

Mark M. Maloney

Partner
Corporate, Finance and Investments

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Mark Maloney has extensive experience in financial restructuring and insolvency matters. As a partner in our Financial Restructuring practice, Mark represents a broad range of clients in Chapter 11 bankruptcy cases and insolvency proceedings.

Mark represents debtors, official committees, secured and unsecured creditors, and other parties in interest in major Chapter 11 bankruptcy cases and other insolvency proceedings. He has a national practice and has represented financial restructuring clients in 24 states and the District of Columbia.

In addition, Mark represents litigants in contested matters, adversary proceedings and other bankruptcy and insolvency litigation involving creditors' rights, lender liability and alter ego liability. He is experienced in general commercial and tax litigation, and is admitted to both the U.S. Court of Federal Claims and the U.S. Tax Court. Mark served previously as Co-chair of the Litigation Committee of the American Bankruptcy Institute, and was Co-chair and faculty member for the Institute's Bankruptcy Litigation Skills program for 12 years.

A frequent lecturer on bankruptcy topics, Mark has been recognized as a leading bankruptcy lawyer in *Chambers USA*, *The Best Lawyers in America*, *Legal 500* survey of leading lawyers, *The Deal* magazine's list of top bankruptcy lawyers, *Atlanta Magazine*'s list of *Georgia Super Lawyers*, and *Georgia Trend* magazine's Legal Elite.

Mark is a Fellow in the American College of Bankruptcy. He is also a Director of the American Bankruptcy Institute, and a Director and Program Chair of the Southeastern Bankruptcy Law Institute. He served previously as Chair of the Georgia State Bar Bankruptcy Section. He is also a Master of the Bench and Membership Co-chair of the Honorable Homer Drake Bankruptcy Inn of Court.

Matters

Representing **AstroTurf, LLC** as debtor in possession in its Chapter 11 bankruptcy case, including its successful completion of a contested asset sale and approval of a contested settlement upon which the sale was conditioned.

Representing **Imperial Tobacco Canada Limited** in its defense of a multibillion dollar fraudulent

conveyance and alter ego claim brought by the Chapter 11 debtor in *In re The Flintkote Company* (Bankr. De.).

Representing **the former corporate parent and other affiliated entities** in connection with more than \$180 million in claims brought by the liquidating trustee alleging alter ego, turnover, equitable subordination and preferential transfers in the Chapter 11 bankruptcy *In re Durango-Georgia Paper Company, et al.* (Bankr. S.D.Ga.).

Representing **a large financial institution** in its defense of \$40 million in lender liability claims brought by the committee of unsecured creditors in the Chapter 11 bankruptcy of Fedders North America, Inc. (Bankr. De.).

Representing **a group of regional vocational schools** in connection with their defense of \$80 million in fraudulent conveyance claims brought by the Chapter 7 trustee in *In re Student Finance Corporation* (Bankr. De.).

Representing **debtors, creditor committees and purchasers** in multimillion dollar post-closing disputes concerning the sale of assets in the Chapter 11 cases *In re SHC, Inc.* (Bankr. Delaware); *In re New Power Company, et al.* (Bankr. N.D. Ga.), *In re LTV Steel* (Bankr. N.D. Ohio), and *In re Peachtree Natural Gas, LLC* (Bankr. N.D. Ga.).

Representing **the Canadian and U.S. subsidiaries of a multinational UK engineering company** as defendants in a \$475 million breach of contract and fraudulent conveyance lawsuit brought by the Chapter 7 Trustee in *In re Hagerstown Fiber Limited Partnership* (Bankr. S.D.N.Y.).

Representing **a national technology company** in litigation opposing a \$40 million purchase of the assets of a Chapter 11 debtor in *In re DIVA Systems, Inc.* (Bankr. N.D. Ca.).

Representing **a subsidiary of a Fortune 100 company**, as secured creditor, in obtaining a federal court receiver to oversee the assets of Le Petit Bistro, Inc., a national restaurant chain. (N.D. Ga.).

Representing **the former parent and Board of Directors of a Chapter 11 debtor** in a \$40 million lawsuit alleging fraudulent conveyance, breach of fiduciary duty and alter ego liability in *In re Gilbert & Bennett Manufacturing Company* (Bankr. N.D. Ga.).

Credentials

EDUCATION

J.D., Washington and Lee University, magna cum laude

B.B.A., University of Mississippi, cum laude

ADMISSIONS

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Tax Court

U.S. Court of Federal Claims

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of Georgia

Georgia

CLERKSHIPS

Law Clerk, Hon. Rhesa H. Barksdale, U.S. Court of Appeals for the Fifth Circuit

ASSOCIATIONS

State Bar of Georgia
Atlanta Bar Association

Recognition

Lawdragon 500 Leading U.S. Bankruptcy and Restructuring Lawyers
LAWDRAGON , 2020

Leading Bankruptcy Lawyer
CHAMBERS USA, 2020

Leading Bankruptcy Lawyer
THE BEST LAWYERS IN AMERICA

Atlanta Bankruptcy Lawyer of the Year 2018
THE BEST LAWYERS IN AMERICA

Leading Bankruptcy Lawyer
LEGAL 500

Top Bankruptcy Lawyer
THE DEAL

Georgia Super Lawyers
ATLANTA MAGAZINE

Legal Elite
GEORGIA TREND

Insights

ARTICLE

June 1, 2020 • Source: Pratt's Journal of Bankruptcy Law

The Mouse That Roared: U.S. Supreme Court's Unanimous Ruling May Limit Application of Federal Common Law

CLIENT ALERT

November 12, 2020

The Airline Industry and the CARES Act: What Secured Lenders Need to Know

February 27, 2020

Still The Least Dangerous Branch: Supreme Court Unanimously Rules That Federal Common Law Does Not Govern Corporate Tax Refund Distribution

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Events

WEBINAR

August 27, 2020

What to Expect From Your SGR Collateral in Bankruptcy

News

RECOGNITION

May 20, 2021

Chambers USA 2021 Names 179 K&S Lawyers and 65 K&S Practice Groups as Leaders in Their Fields

August 21, 2020

The Best Lawyers in America Recognizes 128 King & Spalding Lawyers in its 2021 Guide

April 24, 2020

King & Spalding Earns Top Rankings in Chambers USA 2020 Guide

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