



PRACTICE AREAS

BANKRUPTCY

CREDITOR'S RIGHTS

WORKOUTS

PARTNER

949-333-7777 | rmarshack@marshackhays.com | vCard | [tabbed_section style="default" alignment="left" spacing="default" tab_color="Accent-Color"] [tab icon_family="none" title="Overview" id="1569279329-1-32 tab_id="1569279667698-7]

Richard A. Marshack is a founding member of the firm of Marshack Hays LLP and has been a bankruptcy attorney since 1982 (36 years). He is a frequent lecturer and presenter of seminars (over 50) on Bankruptcy and Commercial Law issues. Additionally, he has authored more than 20 articles and materials relating to the practice of law. Richard has two practices: serving as an attorney and as a professional fiduciary.

As an attorney, his focus is commercial matters arising in bankruptcy proceedings, such as representing debtor/businesses and creditors/creditor committees in reorganization proceedings and representing Bankruptcy Trustees.

As a professional fiduciary, he serves as a Chapter 7 and 11 Trustee. He has served as a Trustee since 1985 and has served as a Receiver, Examiner, Special Trustee for Probate Court, Chief Responsible Officer, Disbursing Agent and Provisional Director.

Richard is a graduate of the University of California, Irvine (1979) and California School of Law, *Magna Cum Laude* (1982). Thereafter, he served as Law Clerk to the Honorable Folger Johnson, Chief Judge of the United States Bankruptcy Court, District of Oregon, 1982- 1984. Richard has three adult sons. He enjoys cycling, hiking, exercise and traveling.

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Legal Background

AV rated attorney with an emphasis on Commercial and Bankruptcy Law

- Marshack Hays LLP (2009 – Present)
- Of Counsel Shulman Hodges & Bastian LLP (2001 – 2009)
- Founder of Marshack Shulman Hodges & Bastian LLP (1993 – 2001) (previously Marshack & Goe)
- Burd & Marshack (1989 – 1993)
- Garber & Marshack (1985 – 1989)
- Capretz & Kasdan (1984 – 1985)
- Law Clerk, Honorable Folger Johnson, Chief Judge, United States Bankruptcy Court District of Oregon (1982 – 1984)

Bar Admissions

- State of California (1982)
- United States Supreme Court
- United States Court of Appeal for the Ninth Circuit
- United States District Court, Central, Eastern, Northern and Southern Districts of California

Education

- University of California at Irvine (B.A. 1979) (completed undergraduate work in three years)
- California Western School of Law (J.D. 1982 magna cum laude)
 - Law Review (1980 – 1982) Lead Article Edition
 - Scriba Regis Award for Best Writer
 - Recipient, American Jurisprudence Award

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Articles

Mr. Marshack has authored several articles, including:

- “Can You Discharge A Debt Obtained By Fraud?,” Daily Journal, January 29, 2018
- “Surviving and then Succeeding: Using Chapter 11 to Restructure Your Business,” Orange County Business Journal, May 2017; (submitted and awaiting publication) Professor David Dowling & Richard A. Marshack. “Let’s Make a Deal: Strategies and Techniques for Negotiating,” National Association of Bankruptcy Trustees;
- “No Shortage of Bankruptcy Developments in 2014,” Daily Journal, December 23, 2014;
- “Municipalities Filing Bankruptcy,” Orange County Lawyer, Volume 55, No. 1, January 2013;
- “DOMA Unconstitutional: Majority of Central District of California Bankruptcy Judges Agree,” Orange County Lawyer, Volume 53, No. 10, October 2011;
- “The Toxic Claim: Using Bankruptcy Law to Limit Environmental Liabilities,” California Bankruptcy Journal, Volume 19, Number 3, 1991;
- “Recent Developments Under Section 546 of the Bankruptcy Code,” Tactics for Unsecured Creditors of Bankrupt Debtors,” California Lawyer 21, August, 1984;
- “Adequate Protection for the Unsecured Creditor Under the Bankruptcy Code”, Commercial Law Journal 621, December 1983;
- “Recent Developments for Reclaiming Goods Under the Bankruptcy Code and the Uniform Commercial Code, “Uniform Commercial Code Law Journal 187, July, 1983;
- “Reclamation of Goods Under the Bankruptcy Code,” Oregon Debtor-Creditor News Letter, I, July 1983;
- “Sindell vs. Abbot Laboratories: Is Market Share Liability the Best Remedy to the DES Controversy” California Western Law Review 143, 1981.

