

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 Federal Court-appointed Receivers in the following enforcement actions:

- *SEC v. Sean Nathan Healy, et al. (Case No. 09-CV-1330), pending in the U.S. District Court for the Middle District of Pennsylvania (www.healyreceivership.com) (\$18 million securities fraud)*
- *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 (www.healyreceivership.com) (\$18 million commodities fraud)*
- *SEC v. Marc Roup, et al. (Case No. 09-CD-01685), pending in the U.S. District Court for the Western District of Pennsylvania (\$5 million securities fraud)*

NOTABLE RECEIVERSHIP EXPERIENCE CONTINUED ON PAGE 2

KENNETH DANTE MURENA: NOTABLE RECEIVERSHIP EXPERIENCE & PROFILE CONTINUED

Mr. Murena represented the Federal Court–appointed Receivers in the following enforcement actions:

- *SEC v. Charles O. Morgan, as Personal Representative of the Estate of Frederick J. Kunen (Case No. 07–22204–CIV–Gold/Turnoff) (www.optionstradingfraud.com) (\$15 million securities fraud)*
- *SEC v. Terry E. Provence and DT Capital, LLC (Case No. 07–23167–Gold/Turnoff), pending in the U.S. District Court for the Southern District of Florida (www.optionstradingfraud.com) (\$15 million securities fraud)*
- *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) (\$50 million securities fraud)*
- *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) (\$75 million securities fraud)*

Mr. Murena represented the Court–appointed Receivers in the following State Court actions:

- *U.S. Mortgage Finance II, LLC v. 3079 Aventura Lakes, LLC (Case No. 09–59337 CA 13), pending in the Eleventh Judicial Circuit in and for Miami–Dade County, Florida*
- *U.S. Mortgage Finance II, LLC v. 1406 Mystic Point, LLC (Case No. 09–59351 CA 13), pending in the Eleventh Judicial Circuit in and for Miami–Dade County, Florida*
- *Amanecer Investment Company, LLC v. Amanecer Christian Network, Inc., et al. (Case No. 05–11974 CA 30), pending in the Eleventh Judicial Circuit Court in and for Miami–Dade County, Florida*

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.

Among his more notable litigation matters, 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. Mr. Murena also 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 – Mr. Murena has 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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