

## Philip V. Martino

### *Retired Partner*

Philip Martino concentrated his practice in commercial bankruptcy litigation. Since January 1990, Mr. Martino had been a member of the panel of bankruptcy trustees for the Northern District of Illinois. As trustee and as attorney for the trustee, he had been involved in virtually all aspects of Chapter 11 and Chapter 7 bankruptcies. In re Giordano's Enterprises, he was appointed chapter 11 trustee and oversaw the restructuring of a company with substantial franchising, real estate, and restaurant businesses. Ultimately, the stabilized assets were sold for over \$70 million.

Mr. Martino had represented national and regional banks and financial institutions as secured, undersecured, and unsecured creditors in all types of workouts, both in and out of court. These representations had included manufacturing facilities (with real, personal, and intellectual property), distribution centers, and all types of real estate.

Mr. Martino had represented a number of franchisors in connection with chapter 7 and chapter 11 franchisee bankruptcies. The issues raised in those cases include the enforceability of arbitration agreements or covenants not to compete; jury waiver clauses; the rejection of franchise agreements; the assumability and assignability of franchise agreements; successor liability; whether a franchise agreement and corresponding real estate and equipment leases must be treated as a single contract; whether equipment leases are legally leases or are disguised sales; and contested confirmation hearings.

Mr. Martino had extensive experience in single-asset real estate bankruptcies, had represented lenders, developers, and lien holders. He successfully defended the largest former shareholders against federal and state fraudulent conveyance actions brought by the debtor in bankruptcy litigation involving the leveraged buyout of a large chain of department stores. Mr. Martino also had successfully defeated a number of attempts to subject insurance insolvency proceedings to the jurisdiction of the federal bankruptcy courts.

Mr. Martino had spoken on various bankruptcy and litigation issues at seminars presented by the Illinois Institute of Continuing Legal Education, the Chicago Bar Association (Foreign Investment in Real Property Sub-Committee and the Real Property Finance Sub-Committee), and the American Bar Association Forum on Franchising as well as by for-profit companies.

### **Education and Honors**

- Syracuse University College of Law (J.D., *magna cum laude*, 1982)



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### **Chicago Office**

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- Order of the Coif
- Syracuse Law Review (Executive Editor, 1981–1982; Staff Member, 1980–1981)
- American University (B.S.B.A., 1979)

### **Bar Admissions**

- Illinois
- Florida

### **Court Admissions**

- U.S. Court of Appeals, 7th Circuit
- U.S. Court of Appeals, 8th Circuit
- U.S. Court of Appeals, 11th Circuit
- U.S. Bankruptcy Court, Middle District of Florida
- U.S. Bankruptcy Court, Northern District of Illinois
- U.S. Bankruptcy Court, Northern District of Florida
- U.S. Bankruptcy Court, Southern District of Florida
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida

### **Professional and Civic Activities**

- American Bar Association (Member)
- Hillsborough Bar Association (Member)
- Tampa Bay Bankruptcy Bar Association (Member)
- National Association of Bankruptcy Trustees (Member)

### **Professional Recognition**

- Martindale-Hubbell AV® Preeminent™ Peer Review Rated
- Selected for inclusion in Florida Trend magazine's "2011 Florida Legal Elite" list
- Listed in *The Best Lawyers in America*® (2013–present: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law)
- Selected for inclusion in *Florida Super Lawyers*® (2006, 2008–2009, 2011–2016, 2018: Bankruptcy & Creditor/Debtor Rights)
- Selected for inclusion in *Illinois Super Lawyers*® (2009, 2012–present: Bankruptcy & Creditor/Debtor Rights)