Speaking Engagements

September 2018 – “Recent Developments of Bankruptcy Law from Bankruptcy Trustee Prospective” – Speaker, Desert Bar Association.

May 2018 – Bankruptcy Law, Trusts, and Wills – Speaker, Desert Bar Association

May 2018 – “The Art of Negotiations” – Speaker, Inaugural Presentation to Real Estate, Business and Bankruptcy Section of the Desert Bar Association

April 22, 2018 – “Judicial Estoppel: Them’s Fighting Words!” – Speaker, National Association Consumer Bankruptcy Attorneys Seminar

April 21, 2018 – “Negotiating Skills – In Litigation, Life and Bankruptcy” – Speaker, National Association Consumer Bankruptcy Attorneys Seminar

January 2018 “Being Your Best Professionally” and Interview with Judge Jury – OCBA Commercial Law Section

January 2018 “Basic Overview of Debtors and Creditors’ Rights Under the Bankruptcy Code” Orange County Bar Associations Last Dash Seminar

June 2017 “Spendthrift Trusts: Do Any Protections Remain After the 2017 Supreme Court Decision in Carmack v. Reynolds” – Speaker, Orange County Bar Association – Trusts & Estates Law

April 2017 “Recent Developments In Bankruptcy Cases” – Speaker, Inland Empire Bankruptcy Forum

April 2017 “The End of Brick and Mortar Retail As We Know It, and I Feel Fine?” – Moderator Orange County Bankruptcy Forum, Costa Mesa, CA January 2017 “Basic Overview of Debtors and Creditors’ Rights Under the Bankruptcy Code” Orange County Bar Associations Last Dash Seminar

August 2016 “Let’s Make A Deal – Negotiation and Mediation: Tips and Techniques from the Experts” – Moderator National Association of Bankruptcy Trustees, San Diego Seminar

January 2016 Bankruptcy for Non-Bankruptcy Attorneys Orange County Bar Association at Whittier School of Law

November 2015 Bankruptcy for the Non-Bankruptcy Attorney – Orange County Bar Association Moorea Travel Seminar

June 2015 Practice Tips Presentation to all Chapter 7 and 13 Trustees and attorneys for the United States Trustee’s Office – Central District of California

March 31, 2015 “Let’s Make A Deal – Negotiation and Mediation: Tips and Techniques from the Experts” Orange County Bankruptcy Forum Program

February 24, 2015 Lunch with the Trustees – “Trustee’s Perspectives on Recent Developments in Chapter 7” Orange County Bankruptcy Forum

February 18, 2015 “Bankruptcy Meets Family Law – What the Bankruptcy Court and Trustee Will and

Will Not Do" Orange County Bar Association – Family Law Section Seminar

January 17, 2015 "Bankruptcy Basics for General Practitioners: Understanding the Automatic Stay" Orange County Bar Association Last Dash – Whittier Law School

September 25, 2014 "Bankruptcy Basics for the Non-Bankruptcy Lawyer" Online Seminar

June 2014 "Advanced Strategies in Negotiations" Presentation to all Chapter 7 and 13 Trustees and attorneys for the United States Trustee's Office – Central District of California (approx. 70)

April 24, 2014 First Annual OCBA Consumer Law Update

August 31, 2013 "The Use of Trusts and Business Entities to Protect Assets from Creditors and Bankruptcy Trustee Attacks – Myth v. Reality" The American College of Trust and Estate Counsel

July 2013 "Use of Turnaround Professionals by Bankruptcy Trustees" Turnaround Management Association

April 25, 2013 "Chapter 9 – Overview of Municipal Insolvency" Orange County Bar Association

February 28, 2013 "Know Your Chapter 7 Trustee" Orange County Bar Association Commercial Law & Bankruptcy Section

February 23, 2013 "Dances with Wolves – Trustee as Fiduciary" National Association of Bankruptcy Trustees Seminar

January 19, 2013 "Bankruptcy Basics for the Non-Bankruptcy Lawyer" Orange County Bar Associations Last Dash & Trade Show

October 17, 2012 Recent Developments in Bankruptcy Law Affecting Family Law, Orange County Bar Association Family Law Section

