

MARK A. WARSCO

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ROTHBERG
ROTHBERG LOGAN WARSCO LLP

ATTORNEY BIO:

Partner, Rothberg Logan & Warsco LLP

Mark Warsco has lengthy experience as a litigator and focuses his practice on commercial workouts and bankruptcy, construction, commercial real estate, commercial litigation and business representation.

Mark has represented numerous secured creditors in commercial loan workouts, primarily in the middle-market area between \$2 million to \$10 million. Mark has also represented the creditors' committee in several large regional bankruptcy cases including Driggs Farms of Indiana, Progressive Hospitals, Advance Mixer, Inc., and Manco Products, Inc., all of which resulted in successful §363 sales with a distribution to unsecured creditors. In addition to representing creditors in the commercial workout and insolvency arena, Mark has represented a number of business clients in the purchase and sale of their businesses, including the sale of a manufacturing concern with plant locations in multiple states to a venture capital firm. Mark has also represented a number of clients who invest in commercial real estate and has represented them in the purchase and sale of a number of commercial properties including manufacturing plants, shopping centers and ground for both commercial and residential development. He also consults with business clients concerning the structure of their businesses to minimize legal risk.

Mark is a graduate of Indiana University-Purdue University, Fort Wayne and Indiana University School of Law in Bloomington, Indiana.

BAR ADMISSIONS:

- Indiana, 1980
- U.S. District Court Northern District of Indiana, 1980
- U.S. District Court Southern District of Indiana, 1980
- U.S. Court of Appeals, Seventh Circuit, 1992

CERTIFICATIONS:

American Board of Certification: Business Bankruptcy Law, Board Certified, October 5, 1998

PROFESSIONAL ASSOCIATIONS:

- Indiana State Bar Association: Past President, Bankruptcy & Creditors' Rights Section; Construction Law Section
- Allen County Bar Association: Past President, Past Board Member; Bankruptcy Section Liaison Committee Chair, 2001-present
- United States Bankruptcy Court, Northern District of Indiana, Fort Wayne Division: Panel Trustee
- Allen County Bar Foundation: President, Board Member

- American Bankruptcy Institute
- Building Contractors Association: Chairman, Governmental Affairs Committee, 1998-2004; Board member, 2013-Present
- District Three Pro Bono Committee
- Indiana Legal Services Corp.: 2001-2005
- National Association of Bankruptcy Trustees

AWARDS:

- Indiana Super Lawyer: 2006-2016
- Best Lawyers in America: 2006-2015
- Best Lawyers' "Lawyer of the Year:" 2014-2015

REPRESENTATIVE CASES:

- In re Draggoo Electric Company, Inc., 57 B.R. 916 (Bankr. N.D. Ind. 1986)
- Matter of Graves, 70 B.R. 535 (N.D. Ind. 1987)
- In re Manwell, 62 B.R. 533 (Bankr. N.D. Ind. 1986)
- In re R & L Cartage & Sons, Inc., 118 B.R. 646 (Bankr. N.D. Ind. 1990)
- Matter of Whitman, 101 B.R. 37 (Bankr. N.D. Ind. 1989)
- Matter of Weaver, 93 B.R. 172 (N.D. Ind. 1988)
- In re Richards, 92 B.R. 369 (Bankr. N.D. Ind. 1988)
- Udell v. Standard Carpetland, USA, Inc., 149 B.R. 908 (Bankr. N.D. Ind. 1993)
- Miller v. Conte, 19 F.Supp.2d 904 (N.D. Ind. 1997)
- In re Nova Tool, 228 B.R. 678 (Bankr. N.D. Ind. 1998)
- In re Bluffton Casting Corp., 186 F.3d 857, 139 Lab. Cas. P 10, 515 (C.A.7 (Ind.) 1999)
- Matter of U.S. Marketing Concepts, Inc., 113 B.R. 487 (Bankr. N.D. Ind. 1990)
- In re Rimsat, Ltd., 196 B.R. 791 (N.D. Ind. 1995)
- In re Rimsat, Ltd., 230 B.R. 362 (N.D. Ind. 1999)
- Matter of Rimsat, Ltd., 224 B.R. 685 (Bankr. N.D. Ind. 1997)
- Matter of Rimsat, Ltd., 98 F.3d 956 (7th Cir. 1996)
- Matter of Rimsat, Ltd., 193 B.R. 499 (Bankr. N.D. Ind. 1996)
- In re Rimsat, Ltd., 212 F.3d 1039 (7th Cir. 2000)
- In re Strutz, 154 B.R. 508 (Bankr. N.D. Ind. 1993)
- Matter of Seiler, 29 B.R. 33 (Bankr. N.D. Ind. 1983)
- Matter of Strong, 84 B.R. 541 (Bankr. N.D. Ind. 1988)
- Matter of Steury, 94 B.R. 553 (Bankr. N.D. Ind. 1988)
- Matter of U.S. Marketing Concepts, Inc., 113 B.R. 487 (Bankr. N.D. Ind. 1990)
- Matter of Udell, 18 F.3d 403 (7th Cir. 1994)
- Abbey Villas Develop. v. Site Contractors, 716 N.E.2d 91 (Ind. App. 1999)
- In re Consol. Industries Corp., 279 B.R. 831 (N.D. Ind. 2002)
- Warsco v. Household Bank F.S.B., 272 B.R. 246, 89 A.F.T.R.2d 2002-1210 (Bankr. N.D. Ind. 2002)
- In re Consolidated Industries, 360 F.3d 712, 42 Bankr. Ct. Dec. 190 (7th Cir. 2004)
- In re Barnes, 276 F.3d 927, 38 Bankr. Ct. Dec. 245 (7th Cir. 2002)
- Warsco v. Preferred Technical Group, 258 F.3d 557 (7th Cir. 2001)

