

ATTORNEY PROFILE AT A GLANCE

Position: Partner

Areas of Practice:

- Commercial & Fraud Litigation
- Receivership & Securities Litigation
- Bankruptcy & Creditors' Rights

Admitted to Practice:

- Florida Bar (1998)
- The United States District Courts for Southern, Middle & Northern Districts of Florida (2001)
- The United States Courts of Appeals for the Third and Eleventh Circuits (2001)

Organizations & Committees:

- American Bar Association
 - Business Law Section
 - Business Bankruptcy Committee
- Florida Bar
 - Business Law Section
 - Bankruptcy/UCC Committee
- Dade County Bar Association
- Bankruptcy Bar Association
- Educate Tomorrow

Education:

- University of Florida College of Law – J.D., 1998
- Georgetown University Law Center International Law Program, 1997
- University of Florida College of Liberal Arts & Sciences – B.A., with honors, 1995 – Phi Beta Kappa

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KENNETH DANTE MURENA

Mr. Murena is a business litigator and bankruptcy practitioner who focuses his practice on commercial, securities and fraud litigation, equity receiverships, corporate restructuring, bankruptcy and creditors' rights. After graduating from law school in 1998, Mr. Murena served as the Law Clerk to Honorable Paul G. Hyman, Jr., United States Bankruptcy Judge for the Southern District of Florida. Subsequently, he joined a prominent Miami-based law firm and focused his practice on complex commercial litigation, receiverships and bankruptcy. Mr. Murena has represented private individuals ranging from plaintiffs in civil disputes to defendants in SEC, CFTC and FTC enforcement actions, and corporate entities ranging from small businesses to public companies. In receivership matters, Mr. Murena has represented state and federal equity receivers and defrauded investors, including class representatives. In the context of bankruptcy proceedings, he has represented corporate debtors-in-possession, creditors committees, individual and corporate creditors, banks and other financial institutions, private lenders, and bankruptcy and liquidating trustees. Mr. Murena has extensive experience in state and federal court, at both the trial and appellate levels.



Mr. Murena was admitted to the Florida Bar in 1998 and is licensed to practice in all state and federal courts in Florida and the United States Courts of Appeals for the Third and Eleventh Circuits. Mr. Murena received his law degree from the University of Florida College of Law (J.D., 1998), where he served as the Senior Articles Editor for the Florida Law Review. He received his undergraduate degree from the University of Florida College of Liberal Arts & Sciences (B.A., with honors, Phi Beta Kappa, 1995), graduating in the top 1% of his class.

RECEIVERSHIPS

Mr. Murena currently serves as lead counsel to the U.S. District Court-appointed Equity Receiver of the Estate of Sean Nathan Healy in two enforcement actions styled SEC v. Sean Nathan Healy, et al. (Case No. 09-CV-1330) and CFTC v. Sean Nathan Healy, et al. (Case No. 09-CV-1331), pending in the U.S. District Court for the Middle District of Pennsylvania against Mr. Healy and Relief Defendants Shalese Rania Healy and Sand Dollar Investing Partners, LLC (www.healyreceivership.com). Mr. Healy defrauded investors out of approximately \$20 million, using those funds to purchase luxury real and personal property and support his extravagant lifestyle rather than investing the funds on behalf of his investors, resulting in these enforcement actions and the District Court's 55-count criminal indictment against Mr. Healy.

Mr. Murena currently works on the legal team that represents the U.S. District Court-appointed Equity Receiver of the Estate of Frederick J. Kunen in two enforcement actions style SEC v. Charles O. Morgan, as Personal Representative of the Estate of Frederick J. Kunen (Case No. 07-22204-CIV-Gold/Turnoff) and SEC v. Terry E. Provence and DT Capital,

NOTABLE RECEIVERSHIP EXPERIENCE CONTINUED ON PAGE 2

KENNETH DANTE MURENA: NOTABLE RECEIVERSHIP EXPERIENCE & PROFILE CONTINUED

LLC (Case No. 07-23167-Gold/Turnoff), pending in the U.S. District Court for the Southern District of Florida (www.optionstradingfraud.com). Mr. Kunen and Mr. Provence lured primarily inexperienced investors into a risky index options trading scheme with fraudulent misrepresentations regarding previous and future returns, and either lost nearly \$15 million of investor funds through trading or converted them for his own personal use.

Mr. Murena worked on the legal team that represented the U.S. District Court-appointed Equity Receiver in the action styled SEC v. Viatical Capital, Inc., et al. (Case No. 03-CV-1895-T-23-TGW), brought in the U.S. District Court for the Middle District of Florida (www.lifereceivership.com). Viatical Capital and its affiliates fraudulently sold more than \$59 million in securities in the form of viatical insurance policies, resulting in investor and creditor claims exceeding \$50 million. The Receiver successfully marshaled more than \$25 million in assets and made an unprecedented 50% distribution to allowed claimants.

Mr. Murena worked on the legal team that represented the U.S. District Court-appointed Equity Receiver in the action styled SEC v. Pension Fund of America, L.C., et al. (Case No. 05-20863-CIV-Moore), brought in the U.S. District Court for the Southern District of Florida (www.pfareceivership.com). Pension Fund of America and affiliated persons and entities fraudulently sold more than \$130 million in securities in the form of long-term investment products, resulting in investor and creditor claims in excess of \$75 million. The Receiver successfully marshaled more than \$35 million in assets to be distributed to the defrauded investors and creditors for nearly a 50% return.

Mr. Murena worked on the legal team that represented class representatives in a class action filed in the billion dollar Mutual Benefits Corporation federal equity receivership arising from the enforcement action styled SEC v. Mutual Benefits Corp., et al. (Case No.: 04-60573-CIV-Moreno), brought in the U.S. District Court for the Southern District of Florida (www.mbcreceiver.com). After less than one year of litigation, class representatives and all members of the class recovered \$85 million dollars - a 100% recovery.

LITIGATION

Mr. Murena currently represents and has previously represented state and federal court-appointed equity receivers in fraud and other litigation arising from private civil actions and government enforcement actions and related equity receiverships; represented class representatives in class action arising from federal equity receivership; represented defendants in enforcement actions brought by the Securities & Exchange Commission, the Commodity Futures Trading Commission and the Federal Trade Commission. He has represented individual and corporate creditors in various bankruptcy litigation, a construction company in alter-ego/piercing-the-corporate veil litigation, and corporate and individual defendants in successor liability litigation. Mr. Murena worked on the legal team that represented the estate of a prominent south Florida business man in the half billion fraudulent transfer action arising from the leveraged buyout of an international airplane leasing company that had filed for Chapter 11 reorganization. He also worked on the legal team that successfully defended a prominent Miami-based international law firm in a half billion legal malpractice case that arose from the collapse of Florida's then-second largest bank.

BANKRUPTCY

Debtor Reorganizations - Represented individual and corporate debtors-in-possession, including national and international corporations and real estate developers, in Chapter 11 reorganizations involving tens of millions of dollars in debt.

Creditors' Rights - Mr. Murena has represented various creditor interests in Chapter 11 reorganizations and converted liquidations, including individual creditors, corporate creditors, banks and other lending institutions, private lenders, and corporate landlords seeking to enforce their rights and recover from debtors pursuant to multi-million dollar debts.

Trustees - Mr. Murena has represented court-appointed Chapter 7 and Chapter 11 bankruptcy trustees and liquidating trustees in corporate liquidations and reorganizations in bankruptcy court.

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