April 17, 2012 "How Absolute is the Absolute Priority Rule in Individual Chapter 11 Cases" Orange County Bar Association Commercial Law and Bankruptcy Section

January 14, 2012 "Bankruptcy Basics for the Non-Bankruptcy Lawyer" Orange County Bar Associations Last Dash & Trade Show

November 16, 2011 Richard A. Marshack presented on Consumer Bankruptcy: The Basics of Chapters 7 and 13 and the Trustee's Viewpoint – National Business Institute

October 26, 2011 "Keeping the Wolves from the Door: How Effective are Third-Party and Self-Settled Trusts in Protecting a Beneficiary's Interest in a Trust from Creditors' Claims and the Reach of the Bankruptcy Trustee?" Southern California Tax and Estate Planning Seminar

June 8, 2011 2011 Bankruptcy Trustee Conference, United States Trustee for the Central District of California, Annual Training organized and presented on recent cases for Ninth Circuit and U.S. Supreme Court and how to conduct examination of debtors.

April 14, 2011 "Ask the Panel Trustees" Orange County Bankruptcy Forum United States

Courthouse, Santa Ana, California. One of the Panel Trustees addressing issues and answering questions from practitioners.

April 22, 2010 Richard A. Marshack presented on Consumer Bankruptcy: The Basics of Chapters 7 and 13 and the Trustee's Viewpoint – National Business Institute

January 28, 2010 Richard A. Marshack presented seminar on Bankruptcy Law for the Women's Business Development Initiative

January 13, 2010 Richard A. Marshack presented seminar on Bankruptcy Law for the Orange County Specialty Lawyers Guild

November 20, 2009 Richard A. Marshack presented seminar on Family Law and Bankruptcy Law for the Members, Staff and Colleagues of Dishon & Block APC

October 17, 2009 Richard A. Marshack presented seminar on Family Law and Bankruptcy Law for the American Academy of Matrimonial Lawyers

September 21, 2009 Richard A. Marshack presented seminar on Family Law and Bankruptcy Law for the Members of Hughes & Sullivan

May 21, 2008 2008 Bankruptcy Trustee Conference, United States Trustee for the Central District of California, University Southern California, Annual Training sponsored by the United States Trustee's Office on recent cases and ways to improve trustee practice. Mr. Marshack spoke on recent developments and new cases affecting the trustee practice.

April 27, 2007 2007 Bankruptcy Trustee Conference, United States Trustee for the Central District of California, Pasadena, California, Annual Training sponsored by the United States Trustee's Office on recent cases and ways to improve trustee practice. Mr. Marshack spoke on recent developments and new cases affecting the trustee practice.

February 8, 2006 Part 2 of "2005 Bankruptcy Reform Act- Did Creditors Get What They Paid For" by Richard Marshack and Michael Nicastro, presented at the Offices of Fisher & Phillips, Irvine, California. This was a presentation on the new bankruptcy legislation to a group known as the "Attorney's Guild". This is a group of 15 attorneys from different practice areas that meet 10 times a year to discuss recent developments. Mr. Marshack's role was to present a summary of the new legislation.

October 27, 2005 "The Impact of the New Bankruptcy Code on Chapters 7 and 13" Orange County Bar Association and the O.C. Bankruptcy Forum Wyndham Hotel, Costa Mesa, California. A four hour presentation on the new amendments to the bankruptcy code. Mr. Marshack served as the moderator and as a speaker.

September 14, 2005 Part 1 of "2005 Bankruptcy Reform Act- Did Creditors Get What They Paid For" by Richard Marshack and Michael Nicastro. Presented at the Offices of Fisher & Phillips, Irvine, California. This was a presentation on the new bankruptcy legislation to a group known as the "Attorney's Guild". This is a group of 15 attorneys from different practice areas that meet 10 times a year to discuss recent developments. Mr. Marshack's role was to present a summary of the new

legislation.

July 14, 2005 “Overview of the New Bankruptcy Law Pertaining to Consumer Ch. 7 Cases” Orange County Bankruptcy Forum United States Courthouse, Santa Ana, California. Mr. Marshack was one of three speakers giving the bar a brief summary of the new legislation.