- In re Import & Mini Car Parts, Ltd., Inc., 200 B.R. 857 (Bankr. N.D. Ind. 1996)
- In re Zank, 1994 WL 236196 (Bankr. N.D. Ind. 1994)
- In re Saylor, 339 B.R. 190 (Bankr. N.D. Ind. 2006)
- Warsco v. Drew (In re Drew), 2007 Bankr. LEXIS 4496, (Bankr. N.D. Ind. 2007)
- Driggs Farms of Indiana, Inc. v. Driggs Farms Investors, LLC, 2009 Bankr. LEXIS 490, (N.D. Ind. Mar. 2, 2009)
- Warsco v. Jarvis, 2009 Bankr. LEXIS 495, (N.D. Ind. Mar. 4, 2009)
- In re DFI Proceeds, Inc., 2010 Bankr. LEXIS 695, (N.D. Ind. Feb. 9, 2010)
- Warsco v. IFS, Inc., 2010 Bankr. LEXIS 696, (N.D. Ind. Feb. 17, 2010)
- Warsco v. Alliance Foods, Inc., 2011 U.S. Dist. LEXIS 21597, (N.D. Ind. Mar. 2, 2011)
- In re Witt, 473 B.R. 284 (Bankr. N.D. Ind. 2012)
- In re Witt, 481 B.R. 468 (Bankr. N.D. Ind. 2012)

PUBLISHED WORKS & LEGAL ALERTS:

- Legal Alert, “Protection of Secured Interests in Bankruptcy in Indiana” October 1992
- Legal Alert, “Representing the Business Creditor” April 1993
- Legal Alert, “Advanced Real Estate Law” August 1993
- Legal Alert, “Asset Protection Planning in Indiana” May 1994
- Legal Alert, “Collection Tools,” March 1998
- American Bankruptcy Institute, “Buying Votes in Chapter 11” February 2011
- Sigmund J. Beck Advanced Bankruptcy Roundtable, “Is the Unfinished Business Doctrine Finished?”; “Case of the Misidentified Note”; “GM Ignition Switch Revisited or When is a Final Sale Order not so Final” August 2015
- Sigmund J. Beck Advanced Bankruptcy Roundtable, “Fraudulent Transfer and Equitable Subordination”; “GM Ignition Switch Claims – Potential Successor Liability under a § 363 Sale”; “Non-Recourse Creditor Claims Under 11 U.S.C. § 1111(b)” August 2014
- Sigmund J. Beck Advanced Bankruptcy Roundtable, “Artificial Impairment--The Fifth Circuit Rejects the Concept of Artificial Impairment Under 11 U.S.C. § 1129(a)(10)”; “Prepetition Waiver of Automatic Stay” August 2013

SPEAKING ENGAGEMENTS:

- National Business Institute, Inc., “Basic Bankruptcy” September 1991
- National Business Institute, Inc., “Protection of Secured Interests in Bankruptcy in Indiana” October 1992
- Indiana Continuing Legal Education Forum, “Representing the Business Creditor” April 1993
- National Business Institute, Inc., “Advanced Real Estate Law” August 1993
- National Business Institute, Inc., “Asset Protection Planning in Indiana” May 1994
- Institute for Paralegal Education, “Estate Planning & Probate for the Paralegal/Legal Assistant in Indiana” January 1998
- Building Contractors Association, “Collection Tools” March 1998
- Sigmund J. Beck Advanced Bankruptcy Roundtable, panel member/contributing author, 2008 – 2015
- Allen County Bar Association, “Basic Bankruptcy” October 2009

- 17th Annual Central States Bankruptcy Workshop, “Recent Seventh Circuit Cases” June 2010
- 8th Annual Family Law Institute, “Seven Things Every Family Lawyer Should Know About Bankruptcy After the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005” October 2010
- U.S. Trustee Conference, “Spend Down of Assets Pre-Bankruptcy” and “Debtor Business Interest in Chapter 7” October 2012
- Bench Bar, Allen County Bar Association, “All is Not Lost-Representing Secured Creditors in Bankruptcy” February 2013
- Allen County Bar Association, “Bankruptcy Issues in Probate and Tax” July 2013
- Allen County Bar Association, “The Impact of Personal Injury/Wrongful Death Bankruptcy & Divorce on Your Estate Plan” July 2013
- Northeast Indiana Paralegal Association, “Ethics” April 2015
- Allen County Bar Association “Bankruptcy Update” September 2015
- Indiana State Bar Association, “When Bankruptcy & Construction Collide” April 2015

COMMUNITY INVOLVEMENT:

- Boy Scouts of America: Board member, 1999-2001
- Downtown Improvement District: Advisory Council 2000-2002
- East Wayne Street Center: Board member 1993-1999; past president
- Indiana University Alumni Association Northeast Indiana Chapter: Board member, 1997-2001
- Jesus in Haiti Ministries, Inc.: Board member, 2008-present
- Midtowne Crossing Owners Association: Board member, 1999-2001
- East Central Housing Corporation: Board member, 1998-2000
- The African/African-American Historical Society, Inc.: Board member, 1999-2007
- Indiana Legal Services: Board member, 2004-2006
- Northern Indiana United Methodist Foundation: Board member, 2008-2011