SQUIRE PATTON BOGGS

Mark A. Salzberg

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About Mark

Mark Salzberg is a partner in the Washington DC office and a member of the firm's Restructuring & Insolvency Practice Group. He focuses his practice on bankruptcy litigation, creditors' rights, debtor reorganizations and complex commercial litigation. Mark has extensive experience representing debtors, creditors' committees, financial institutions, secured and unsecured creditors, franchisors and distributors in bankruptcy matters throughout the US. Mark also has significant experience representing lenders in the distressed commercial real estate matters, including loan workouts, foreclosures and restructurings.

Mark has served as the lead appellate counsel in multiple bankruptcy appeals at both the district court and bankruptcy appellate panel levels, and regularly counsels clients on intellectual property matters arising under the Bankruptcy Code. Mark is also very active in the intersection between bankruptcy and cryptocurrency.

Mark is currently Treasurer of the DC Bar, a member of the DC Bar Board of Governors and former chair of the DC Bar Governance Committee. In this role, Mark played a key role in the DC Court of Appeals' adoption of the first comprehensive changes to the rules governing the DC Bar since its founding more than 50 years ago.

Mark is the editor of the firm's *Restructuring GlobalView* blog.

Experience

- Counsel for the lender in senior living Chapter 11 bankruptcy filed in the Middle District of Florida (*In re BVM The Bridges, LLC*).
- Counsel for the lender in continuing care retirement community Chapter 11 filed in the Middle District of Florida (*In re Westport Tampa Holdings, LLC*).
- Obtained dismissal of multibillion dollar Chapter 11 cases in favor of insolvency proceedings initiated in The Bahamas (*In re Northshore Mainland Services, Inc.*).
- Counsel for seller of fractional ownership shares in private business jets in multiple successful appeals before the Bankruptcy Appellate Panel for the Ninth Circuit (*In re RS Air, LLC*).

- Counsel for Debtors in multiple Chapter 11 bankruptcy cases filed in the District of Delaware (*In re Natural Products Association; In re Gridway Energy Holdings, Inc., In re ProxyMed Transaction Services, Inc.* and *In re Diamond Glass, Inc.*).
- Counsel for the Official Committee of Unsecured Creditors in Chapter 11 bankruptcy cases filed in the District of Delaware (*In re Fluid Routing Solutions Intermediate Holding Corp.* and *In re S-Tran Holdings, Inc.*).
- Counsel for the Official Committee of Unsecured Creditors in a hedge fund Chapter 11 bankruptcy case filed in the Southern District of Florida (*In re Lancer Partners LP*).
- Counsel for the Official Committee of Unsecured Creditors in Chapter 11 bankruptcy cases filed in the District of Delaware (*In re Fluid Routing Solutions Intermediate Holding Corp.* and *In re S-Tran Holdings, Inc.*).
- Counsel for the Unofficial Committee of Family and Dissident GM bondholders in General Motors Corp. Chapter 11 bankruptcy case filed in the Southern District of New York.
- Counsel for a consortium of approximately 35 of the nation's largest airports in two mega-cases filed in the Southern District of New York (*In re Delta Airlines* and *In re Northwest Airlines*).

Credentials

Education

- University of Virginia School of Law, J.D., 1992
- Swarthmore College, B.A., 1987

Admissions

- District of Columbia, 2006
- Florida, 1992

Courts

- U.S. Supreme Court
- U.S. Court of Appeals for the 11th Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the Southern District of Florida
- US District Court for the Middle District of Florida

Memberships & Affiliations

- Treasurer, DC Bar (current)
- Member, DC Bar Board of Governors (current)
- Chair, DC Bar Regulations/Rules/Board Procedures Committee (2019-2023)
- Member, DC Bar Regulations/Rules/Board Procedures Committee (2016-2019)
- Member, 2016 *Law360* Bankruptcy Editorial Advisory Board
- Member, DC Bar Association Board of Governors (2014-2015)
- Member, DC Bar Association Election Task Force

- Member, DC Bar Attorney/Client Arbitration Board (2009-present)
- Steering Committee, Greater Washington Board of Trade Executive Networks Session (Fall 2005 and 2006)

Recognitions

- Recognized in *The Best Lawyers in America* 2023-2025 for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law
- Martindale-Hubbell AV Peer Review Rated
- *Super Lawyers* "Super Lawyer," Washington, DC, Bankruptcy (2013)
- *Super Lawyers Business Edition* "Super Lawyer," Washington, DC, Bankruptcy (2013)
- Pro Bono Service Award, Florida Supreme Court (2005)
- Named one of "Florida Legal Elite," *Florida Trend Magazine* (July 2004)