May 13-15, 2005 California Bankruptcy Forum Annual Conference on Bankruptcy California Bankruptcy Forum, Westin Mission Hills, Palm Desert, California. This was a three day seminar on several aspects of bankruptcy law. Mr. Marshack was a participant in a continuing education program on cases. Mr. Marshack’s role was to answer questions posed by the moderator in a game show type format. His answers and the question would then be discussed by a panel of judges.

September 25, 26 2004 Bankruptcy Trustee Conference United States Trustee for the Central District of California, Embassy Suites Hotel in Temecula, California. Annual training sponsored by the United States Trustee’s Office. Mr. Marshack spoke on recent developments and new cases affecting trustee practice.

September 9 – 12 2004 Annual Convention of Bankruptcy Trustees National Association of Bankruptcy Trustees, Loews Hotel, Coronado, California Recent Developments in Bankruptcy Law. Mr. Marshack was one of four attorneys who presented a panel on recent developments in bankruptcy law.

December 3, 4 2003 New Trustee Orientation Training Program Sponsored by U.S. Trustee’s Office U.S. Trustee’s Office, Los Angeles, California. At the request of the U.S. Trustee for the Central District of California, Mr. Marshack gave a presentation to all of the newly appointed Chapter 7 Trustees on how to conduct first meeting of creditors and how to investigate assets and object to exemptions.

October 17 – 19 2003 “Trying the Punitive Damages Case” Association of Business Trial Lawyers, Hyatt Tamaya Resort, New Mexico. Mr. Marshack drafted and presented a paper entitled “Treatment of Punitive Damage Claims in Bankruptcy.”

September 13, 2003 Bankruptcy 101 Orange County Paralegal Association Radisson Hotel, Newport Beach, California. Mr. Marshack spoke for 2 hours to paralegals on the basics of Bankruptcy Law

April 10, 2003 “The 707(b) Dismissal; an Insiders Prospective Orange County Bankruptcy Forum U.S. Courthouse, Santa Ana, California Mr. Marshack along with two members of the US Trustee’s Office spoke about 11 USC Section 707(b).

Facilitated

January 2018 “Interview with the Honorable Meredith A. Jury” Orange County Bar Association Commercial Law & Bankruptcy Section

May 2017 “Bankruptcy, Wills and Trust” Orange County Bar Association Commercial Law & Bankruptcy Section

September 2015 “The Supreme Court and the Future of Bankruptcy Courts” Orange County Bar

Association Commercial Law and Bankruptcy Section

April 23, 2015 Second Annual Consumer Bankruptcy Law Update Orange County Bar Association Commercial Law and Bankruptcy Section

September 24, 2014 “The Supreme Court and the Future of Bankruptcy Courts” Orange County Bar Association Commercial Law and Bankruptcy Section

May & June 2014 “Recent Developments Part I and II in Chapter 11” Orange County Bar Association Commercial Law and Bankruptcy Section

March 27, 2014 “Ninth Circuit Decisions: Ahcom & Fitness Holdings and Their Impact on AlterEgo/Debt Equity Claims” Orange County Bar Association Commercial Law and Bankruptcy Section

February 27, 2014 “Meet the Judges Part, 2” – Interview with Judges: Hon. Theodor C. Albert, Hon. Catherine E. Bauer, and Hon. Scott C. Clarkson Orange County Bar Association Commercial Law and Bankruptcy Section

January 29, 2014 “Meet the Judges Part, 1” – Interview with Judges: Hon. Erithe A. Smith, Hon. Mark S. Wallace, and Hon. Scott C. Clarkson Orange County Bar Association Commercial Law and Bankruptcy Section

Fiduciary Services

- United States Bankruptcy Trustee – Chapter 7 Bankruptcy Cases (1985 – Present)
- United States Bankruptcy Trustee – Chapter 11 Bankruptcy Cases (1985 – Present)
- Receiver (United States District Court and Orange County Superior Court)
- Examiner (United States Bankruptcy Court)
- Disbursing Agent
- Provisional Director – Appointed by the Orange County Superior Court
- Designated Sole Director and Officer by consent of all shareholders

Instructor

- University of California at Irvine (1985 – 1992)
 - Adjunct Professor for Paralegal Program – Bankruptcy Law
- Western State College of Law (1993)
 - Adjunct Professor – Bankruptcy Law
 - Lecturer

