

## Mark C. Moore

### Partner

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Dallas

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Mark C. Moore is a partner in Foley's Dallas Office with more than a decade of experience. His legal practice is multifaceted, with a primary focus on bankruptcy law, where he has developed an impressive track record of representing chapter 11 debtors in some of the most intricate and high-stakes cases in the region. Mark's commitment to guiding clients through the complexities of financial distress sets him apart as a trusted advocate and strategic advisor.

In the realm of bankruptcy law, Mark specializes in chapter 11 cases, showcasing a profound understanding of the unique challenges and opportunities that arise in these complex proceedings. His expertise extends beyond conventional legal representation; Mark is known for his ability to craft innovative and pragmatic solutions which address the financial and operational intricacies faced by his clients. Whether navigating restructurings, negotiating with creditors, or developing comprehensive bankruptcy strategies, Mark consistently demonstrates a keen legal mind and a dedication to achieving optimal outcomes for his clients.

Complementing his experience in bankruptcy law, Mark is a seasoned practitioner in complex commercial litigation. His tactical and comprehensive approach to litigation ensures that clients receive top-notch representation in disputes that demand a nuanced understanding of business intricacies. Mark's commitment to excellence and ability to navigate the complexities of commercial litigation have consistently positioned him as a go-to attorney for clients facing challenging legal battles in the business arena.

Prior to joining Foley, Mark served as a law clerk for four years to the Honorable Bill Parker in the Bankruptcy Court for the Eastern District of Texas. This invaluable experience provided him with an insider's perspective into the judicial process, honing his understanding of the intricacies of bankruptcy proceedings from a unique vantage point. Mark's tenure as a law clerk laid the foundation for the nuanced and thoughtful approach he brings to his practice today, enhancing his ability to navigate complex legal landscapes with precision and insight.

## Representative Experience

### Bankruptcy Experience

- Roman Catholic Bishop of Oakland (23-40523, N.D. Cal.) — Counsel to Debtor, the Roman Catholic Bishop of Oakland, in bankruptcy case filed in May 2023 primarily to address survivor abuse claims in bankruptcy in organized, equitable proceeding.
- CBC Restaurant Corp., et al. (23-10245, Del.) — Counsel for prepetition secured lender and successful purchaser at auction of all assets of Corner Bakery, a fast-casual restaurant chain with more than 100 locations across the United States, that is now operating businesses post-closing.
- AiBUY Holdco, Inc. and AiBUY Opco, LLC (22-31737, N.D. Tex.) — Counsel for involuntary debtor that consented to entry of order for relief with wholly owned subsidiary in case with confirmed Plan of Reorganization for both entities that paid all allowed non-insider unsecured claims in full with interest.
- Northwest Senior Housing Corporation, et al. (22-30659, N.D. Tex.) — Counsel for the Official Committee of Unsecured Creditors for the Edgemere, a continuing-care retirement community located in Dallas, Texas. The case resulted in a projected full recovery to unsecured resident claimants over a period of years.
- Earth Energy Renewables, LLC (20-51780, W.D. Tex.) — Counsel for purchaser of entity developing methods for extracting amino acids from renewable food sources for use in manufacturing.
- Country Fresh Holding Company Inc. et al. (21-30574, S.D. Tex.) — Debtors' counsel in successful sale of US and Canadian entities operating fresh food and vegetable producers.
- CiCi's Holdings, Inc., et al. (21-30146, N.D. Tex.) — Counsel to secured lender and eventual equity holder in prepackaged bankruptcy case that concluded in approximately 45 days from filing.
- Wellflex Energy Partners Fort Worth, LLC (20-43267, N.D. Tex.) — Debtor's counsel in successful sale of midstream E&P company.
- GenCanna Global USA, Inc., et al. (20-50133, E.D. Ken.) — Committee counsel in successful sale of substantially all assets of hemp company in Kentucky and negotiation of joint plan of liquidation that established a wind-down trust for the benefit of creditors.
- KP Engineering, LP et al. (19-34698, S.D. Tex.) — Committee and then Litigation Trustee counsel in successful reorganization of midstream engineering company. Litigation Trustee subsequently settled litigation against insiders seeking more than \$100 million in fraudulent and other transfers.
- Frankie V's Kitchen (19-31717, N.D. Tex.) — Debtor's counsel in successful sale of producer of salsa, soups, and pico de gallo followed by confirmation of liquidating plan that established trust for unsecured creditors funded by litigation.
- Preferred Care Inc. et al. (17-44642, N.D. Tex.) — Debtors' counsel for thirty-three (33) skilled nursing facilities in Kentucky and New Mexico were part of nation's third-largest chain of nursing facilities with approximately \$750 million in total liabilities. All facilities have been successfully transferred or closed with court approval, and all of the cases except one with ongoing litigation have been converted and closed. Also counsel to approximately 75 non-debtors, 60 of which transferred their operations since 2017.