Expertise

Services

- Litigation
- Restructuring & Insolvency
- Government Investigations & White Collar

Publications & Speaking Engagements

- Author, "Bankruptcy Court Applies First-of-Its-Kind Valuation Method To Estimate Cryptocurrency Claims (US)," SGRI, November 2024.
- Author, "Bankruptcy Court Applies First-of-Its-Kind Valuation Method To Estimate Cryptocurrency Claims (US)," INSOL, September 2024.
- Quoted, "Revised Rules Help Guide the Bar's Future," *Washington Lawyer*, May/June 2024.
- Panel Moderator, "Cryptocurrency – Crisis and Opportunity," M&A Advisor Distressed Investing Summit, March 19, 2024.
- Quoted, "Victims' Fund for Genesis Creditors Could Set a Major Precedent in Crypto Bankruptcy Cases, If Approved," Unchained Crypto, February 23, 2024.
- Co-author, "Social Media Accounts and Subchapter S Election – All Vital Assets," *The Review of Banking & Financial Services*, Vol. 40, No. 2, February 2024.
- Panelist, "The Brave New World of Asset Sales and the Enhanced Role of Unsecured Creditors," ABI Winter Leadership Conference, December 1, 2023.
- Co-author, "Cryptocurrency Brings Disruption to Bankruptcy Courts: What Parties Can Expect, and the Issues Still to Be Resolved," CyberU Column, *ABI Journal*, December 1, 2023.
- Presenter, "IP Considerations in M&A and Bankruptcy Proceedings," IPL Spring 2021 Virtual Conference, American Bar Association Intellectual Property Law Section, April 12, 2021.
- Author, "Cannabis And Bankruptcy: 2020 In Review," *Cannabis Law Journal*, March 2021.
- Quoted, "Biden DOJ Not Likely To Open Bankruptcy Up To Pot Cos.," *Law360*, January 20, 2021.
- Quoted, "Bankrupt Retailers' IP Assets Draw More Demand in Online Shift," *Bloomberg Law*, July 27, 2020.
- Quoted, "United Cannabis Corp. Files For Ch. 11 In Colo.," *Law360*, April 21, 2020.
- Quoted, "Without Bankruptcy, States Step In To Help Insolvent Pot Cos.," *Law360*, March 13, 2020.
- Podcast Guest, "Cannabis Bankruptcy," *Deadhead Cannabis Podcast*, February 26, 2020.