Professional Organizations

- Orange County Bankruptcy Forum, Board of Directors (16 years) & President (1995)
- Orange County Bar Association, Director (2005 – 2007)
- Orange County Bar Association, Commercial Law and Bankruptcy Section Chair (1989) (1992) (2014)

- Orange County Bankruptcy Forum, Director (13 Years) and President (1995 – 1996),
- United States Bankruptcy Court, Central District of California (2005 – 2006) (2014 to present)
 - Member of the Long Range Planning Committee
- California Bankruptcy Forum, Director (3 Years)
- Annual Consumer Law Update for the Orange County Bar Association, Founder (2013 to present)
- Annual Public Law Center Supporter and Fundraiser (2010 to present). To date, Mr. Marshack has co-chaired an annual event which raised over \$150,000 for the Public Law Center office located in the U.S. Bankruptcy Court in Santa Ana, California.

Hearing Officer

- Temporary Judge Orange County Superior Court (1990 – Present)

Alternative Dispute Resolution

- Mediator (1994 – Present)
- Completed initial training at Pepperdine University (1993)
- Completed Subsequent Training at St. John’s University of Law through American Bankruptcy Law Institute Bankruptcy Mediation Training Program. Certificate of ABI/St. John’s University of Law awarded December, 2015

Community Affiliations

- Vice Chairman and Member of the Board of Management, Armed Services YMCA Camp Pendleton, California (2006 – 2009)
- Charter Member of the Rotary Club of Rancho Santa Margarita/Coto de Caza (2003 – Present)
- Boy Scouts of America, Parent Volunteer
- Sage Hall High School, Parent Representative Tennis Team to Sage Hill Athletic Director

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Honors

- 2016, Recipient – Hon. Peter M. Elliott Award
- Select Super Lawyer
- Select Top 40 lawyer under the age of 40
- Recognized with several awards for contributing to the Bankruptcy Community

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Cases of Interest – (Serving as Attorney, Trustee, or Receiver)

County of Orange

Mr. Marshack spent 1 years serving as lead counsel to one of the Official Vendors Creditor’s

Committee in the County of Orange, Chapter 9 bankruptcy case. Constituents were owed in excess of \$100 million and were paid in full. Responsibilities included: negotiating the terms of the plan of reorganization and testifying before a State of California Senate Committee

Stradella Investments, Inc. (Trustee)

Mr. Marshack was appointed the Chapter 11 Trustee, and is currently serving as the Chapter 7 Trustee after conversion of the case. As Trustee, Mr. Marshack is aggressively recovering and protecting the Estate's assets, including a \$25 million deed of trust against claims by a hedge fund investor/trustor that the deed of trust has been extinguished. After estates motion for summary judgment was granted, the case settled for an amount in excess of \$27 mil.

Capistrano Terrace, LLC (Attorney for Chapter 11 Debtor)

Mr. Marshack represented the Debtor in confirming a Chapter 11 Plan of Reorganization. The case included preservation of \$4.8 million of insurance proceeds which were used in the reorganization of the Debtor and settlement of all tenant claims against the Estate, as opposed to resolution of less than 20% of the tenant claims in a proposed pre-petition settlement. As part of the reorganization Mr. Marshack represented the Debtor in the sale of a 152 unit mobile home park.

Hanshaw v. Hanshaw (Receiver)

Mr. Marshack was appointed by the U.S. District Court in Orange County to serve as Receiver for real estate assets co-owned by two brothers and their respective companies. The case involved a comprehensive analysis of disputed funds transfers, as well as valuations and recommendations to the Court for distribution.

Churchill Enterprises, LLC v. Victoria Buesing (2015 – Receiver Case)

Mr. Marshack was appointed as a Receiver to oversee the renovation and liquidation of real property. Receiver hired a real estate agent with experience in renovations and was able to carry out the Court's directives in a very cost efficient manner.

Four Star Financial Services, Inc. (Trustee)

As Chapter 11 and 7 Trustee, Mr. Marshack investigated the purported business of investing in various enterprises, including the factoring of receivables for companies providing 900 number services, internet pornography, and telephone arbitrage contracts. Mr. Marshack determined that the operation was a Ponzi scheme and that investors funneled in more than \$218 million to the Debtor from January 1997 through October 2003 and that investor losses exceeded \$61 million. As Trustee, he filed more than 80 complaints to recover fraudulent and preferential transfers which generated in excess of \$10 million for the benefit of the estate and filed litigation against an insider and obtained a judgment in excess of \$80 million.

