



Mark A. Castillo
The Curtis Law Firm, PC

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Practice Areas: Bankruptcy Reorganizations, Acquisitions, and Litigation; Debtor and Creditor Rights; Commercial Litigation; Business Law.

Admitted: 2000, Texas and U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

Education: University of Texas at Dallas (Bachelor of Arts in Interdisciplinary Studies, 1997, *Summa Cum Laude*); University of Chicago Law School (Juris Doctorate, 2000).

Honors:

- Named "Texas Rising Star" by *Texas Monthly*, April 2010.
- Named "Texas Rising Star" by *Texas Monthly*, April 2009.
- Named "Texas Rising Star" by *Texas Monthly*, April 2008.
- Named "Texas Rising Star" by *Texas Monthly*, April 2007.
- Named "Texas Rising Star" by *Texas Monthly*, July 2005.
- Thomas R. Mulroy Prize for Appellate Advocacy; Co-Chair: Moot Court Board, University of Chicago Law School.

Martindale-Hubbell Rating: As a result of an extensive and confidential peer review, Martindale-Hubbell awarded Mr. Castillo its highest BV rating for an attorney practicing for fewer than 10 years, BV(R) Distinguished(TM). The BV rating identifies a lawyer with high to very high legal ability.

Background Information:

Mr. Castillo has developed a diverse practice with significant experience in all areas of bankruptcy law and litigation. Through representation of numerous Chapter 11 debtors, secured and unsecured creditors, official committees, and Chapter 7 and Chapter 11 trustees, Mr. Castillo has developed a broad knowledge of the law and the Bankruptcy Code, including pre-bankruptcy planning and prepackaged acquisitions, pre-negotiated reorganizations, bankruptcy liquidation and non-bankruptcy dissolution, assumption, assignment, and rejection of leases and contracts, utility and reclamation issues, claims objections, avoidance and recovery actions, disclosure-statement and plan drafting and negotiation, and various confirmation and post-confirmation issues. Mr. Castillo has tried suits involving millions of dollars in bankruptcy-related claims, including turnover, conversion, and contract claims, and has litigated or settled millions more in preference and fraudulent-transfer claims for both plaintiffs and defendants.

Publications:

- Dallas Business Journal, Today's Economic Realities: Planning Ahead for a Bankruptcy Filing...To Potentially Avoid One, September 11, 2009.
- Tarrant County Bankruptcy Bar, Trustee Resources for Maximization of Estate Recoveries, co-author with Stephanie D. Curtis, Marla C. Reynolds, and William K. Snyder, September 2006.

- State Bar of Texas, Commencing the Case – The Petition, Creditor Lists, Schedules and Statements, Retention Applications, co-author with Kourtney P. Lyda, May 2006.
- State Bar of Texas, Getting the Debtor out of Bankruptcy – The Plan and Disclosure Statement, Plan Solicitation, Confirmation and Implementation, author, May 2006.

Speaking Engagements:

- Upcoming Presentation: “Individual and Small Business Bankruptcies under Chapter 11,” 6th Annual Consumer Bankruptcy Practice sponsored by the University of Texas School of Law, Galveston, Texas, August 12 – 13, 2010
- “Impact of *United Operating* and Recent Decisions on Preservation of Claims and Defending Claims Post-Confirmation,” Panel Member for Dallas-Fort Worth Bankruptcy Court Presentation, June 8, 2010.
- “Small Business Bankruptcies,” 5th Annual Consumer Bankruptcy Practice sponsored by the University of Texas School of Law, Galveston, Texas, August 13 – 14, 2009.
- “Nuts & Bolts of Business Bankruptcy”, Panel Member State Bar of Texas, Austin Texas, May 10, 2006.
- Reception for Phi Alpha Delta Pre-Law Society, Alumni Remarks, University of Texas at Dallas, Richardson Texas, April 6, 2006.