- Quoted, "MedMen Co-Founder Resigns As CEO Amid Cash Concerns," *Law360*, January 31, 2020.
- Presenter, "Going from Cannabis to Canna-Biz," Insolvency Institute of Canada's 2019 Annual Conference, Naples, Florida, October 25, 2019.
- Quoted, "Don't Bank on Bankruptcy," *Marijuana Business Magazine*, August 2019.
- Quoted, "The Supreme Court's Decision in Mission Product Holdings is Significant for the Bankruptcy-Prone Fashion Industry," *The Fashion Law*, May 20, 2019.
- Quoted, "Marijuana Landlord's Bankruptcy Withstands Justice Department Appeal," *The Wall Street Journal*, May 3, 2019.
- Author, "Bankruptcy," *IP Litigator*.
- Author, "Bankruptcy," *The Licensing Journal*.
- Presenter, "Webinar: Intellectual Property in Bankruptcy," March 20, 2019.
- Presenter, "Intellectual Property and Bankruptcy: Worlds Collide, But It's Not As Bad As You Think It Is," AIPLA 2019 Mid-Winter Institute, Tampa, Florida, January 30-February 2, 2019.
- Quoted, "Brand Bankruptcy: High Court Mulls Trademark License Circuit Split," *Law360*, July 24, 2018.
- Co-author, "Media Debtors, Take Note: Gawker Court Keeps Defamation Suit and Rejects Application of SLAPP Statute," *American Bankruptcy Institute Journal*.
- Author, "Arcapita Bank Closes Escape Valve For Foreign Defendants," *Law360*.
- Author, "Arcapita Bank: The Bankruptcy Court Closes an Escape Valve for Foreign Defendants," *The National Law Review*.
- Presenter, "Minimizing Lender Risks of Fraudulent Transfer in Bankruptcy and Under the Uniform Voidable Transactions Act," Strafford Webinar.
- Author, "Recharacterization of Debt as Equity: It's Substance Of Transaction That Matters," *The National Law Review*.
- Quoted, "Why Gawker Lost Its Bid To Protect Nick Denton From Hogan," *Law360*.
- Co-author, "U.S., English Courts Welcome Most – But Not All – Foreign Debtors," *Journal of Corporate Renewal*, July/August 2016.
- Co-author, "Did BAPCPA Abolish Absolute Priority Rule for Individual Debtors? 9th Circuit Gives Its View," *ABI Journal*, May 2016.
- Quoted, "Union Asks Supreme Court to Intervene in Dispute with Trump Casino," *Washington Examiner*, April 2016.
- Co-author, "Third Circuit Holds Sec. 1113 of the Bankruptcy Code Applicable to Already-expired CBAs," Harvard Law School Bankruptcy Roundtable, April 2016.
- Quoted, "Caesars Venue Fight Will Test Daring Creditor Move," *Law360*.
- Quoted, "Caesars' Bankruptcy Plan Already Under Attack?" *Law360*.
- Quoted, "When Bankruptcy Meets Labor: Two Recent Cases," *Corporate Counsel*.
- Author, "Trump Ruling Strengthens Employers' Hand In Bankruptcy," Law360.
- Author, "Banks Must Heed The Warnings Of Weidenbenner," *Law360*.
- Quoted, "Liens Safe After $1.5B Mayer Brown Loan Gaffe Upheld," *Law360*.
- Author, "Caesars Decision Expands The Nondebtor Stay," *Law360*.
- Quoted, "RPT-Fed-up Creditors Seek to Put US Energy's Zombies Into Bankruptcy," *Reuters.com*.
- Author, "Subjective Intent Doesn't Save $1.5B Secured Claim Against GM," Corporate Counsel.

- Quoted, "Lengthy Ch. 11s Fizzle As Out-Of-Court Debt Solutions Rise," *Law360*.
- Lecturer, "Chrysler & GM: The New Section 363 Superhighway and Implications for the Bankruptcy System," 2010 National CLE Conference, Vail, CO.
- Co-Author, "Creditors Beware: The Use of Fast-Track Sales Under Section 363 of the Bankruptcy Code," *Corporate Rescue and Insolvency*.
- Lecturer, "DIP and Exit Financings," Patton Boggs University.
- Co-Author, "Fast-Tracked Sales Under Section 363 of the Bankruptcy Code Imperil Lessor Interests," *Business Leasing and Finance News*.
- Co-Author, "SONICblue: Disclose or Perish Revisited," *American Bankruptcy Institute Journal*.
- Co-Author, "Third Circuit Expands Insider Exposure," *American Bankruptcy Institute Journal*.
- Co-Author, "Termination of Closed Franchises or Dealerships: A Potential Trap for the Unwary, but Federal Bankruptcy Law May Provide Significant Leverage to Franchisors and Suppliers," *Pratt's Journal of Bankruptcy Law*.
- Lecturer, "Using the Bankruptcy Code Amendments to Obtain Maximum Leverage with Troubled and Insolvent Distributors, Dealers, and Franchisees," Drive Your Business Forward: Distribution and Franchise Law Update.
- Author, "Pressure Points: Bankruptcy Code Amendments, Court Decisions," *Franchising World*.
- Lecturer, "How to Leverage the 2005 Bankruptcy Code Amendments in Dealing with Troubled Dealers and Franchisees," 17th Annual Law of Product Distribution and Franchise Seminar.
- Lecturer, "Enforcing Arbitration and Other Contractual Provisions Against Bankrupt and Insolvent Franchisees, Dealers and Distributors," Drive Your Business Forward: Distribution and Franchise Law Update.
- Co-Author, "When Worlds Collide: The Enforceability of Arbitration Agreements in Bankruptcy," *ABA Franchise Law Journal*.
- Lecturer, "Insights and Strategies for Suppliers Dealing with Insolvent Distributors and Sales Representatives," 16th Annual Law of Product Distribution and Franchise Seminar.
- Co-Author, "An Overview of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005," *ICFAI Journal of Banking Law*.
- Author, "Rights of Secured Creditors Upon Default," *Sterling Education Services*.
- Lecturer, "Creditor's Rights in Bankruptcy," Sterling Education Services.
- Moderator, "Ethics and Professionalism," Palm Beach County Bar Association.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.