science, 1983

Admissions

Bars

Florida

Courts

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

Related Content

SunTrust Bank: Represented the client in numerous mortgage foreclosure, loan workout and Chapter 11 bankruptcy cases.

Peoples Credit First, LLC, and 8 Affiliated Companies: Appointed as a federal equity receiver by the U. S. District Court for the Middle District of Florida, at the request of the Federal Trade Commission (FTC). The companies in receivership had engaged in advance-fee credit card sales in violation of the FTC Act. Matter involved numerous fraudulent transfer and indemnification claims. Case ultimately resulted in *Olmstead v. Federal Trade Commission*, decided by the Florida Supreme Court, involving the rights of a judgment creditor of the sole member of a single-member limited liability company.

USA Financial, LLC, and American Financial Card: Appointed as a federal equity receiver by the U.S. District Court for the Middle District of Florida, at the request of the FTC. The companies in receivership had engaged in advance-fee credit card sales by telemarketing, in violation of the FTC Act and the Telemarketing Sales Rule. Matter involved numerous fraudulent transfer and indemnification claims.

Vacation Property Services and Vacation Property Sellers: Appointed as a federal equity receiver by the U.S. District Court for the Middle District of Florida, at the request of the FTC. The companies in receivership had engaged in the resale of timeshare units, through telemarketing, in violation of the FTC Act and the Telemarketing Sales Rule.

Group One Networks and 7 Affiliated Companies: Appointed as a federal equity receiver by the U.S. District Court for the Middle District of Florida, at the request of the FTC. The companies in receivership had engaged in advance-fee telemarketing sales of a debt-reduction product, in violation of the FTC Act and the Telemarketing Sales Rule.

Information Management Forum and Multiple Affiliates: Appointed as a federal equity receiver by the U.S. District Court for the Middle District of Florida, at the request of the FTC and the Florida Attorney General. The companies in receivership engaged in telemarketing sales of timeshare units, utilizing false statements and representations, in violation of the FTC Act, the Telemarketing Sales Rule, and Florida's Deceptive and Unfair Trade Practices Act. Recovered over \$2 million fraudulently transferred to numerous third parties.

Bajada Management: Appointed as a federal equity receiver by the U.S. District Court for the Northern District of Illinois, at the request of the FTC. The companies in receivership had engaged in advance-fee telemarketing sales of a debt-reduction product, in violation of the FTC Act and the Telemarketing Sales Rule.

Innovative Wealth Builders and Affiliates: Appointed federal equity receiver by the U.S. District Court for the Middle District of Florida, at the request of the FTC. The companies in receivership had engaged in advance-fee telemarketing sales of a debt-reduction product.

Berger Law Group and 5 Affiliated Companies: Appointed as a federal equity receiver by the U.S. District Court for the Middle District of Florida, at the request of the Connecticut and Florida Attorney Generals offices. The companies in receivership defrauded consumers in connection with their home mortgages.

Record Number of Akerman Lawyers Named to *The Best Lawyers in America* 2024 Guide
August 22, 2023

Akerman Secures Five-Year Litigation Victory for West Shore Oasis, LLC
May 08, 2023

Record Number of Akerman Lawyers Across the United States Named to *The Best Lawyers in America* 2022 Guide
August 19, 2021

The Hoffman Law Group and 5 Affiliated Companies: Appointed as a federal equity receiver by the U.S. District court for the Southern District of Florida, at the request of the Consumer Financial Protection Bureau and the Florida Attorney General. Served as federal equity receiver for a Florida law firm charged with defrauding individuals in connection with their home mortgages. Achieved a 100 percent recovery for defrauded individuals, totaling over \$10 million.

Related Professional Experience

- Mirabilis Ventures, Inc., General Counsel, 2006-2007

Published Work and Lectures

- Consumer Protection Summer Conference, Speaker, “Role of Litigation in Enforcement Actions Brought by the Federal Trade Commission and the Florida Attorney General,” 2013

Affiliations

- Florida Bar Association, Business Law Section, Member
- American Bar Association, Business Law Section, Member
- American Bankruptcy Institute, Member
- Tampa Bay Bankruptcy Bar Association, Member
- King High School, Athletic Booster Club, President

Honors and Distinctions

- *Best Lawyers in America*, 2019-2024, Listed in Florida for Business Organizations (including LLCs and Partnerships) Litigation – Bankruptcy
- *Best Lawyers in America*, 2022-2023, Listed as “Lawyer of the Year” for Business Organizations (including LLCs and Partnerships) in Tampa