



## Marcos A. Ramos

### Director

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Marcos A. Ramos is a litigator and bankruptcy professional whose practice is focused on proceedings in the Delaware Bankruptcy and District Courts. Marcos also provides counsel to U.S. and non-U.S. clients in other matters arising under or related to Delaware law, practice, procedure and courts. Marcos is active in several professional organizations, including the ABA and the Hispanic National Bar Association, and he formerly served as the chairman of the New Castle County Diversity Commission by appointment of the New Castle County Executive.

In law school, Marcos was a member of the *Michigan Law Review*.

### Experience

- Action Packaging - Lead counsel in proceeding to recover alleged avoidable transfers
- Advanced Marketing Services - Lead counsel to debtor in contested proceedings related to prepetition sales and use tax and tracing and other requirements under applicable law, lead counsel for estates in proceedings to recover alleged avoidable transfers, and counsel for estates in proceeding to recover significant account receivable
- APCO - Co-counsel to debtors in contested claim proceedings
- Applied Bank - Lead counsel in proceedings related to contractual obligations and administrative and other claims
- Blitz U.S.A., Inc. - Counsel to debtors in various matters, including discovery, motions for relief from stay and contested settlement motion
- Burriss Foods - Lead counsel in various proceedings seeking to recover avoidable transfers.
- Camoplast Solideal Inc. - Co-counsel in proceeding to recover alleged avoidable transfers
- CB Holding Corp. Liquidating Trust - Lead counsel to plaintiff in proceeding to recover approximately \$11 million in alleged avoidable transfers

- Carlyle Partners - Co-counsel in proceedings alleging breach of fiduciary duty, waste and avoidable transfers against former shareholders, officers and directors
- Conex Holdings, Inc. - Co-counsel to non-debtor party in proceeding for injunctive and other relief related to alleged ownership of state-law claims on which prior judgment in amount of approximately \$100 million had been obtained
- Conference Group - Lead counsel to non-party in responding to subpoena for discovery
- Coopérative Forestière de Girardville, Coopérative de camionnage de St-Félicien, André Bernier Entrepreneur Forestier Inc. and Transport M. Côté - Co-counsel to defendants challenging jurisdiction as well as merits of claims to recover alleged avoidable transfers
- James Duplissey *et al.* - Lead counsel to defendant former shareholders, officers and/or directors in proceeding alleging breach of fiduciary duty, avoidable fraudulent and preferential transfers and alleged damages in excess of \$11 million
- Dura Automotive - Lead counsel for estates in proceedings to recover alleged avoidable transfers
- Eugenia VI Venture Holdings, Inc. - Co-counsel to petitioning creditors in contested involuntary chapter 7 petitions and in later bankruptcy matters and proceedings
- Midway Games - Lead counsel for estates in connection with certain administrative and other claims, including appeal and mediation, and co-counsel to plaintiff committee in proceeding alleging breach of fiduciary duty and avoidable fraudulent and preferential transfers
- Mittal Steel - Lead counsel to defendant in proceedings to recover alleged avoidable transfers
- Teleglobe, Inc. - Lead counsel for estates in proceedings to recover alleged avoidable transfers
- Three A's Holdings, L.L.C. - Lead counsel for estates in proceedings to recover alleged avoidable transfers and disallowance of claims
- Willkie Farr & Gallagher - Lead counsel in proceeding alleging claims for professional negligence, breach of contract, aiding and abetting fraud, and recovery of professional fees
- Wilmington Trust - Lead counsel to non-party in responding to subpoena for discovery

#### **Publications**

- "PA Bankruptcy Court Rules in *In re Merritt*," *ABA*, June 10, 2015
- "Lawyer Cannot Discharge Client's Claim Based on Funds Stolen by Lawyer," *ABA*, June 10, 2015

