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H. MARK MERSEL

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BIOGRAPHY

Mark Mersel represents large and mid-sized corporations in complex business disputes in both state and federal courts and involving a variety of matters such as breach of contract, fraud, and business torts. Mr. Mersel regularly represents financial institutions and the nation's largest servicers of securitized commercial mortgages in foreclosure, receivership, work-out, loan restructuring, bankruptcy and lender liability matters involving retail centers, office buildings, hotels, residential projects, industrial parks and other types of commercial properties.

Mr. Mersel is an experienced bankruptcy lawyer and represents banks and other creditors in Chapter 11 reorganization cases. Mr. Mersel handles all aspects of bankruptcy litigation and also assists clients in acquiring distressed assets. He also has extensive experience in representing banks, mortgage companies, and other financial institutions in defending consumer class action cases

and other financial services litigation. In addition, Mr. Mersel has broad experience in all types of real estate litigation and landlord/tenant disputes.

Mr. Mersel regularly counsels clients regarding efforts to avoid or minimize the risks of litigation and has extensive experience in various alternative dispute resolution procedures.

Mr. Mersel is a frequent speaker and writer on topics related to commercial litigation, real estate and bankruptcy law, and is a contributing author of the treatise *Mortgage and Asset Backed Securities Litigation Handbook*.

Mr. Mersel is AV rated by Martindale-Hubbell, AV® Preeminent™.

CIVIC INVOLVEMENT & HONORS

- *The Best Lawyers in America©*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Litigation - Bankruptcy (2020-2022)

ADMISSIONS

- California, 1987
- United States District Courts for the Central, Eastern, Northern and Southern Districts of California

EDUCATION

University of California - Hastings, J.D., 1987

University of Pennsylvania - Wharton School, *magna cum laude*, B.S., 1984

RELATED PRACTICE AREAS

- Restructuring & Insolvency/Special Situations
- Commercial Real Estate
- Real Estate Private Equity, Investments & REITs
- Finance
- Litigation & Dispute Resolution
- Financial Institutions
- Lenders & Other Creditors
- Debtors & Corporates
- Committees & Estate Representatives

- Business & Commercial Disputes
- Real Estate
- Real Estate Disputes

EXPERIENCE

- Lead counsel for special servicer in connection with chapter 11 bankruptcy cases and state court litigation involving $110 of senior debt secured by an office tower and shopping center in the Los Angeles area, including achieving dismissal of lender liability claims and obtaining a very favorable consensual plan of reorganization for full repayment of the debt.

- Lead counsel for special servicer in connection with $57 million debt secured by an office tower and two shopping centers in Roseville, California, achieving stay relief in chapter 11 cases, foreclosing on all three properties, defeating lender liability claims, and obtaining a $27 million deficiency judgment against the guarantors.

- Lead litigation and bankruptcy counsel for California Bank & Trust in federal court, state court and chapter 11 bankruptcy cases in connection with senior and junior mortgages on seven Shilo Inn hotels, including obtaining relief from stay in the bankruptcy cases, obtaining orders for judicial foreclosure, defeating lender liability claims, and reaching agreement for repayment of debt.

- Lead counsel for California Bank & Trust in the reported decision *California Bank & Trust v. David Lawlor, et al.*, 222 Cal.App.4th 625 (2013) which defeated the borrowers' and guarantors' "sham guaranty" defenses under California law in case where we obtained a deficiency judgement in excess of $13 million.

- Lead litigation counsel in cases for Anglo Irish Bank, realizing on the real property security which secured $450 million debt from real estate fund.

- Lead counsel defeating lender liability claims against special servicer and master servicer relating to senior debt secured by office building in Newport Beach, California and obtaining foreclosure on the collateral.

- Lead counsel for special servicer in obtaining multi-million dollar deficiency judgments against guarantors in numerous cases.

- Lead counsel in defeating lender liability claims and defeating sham guaranty defenses in several cases for Bank Midwest and Armed Forces Bank.

- Lead counsel for major bank in defeating $11 million federal lawsuit brought by a surety company to require lender to reimburse surety for costs of completion of residential construction.
- Lead counsel representing receiver of the LAX Radisson hotel, resolving labor claims, real estate claims and defeating claims against Receiver.
- Lead counsel for receiver of large residential community development, defeating mechanics' lien claims and resolving environmental issues with City.

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Jan 17, 2020
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