



Donald R. Kirk

Donald R. Kirk has experience in bankruptcy and creditor's rights; commercial litigation; and contract disputes. His practice includes representation of businesses of all sizes.

Representative Experience

- Represented the Unsecured Creditors Committee and, post-confirmation, the Liquidation Trustee in the Tropical Sportswear Inc., et. al. Ch. 11 cases (Lead Case No. 04-24134). The case involved the \$88.5 million sale of assets to Perry Ellis International.
- Represented the Ad Hoc Committee of 11% Senior Secured Noteholders and certain of those Noteholders providing DIP financing in the Anchor Glass Container Corporation Ch. 11 proceeding (Case No. 05-15606). The bondholders (approximately \$350,000,000.00) became the owners of the reorganized company.
- Represented the Unsecured Creditors Committee and, post-confirmation, the Liquidating Trustee in the Pullman-Holt Corp. and Fultonville Metals Chapter 11 cases (Lead Case No. 03-08017).
- Represented the general partner in the Kaiser Aluminum Corp, et al Chapter 11 proceedings in the District of Delaware wherein we preserved a right of first refusal relating to the auction of a \$331 million partnership interest.
- Represented a national financing company and plan proponent in the Optical Technologies, et al Chapter 11 cases (Recomm) (Lead Case No. 96-00805). The client financed thousands of equipment leases pre-petition and provided post-petition financing. We have continued to represent the financing entity post confirmation in liquidating their portfolio.

Significant Reported Decisions

- In re Alvarez, 224 F.3d 1273, (11th Cir. (Fla.), 2000)
- Ferguson v. Credit Management Control, Inc., 140 F.Supp.2d 1293 (M.D.Fla. Mar 23, 2001)
- Gill v. Kostroff, 82 F.Supp.2d 1354, (M.D.Fla. Feb 08, 2000)
- In re J & D Sciences, Inc., 335 B.R. 791, (Bankr.M.D.Fla. Jan 03, 2006)
- In re TSLC I, Inc., 332 B.R. 476, (Bankr.M.D.Fla. Nov 01, 2005)
- In re Unger, 333 B.R. 461, (Bankr.M.D.Fla. Sep 21, 2005)
- In re Fultonville Metal Products Co., 330 B.R. 305, (Bankr.M.D.Fla. Sep 15, 2005)
- In re Eigsti, 323 B.R. 778, (Bankr.M.D.Fla. Feb 24, 2005)
- In re Tropical Sportswear Int'l Corp., 320 B.R. 15, (Bankr.M.D.Fla. Jan 28, 2005)

Presentations and Publications

Presentations

- "Subprime Mortgage Meltdown - Lawsuits, Defenses, Strategies, and Best Practices," Mexico City, Mexico, September 2007
- "Florida Collections Law," Speaker, Tampa, FL, 2000-2001

Publications

- "How to Prepare for Subprime-Related Litigation," Author, First Focus: The Subprime Crisis, A Thomson West Report, 2008



Shareholder

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Practice Areas

Bankruptcy and Creditors' Rights
Commercial Litigation

Industries

Banking and Financial Services

Education

J.D., With High Honors, University of Florida Levin College of Law, 1996 (Order of the Coif)
B.A., University of Florida, 1993

Bar Admissions

Florida

Court Admissions

U.S. Courts of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida



Donald R. Kirk

- "Application of Florida's Homestead Exemption to Citizens of Foreign Countries," Author, *Lawyer Magazine*, Vol. 12, No. 7, April 2002
- "Franchise Dual-branding: The Irony of Association," Author, 10 *DePaul Bus. L.J.* 1, Fall/Winter 1997

Professional Affiliations

- American Bankruptcy Institute
- American Bar Association
- The Florida Bar: Business Law Section
- Hillsborough County Bar Association: Board of Directors, Trial Lawyers Section
- Leadership Tampa: Class of 2007
- Tampa Bay Bankruptcy Bar Association: President, 2008-2009; Treasurer, 2007-2008; Secretary, 2006-2007; Board of Directors, 2002-2007
- U.S. Bankruptcy Court Middle District of Florida: Local Rules Committee

Community Involvement

- Children's Dream Fund: Board of Directors, 2001-2005; President, 2007

Distinctions

AV Peer Review Rated by Martindale-Hubbell

Board Certified in Business Bankruptcy Law, American Board of Certification

Florida Super Lawyers, 2008

Up-and-Coming Legal Elite, Florida Trend Magazine, 2006-2007