- "SCOTUS Rules in *Bank of America v. Caulkett*," *ABA*, June 3, 2015
- "Fifth Circuit Rules in *Villegas v. Schmidt*," *ABA*, May 29, 2015
- "Settlement in Bankruptcy," *ABA Bankruptcy & Insolvency Litigation Committee, Sound Advice Series*, May 2015
- "Third Circuit Rules in *In Re Allen*," *ABA*, February 20, 2015
- "Delaware Bankruptcy Court Rules in Antecedent Debt Case," *ABA*, January 27, 2015
- "Time Period in Bankruptcy Rule 9023 Does Not Apply to Motion for Reconsideration of Denial of Summary Judgment," *ABA*, January 26, 2015
- "Delaware Bankruptcy Court Denies Motion to Convert," *ABA*, November 11, 2014
- "DE Bankruptcy Court: Pre-BACPA Burden of Proof on Ordinary Course of Business Defense No Longer Applies," *ABA*, November 11, 2014
- "Third Circuit Rejects Estoppel Finding and Reverses Order Compelling Arbitration," *ABA*, October 22, 2014
- "Grant of Summary Judgment Affirmed Because Appellant Did Not Demonstrate that Debtor was Left with Unreasonably Small Capital," *ABA*, October 7, 2014
- "Delaware Bankruptcy Court Denies Motion to Compel Production of Post-Sale Financial Information," *ABA*, September 11, 2014
- "Delaware Grants Motion for Contempt and Indicates that Incarceration Can Be Appropriate Sanction," *ABA*, September 3, 2014
- "Delaware Bankruptcy Court Grants Motion to Dismiss Deepening Insolvency and Texas Statutory Fiduciary Duty Claims With Prejudice," *ABA*, August 22, 2014
- "Puerto Rico Bankruptcy Court Denies Creditor's Requests to Amend Proof of Claim," *ABA*, August 22, 2014
- "Bankruptcy Court Can Compel Defendants to Convey Trust Interest in Extraterritorial Realty," *ABA*, August 22, 2014
- "Bankruptcy Court's Refusal to Appoint Financial Group as Estate Professional Is Not Misconduct," *ABA*, August 22, 2014
- "When a Settlement No Longer Is Consensual," *ABA*, August 4, 2014
- "Fifth Circuit Affirms Fee Enhancement, Reverses Fees Incurred in Defending Fee Application," *ABA*, May 2, 2014
- "Delaware Bankruptcy Court: Mandatory Mediation Update," *ABA*, Spring 2013
- "Delaware Bankruptcy Court," *ABA*, December 20, 2012
- "Course of Business Defense Path to Preference Dismissal," *ABA*, November 19, 2012
- "Equitable Tolling Applied to Adversary Proceeding Limitation," *ABA*, November 13, 2012
- "Delaware Court Denies Motion to Stay Order, Pending Appeal," *ABA*, September

25, 2012

- "Two-Year Look-Back Period Cannot Be Equitably Tolloed," *ABA*, February 22, 2012
- "Lack of Oversight May Leave Operators Liable," *ABA*, November 29, 2011
- "Third Circuit Provides Guidance on Determining Value," *ABA*, November 15, 2011
- "Reliance on Client's Automated Information System May Support Rule 9011 Liability," *ABA*, November 14, 2011
- "Court Awards Costs, Not Attorney Fees, Due to American Rule," *ABA*, 2011
- "Insurers' Tangible Disadvantage Is Sufficient Injury for Article III Standing," *ABA*, 2011
- "Third Circuit Addresses Issue of First Impression," *ABA*, 2011
- "Third Circuit Delivers Key Decision on Credit Bidding," *ABA*, 2010
- "Bankruptcy Court Rules on Aggregate Value and Constructive Fraud," *ABA*, 2010
- "Section 546(c) and Reclamation Rights after BAPCPA: A Response to Wilson and LeHane," *American Bankruptcy Institute Journal*, April 2007

#### **Leadership**

- American Bar Foundation, Life Fellow, since 2015
- Delaware Hispanic Bar Association, Board Member, Past President and Co-Founder
- Hispanic National Bar Association, Region IV (Delaware and Pennsylvania), Deputy President
- American Bar Association, Section of Litigation, Diverse Leader Academy
- American Bar Association, Bankruptcy & Insolvency Litigation Committee, Editor, Website, and Member, Alternative Dispute Resolution Committee
- New Castle County Diversity Commission, Former Chair
- New York City Bar, Committee on Bankruptcy and Corporate Reorganization

#### **Education**

- J.D., University of Michigan Law School
- B.A., Brown University

#### **Admitted to Practice**

- Delaware
- New York
- California (Voluntarily Inactive)
- Maryland

**Practices**

- Bankruptcy & Corporate Restructuring
- Alternative Dispute Resolution