- DK8 LLC (17-30621 / 17-40659, N.D. Tex.) — Debtor's counsel for equity owner of limited liability company operating Honda dealership in Burleson, Texas with approximately \$15 million in total liabilities during successful sale process of dealership despite significant, contentious litigation in the bankruptcy court.
- Valuepart Incorporated (16-34169, N.D. Tex.) — Debtor's counsel in successful reorganization (Plan confirmed in September 2017) of distributor of replacement parts for off-highway earthmoving equipment with approximately \$50 million in total liabilities.
- CHC Group, Ltd. (16-31854, N.D. Tex.) — Local Committee counsel in successful reorganization of 43 affiliated debtors operating global commercial helicopter services company primarily servicing the offshore oil and gas industry.
- BFN Operations, LLC d/b/a Zelenka Farms, et al. (16-32435, N.D. Tex.) — Debtors' counsel for one of the largest wholesale growers and distributors of container-grown shrubs, trees, perennials, roses, and groundcovers with approximately \$190 million in total liabilities during successful sale of operations in Chapter 11.
- CCNG Energy Partners, L.P. (15-70136, W.D. Tex.) — Committee counsel in successful asset sale and, following confirmation of Plan of Liquidation (October 2016), counsel for Liquidating Trustee. Projected dividend of approximately 35% to unsecured creditors holding aggregate \$12 million in liabilities.
- Dallas Proton Treatment Center/Holdings, LLC (15-33783/4, N.D. Tex.) — Debtor's counsel in attempted reorganization of proposed treatment center for cancerous tumors in Dallas, Texas.
- AIX Energy, Inc. (15-34245, N.D. Tex.) — Committee counsel in successful asset sale and liquidation of AIX Energy, Inc. and Antero Energy Partners, LLC (Plan confirmed in October 2016).
- American Housing Foundation (09-20232, N.D. Tex.) — Liquidating Trustee counsel for AHF Liquidating Trust for entity that owned interests in sixty-six apartment complexes in seven states. The AHF case was one of the largest and most complex cases ever filed in the Amarillo Division. Post-confirmation activities of the Liquidating Trust, including significant litigation brought by and against Liquidating Trustee, increased the estimated dividend from a projected 12% to approximately 61% to legitimate non-subordinated unsecured creditors.

## **Litigation Experience**

- Benson Security Systems, LLC — Counsel to defendants in major dispute arising from construction contracts in California and relating to bankruptcy case of affiliated entity in Arizona.
- Texas Gas Transmission (20-35561, S.D. Tex.) — Counsel to Texas Gas Transmission, a subsidiary of Boardwalk Pipelines, L.P., in litigation involving debtors in Gulfport Energy Corporation bankruptcy cases relating to approximately \$80 million in claims.
- Preferred Care cases (above) — Fraudulent transfer litigation against predatory law firms that received settlement payments prior to bankruptcy.
- AIG Risk Finance — Claims investigation/litigation in state and federal courts in California and Texas on environmental policies.

- Pinnergy, Ltd. — Preference defense in connection with Quicksilver Resources bankruptcy case (15-10585, D. Del.); lien priority dispute in ENXP bankruptcy case (15-44931, N.D. Tex.).
- Thermo Credit, LLC — Fraudulent transfer litigation in Southern District of Ohio and Sixth Circuit Court of Appeals against management company defendant that strip-mined Chapter 11 debtor of value through exorbitant management fees to the detriment of creditors, including primary secured creditor.
- Central Park Realty Holding Corp. — Preference/fraudulent transfer defense of company owning apartments in New York City in two separate adversary cases brought by corporate Chapter 7 Trustee and individual Plan Agent in connection with Michael Brown bankruptcy cases in Southern District of Texas.
- Collin County v. Sungard (14-00364, E.D. Tex.) — Plaintiff's counsel in breach of contract case against government-sector software developer.

## Affiliations

- State Bar of Texas, Young Lawyer's Committee — 2010–Present
- Member, Federal Bar Association
- Member, American Bankruptcy Institute
- Member, Turnaround Management Association
- Member, Dallas Area Young Bankruptcy Lawyers

## Community Involvement

- Finance and Operations Committee, [Cure SMA](#)

## Sectors

- [Energy](#)
- [Health Care & Life Sciences](#)
- [Pharmaceuticals](#)

## Practice Areas

- [Appellate](#)
- [Bankruptcy & Business Reorganizations](#)
- [Creditor Committee Representation](#)
- [Litigation](#)

## Education

- Southern Methodist University Dedman School of Law (J.D., cum laude, 2010)
  - Dean's list (Fall 2007-2009, Spring 2010)
  - Master in Advocacy, Board of Advocates
    - Duberstein National Bankruptcy Moot Court Competition (2009)
    - Elliott Cup Bankruptcy Moot Court Competition (2009)
    - Texas Young Lawyers' Association Moot Court Competition (2009)

- Regional Brief and Speaker Awards, National Moot Court Competition (2009-2010)
- Duberstein National Bankruptcy Court Competition (2010)
- Elliott Cup Bankruptcy Moot Court Competition (2010)
- Texas Young Lawyers' Association Moot Court Competition (2010)
- B.B.A., Baylor University (2007)
  - Business Honor Graduate
  - Dean's list (Fall 2005, Spring 2006)
  - Economics (major)
  - History (minor)

## Admissions

- Texas
- Fifth Circuit Court of Appeals