Significant Representations

Representative Bankruptcy Engagements:

- Debtor representation in Chapter 11 reorganization cases. Recent corporate reorganization clients include:
 - a full-service real estate and brokerage firm;
 - real estate holding companies;
 - a debt-management servicing company;
 - national metal manufacturers and providers;
 - nationwide trucking and logistics companies;
 - a national energy company specializing in drilling and snubbing oil and gas wells in addition to owning significant interests in gas plays in the Barnett Shale;
 - a Texas energy company specializing in deep oil and gas formations in East Texas and surrounding areas;
 - an energy company operating in New Mexico.
- Representation of Official Committees of Unsecured Creditors in Chapter 11 reorganizations of mortgage lenders and trade-show services.
- Representation of secured and unsecured creditors in significant bankruptcy cases in Dallas, Fort Worth, Plano, Corpus Christi, Tyler, Houston and San Antonio. Recent clients include nationally recognized oil and gas exploration and development company, global engineering and consulting firm, fuel and convenience-store operator, plastics manufacturer, packaging and bottling companies, telecommunications provider, computer-equipment supplier, healthcare provider, and national energy and construction companies.
- Representation of Chapter 11 and Chapter 7 Trustees in the Northern and Eastern Districts of Texas in liquidations of companies within various industries.
- Defense of numerous creditors, including a factoring company, law firm, and individuals and companies involved in various other industries, against millions of dollars in preference and fraudulent-transfer demands and lawsuits.

- Successful resolution or recovery on behalf of debtors and trustees of millions of dollars in avoidance and recovery demands and lawsuits related to preferences and fraudulent transfers.
- Representation in solicitation of votes on multi-billion dollar prepackaged plan of reorganization for various subsidiaries of one of nation's largest energy companies.
- Debtor representation in pre-negotiated Chapter 11 reorganization cases in Delaware.
- Counsel in claims-resolution process following confirmation of liquidation plan of debtors.
- Acquisition of a majority stake in large corporation through a prepackaged Chapter 11 reorganization in the Northern District of Texas.
- Debtor's counsel in Chapter 11 bankruptcy of real estate owner and landlord.
- Debtors' counsel in successful Chapter 11 reorganization in the Northern District of Texas for twelve corporate debtors comprising the nation's largest consolidator of antique malls with locations in Texas, California, Florida, Indiana, Kansas, and Ohio.
- Debtor's counsel in successful Chapter 11 reorganization of Dallas retailer and wholesaler of specialty frozen custard and other items.
- Debtors' counsel in successful Chapter 11 reorganization in the Eastern District of Texas of one of the State's largest general construction companies.
- Represented Dallas restaurant in Chapter 11 reorganization and asset sale.
- Represented telecommunications company in Chapter 11 reorganization.
- Represented radio-broadcast station in Chapter 11 reorganization.
- Represented unsecured creditors' committees during Chapter 11 proceedings, including the formation, oversight, and governance of the committee, investigation of the underlying debtor's assets and the pre-petition activities of officers and directors, and the evaluation of actions proposed to be taken by the debtor during the course of the Chapter 11 proceeding.

Representative Non-Bankruptcy Engagements:

- Restructuring of over \$36 million of corporate debt and personal guarantees of closely held businesses in the plastic-manufacturing and packaging industry.
- Successful resolution through litigation of over \$600,000 in personal guarantees in closely held medical imaging company.
- Representation of numerous clients on recoveries of thousands of dollars on accounts receivable and breaches of contract.
- Defense of both individuals and corporations against lawsuits alleging fraud, defalcation of duty, breaches of fiduciary duty, breach of contract, tortious interference, and conversion.
- Defense of various individuals against disgorgement judgments previously obtained by the U.S. Securities and Exchange Commission, and defense against SEC Receiver actions.
- Defense of national crafts retailer against hundreds of thousands of dollars demanded in copyright-infringement lawsuit.
- Defense of national insurer resulting in a take-nothing judgment and appeal in a \$2.5 million suit related to disputed workers' compensation, disability, and related insurance coverage and demands.

Member:

- Dallas Bar Association
- Dallas Association of Young Lawyers
- State Bar of Texas