Westland Parcel J. (Represent Buyer)

Mr. Marshack represented the Buyer in their acquisition of property consisting of a high-rise building and hangars at the Long Beach Airport from the Bankruptcy Estate.

In re Fantasy Aces (Trustee)

Mr. Marshack served as the Bankruptcy Trustee for this company that was the first fantasy sports online league to file a bankruptcy petition. Trustee had to work with State and Federal agencies on several issues. Players' funds were not held in trust and Trustee has preserved claims against the officers, directors, and the insurance policy for the loss.

Mustang Development Corporation (Receiver Case)

Mr. Marshack was appointed by the U.S. District Court in Los Angeles to serve as Receiver for the corporation and approximately 70 limited partnerships which raised nearly \$170 million and inappropriately used the capital in a ponzi scheme fashion. Mr. Marshack led the forensic investigation to recover such funds for the benefit of the defrauded investors from brokers, attorneys, accountants, corporate officers and others. He also led operations for and divested more than 400 oil and gas properties throughout the United States.

In re Lee

Mr. Marshack served as Bankruptcy Trustee for a substantively consolidated individual and medical practice in a chapter 11 bankruptcy case. Mr. Marshack investigated the Debtor's historical finances and discovered two separate undisclosed entities, and recovered over \$2 mil through avoidance actions for the benefit of the estate.

Field Time Sports and Guns

Mr. Marshack served as Bankruptcy Trustee for a corporate debtor operating a gun, ammunition, and weaponry business. As a result of the Trustee's efforts, the Estate received in excess of \$700,000. The Trustee orchestrated a settlement between Debtor's insiders, to ensure that non-insider unsecured creditors were paid in full.

Point Center Financial, Inc.

Mr. Marshack served as counsel to the Official Committee of Unsecured Creditors. As counsel to the Committee, Mr. Marshack was instrumental in breaking down a multi-tier real estate investment scheme and taking actions to prevent insiders from transferring remaining assets, including the ultimate appointment of a Chapter 11 Trustee.

Old Canal Financial Corporation

Mr. Marshack was appointed Chapter 7 Trustee in this case where the investor loss was estimated to be \$28 million. Debtor purchased pools of loans for the benefit of investors. Mr. Marshack investigated allegations relating to mismanagement and misappropriation of funds and pursued claims against officers and directors, and pursued directors and officers insurance coverage.

National Lumber & Supply, Inc.

Mr. Marshack served as the Bankruptcy Trustee of this well-known 22 store retail chain. Responsibilities included: analyzing and selling leasehold interests, analyzing claims against insiders

and others and pursuing over 100 avoidance actions resulting in recovery of over \$3 million.

Advanced Mortgage Servicing Corporation

As the Bankruptcy Trustee for this company, Mr. Marshack recovered through a fraudulent conveyance lawsuit, a large parcel of land on the island of Molokai in Hawaii.

Hill Williams Development Corporation

Mr. Marshack represented the Trustee of this real estate development corporation and its affiliated entities which incurred over \$100 million in claims prior to the bankruptcy filing. Mr. Marshack oversaw over 100 actions to set aside improper transfers.

Mark Industries, Inc.

Mr. Marshack was appointed the Bankruptcy Trustee of this case which involved in excess of \$150 million in contingent claims against the debtor, a manufacturer of heavy lifting equipment. As Trustee Mr. Marshack oversaw litigation to eliminate the contingent tort claims, thereby increasing distribution to general unsecured creditors. He sued certain shareholders and directors for causing a repurchase of the debtor's stock while the company was insolvent in violation of the California Corporations Code.

Cal-Star Financial Services

As Chapter 7 Trustee for this financial services organization, Mr. Marshack was instrumental in assisting the FBI and U.S. Attorneys' Office with their investigation into alleged fraud and discovery of hidden assets and improper transfers.

FundAmerica, Inc.

Mr. Marshack represented the shareholders of the debtor FundAmerica, Inc. On behalf of equity, he sought and caused the removal of management and the appointment of a Bankruptcy Trustee. Thereafter, he successfully negotiated an asset purchase agreement whereby a group associated with equity purchased back the company.

Estate of J. Wayne & Jean M. Stewart

This case has spanned 20 years and involved real estate and business holdings through a myriad of general and limited partnership interests. Originally appointed as the Chapter 11 Trustee by the U.S. Bankruptcy Court in Santa Ana because the debtors were found to be unable to manage their own affairs, Richard Marshack quickly identified that a sale of most of the assets would trigger substantial negative tax consequences. Working with the debtors and the creditors, Mr. Marshack developed a strategy to sell some assets and manage most of the assets over time through a Liquidating Trust to generate sufficient cash flow to pay all creditors in full (over \$12 million to unsecured creditors alone.) The case is now nearing completion and approximately \$10 million in remaining assets will be turned back to the remaining debtor within the next year.

Randy Quaid

Debtor filed a Chapter 7 bankruptcy proceeding to avoid liability incurred from the production of a film. During the course of the litigation the U.S. District Court sanctioned the Debtors in excess of \$400,000 for violating court orders. Mr. Marshack was employed as counsel for the Chapter 7 trustee. In that capacity Mr. Marshack had to ascertain what was property of the estate, including trying to determine ownership of the film that was the subject of the litigation. Mr. Marshack assisted in evaluating and settling a malpractice action against the Debtor's attorney. Mr. Marshack's investigation revealed that the Debtors failed to disclose certain assets and failed to properly complete answers to their schedules and statement of financial affairs. As a result, litigation was commenced to deny the Debtors discharge. The results achieved included obtaining a post-petition agreement from the Debtors that they would pay all the priority claims and fifty percent (50%) of all unsecured claims.

In re Ortho Shock Wave Therapy

In this case, patients received treatments due to a worker's compensation injury. Mr. Marshack, as Trustee has overseen a collection of medical accounts receivable in excess of \$2.4 million. Additionally, Mr. Marshack successfully reached settlements with two non-insider entities to recover preferential transfers of accounts receivable which were exchanged for outstanding attorney fees pre-petition.

Robert L. McWhirk

Mr. Marshack, as Trustee, successfully set aside transfers of real estate to an off-shore trust and bogus trust company. The Debtor was prosecuted and incarcerated for violating State laws. Ultimately, Mr. Marshack made a distribution to general unsecured creditors in excess of 75%.

In re Davey Roofing, Inc., Bankruptcy No. 8:93-bk-18783-RA

Richard A. Marshack and his former law firm, Marshack & Goe, represented the committee of unsecured creditors ("Committee") in this bankruptcy case involving the Chapter 11 reorganization of a prominent Southern California roofing and construction company. Among other things, the Committee filed and negotiated a resolution of its motion to retroactively limit insider compensation, objected to the adequacy of Debtor's proposed Chapter 11 disclosure statement and second amended disclosure statement, objected to several fee applications of professionals employed by the Debtor, and moved to convert the case to Chapter 7.

The Committee also litigated the issue of whether certain alter ego claims against the Debtor's principal constitute property of the estate, resulting in the oft-cited published decision in *In re Davey Roofing, Inc.*, 167 B.R. 604 (C.D. Cal. 1994) (subsequently called into doubt by *Ahcom, Ltd. v. Smeding*, 623 F.3d 1248 (9th Cir. 2010)).

In re DRI Companies

Bankruptcy No. 8:13-bk-12153-SC; *In re DRI Commercial Corporation*, Bankruptcy No. 8:13-bk-12154-SC; and *In re DRI Residential Corporation*, Bankruptcy No. 8:13- bk-12156-SC

Richard A. Marshack was appointed as Chapter 7 trustee by the Hon. Scott C. Clarkson following the

conversion of three procedurally jointly administered cases entitled DRI Companies, DRI Commercial, and DRI Residential (collectively, the “Debtors”). The Debtors ran one of the nation’s leading construction firms for over 30 years. Mr. Marshack and his firm, Marshack Hays LLP, have undertaken the monumental task of reviewing and analyzing Debtors’ books and records, prosecuting avoidance actions, engaging in negotiations regarding hundreds of thousands of dollars Chapter 11 administrative claims, and seeking to recover and administer other assets of the estate. The Trustee and his firm continue to diligently pursue potential assets and claims of the estate.

In re Jana Olson

Case is currently pending and Mr. Marshack is serving as Bankruptcy Trustee. At Mr. Marshack’s request, and pursuant to court order, Debtor is being held in jail pending return of funds transferred to the Cook Islands.

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