

## H. Mark Mersel

### Litigation Of Counsel

1801 Century Park East  
Suite 2300, Los Angeles, CA USA 90067  
t 310.310.7017 | f 310.943.3202  
mmersel@ktslaw.com



#### Services

Complex Commercial Litigation  
Litigation  
Bankruptcy & Financial  
Restructuring  
Alternative Dispute Resolution  
Distressed Debt & Workouts  
Real Estate Capital Markets

#### Industries

Commercial Real Estate  
Financial Services  
Real Estate Capital Markets

Mark Mersel represents large and mid-sized corporations in complex business disputes in both state and federal courts and involving a variety of matters such as breach of contract, fraud, and business torts. He regularly represents financial institutions and the nation's largest servicers of securitized commercial mortgages in foreclosure, receivership, work-out, loan restructuring, bankruptcy, and lender liability matters involving retail centers, office buildings, hotels, residential projects, industrial parks, and other types of commercial properties.

Mark is an experienced bankruptcy lawyer and represents banks and other creditors in Chapter 11 reorganization cases. He handles all aspects of bankruptcy litigation and also assists clients in acquiring distressed assets. He also has extensive experience in representing banks, mortgage companies, and other financial institutions in defending consumer class action cases and other financial services litigation. In addition, Mark has broad experience in all types of real estate litigation and landlord/tenant disputes.

Mark regularly counsels clients regarding efforts to avoid or minimize the risks of litigation and has extensive experience in various alternative dispute resolution procedures.

Prior to joining the firm, Mark was a partner in the Irvine, California office of an international law firm where he focused his practice on complex commercial litigation and bankruptcy. Previously, he was an associate and then a partner in the Irvine, California office of an international law firm in its Commercial Litigation Department where he handled major business disputes, class actions, energy litigation, financial services litigation, and bankruptcy litigation.

While attending law school, Mark was a member of the *Communications and Entertainment Law Review* and served as a judicial extern for the Honorable Mariana R. Pfaelzer in the U.S. District Court for the Central District of California. He was also named a "Featured Alumni" of the school.

Mark is a frequent speaker and writer on topics related to commercial litigation, real estate, and bankruptcy law, and is a contributing author of the treatise *Mortgage and Asset Backed Securities Litigation Handbook*.

Mark was recognized in 2026 and every year since 2020 by *The Best Lawyers in America*® for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Bankruptcy Litigation. He is rated *AV Preeminent*® by Martindale-Hubbell.

## Experience

\*Lead counsel for a California full-service bank in a reported decision which defeated the borrowers' and guarantors' "sham guaranty" defenses under California law in a case where we obtained a deficiency judgement in excess of \$13 million.

\*Lead counsel for special servicer in connection with chapter 11 bankruptcy cases and state court litigation involving \$110 of senior debt secured by an office tower and shopping center in the Los Angeles area, including achieving dismissal of lender liability claims and obtaining a very favorable consensual plan of reorganization for full repayment of the debt.

\*Lead counsel for special servicer in connection with \$57 million debt secured by an office tower and two shopping centers in Roseville, California, achieving stay relief in chapter 11 cases, foreclosing on all three properties, defeating lender liability claims, and obtaining a \$27 million deficiency judgment against the guarantors.

\*Lead litigation and bankruptcy counsel for California bank and trust in federal court, state court, and chapter 11 bankruptcy cases in connection with senior and junior mortgages on seven hotels, including obtaining relief from stay in the bankruptcy cases, obtaining orders for judicial foreclosure, defeating lender liability claims, and reaching agreement for repayment of debt.

\*Lead litigation counsel in cases for an Irish bank headquartered in Dublin, realizing on the real property security which secured \$450 million debt from real estate fund.

\*Lead counsel defeating lender liability claims against special servicer and master servicer relating to senior debt secured by office building in Newport Beach, California and obtaining foreclosure on the collateral.

\*Lead counsel for special servicer in obtaining multi-million dollar deficiency judgments against guarantors in numerous cases.

\*Lead counsel in defeating lender liability claims and defeating sham guaranty defenses in several cases for two banks.

\*Lead counsel for major bank in defeating \$11 million federal lawsuit brought by a surety company to require lender to reimburse surety for costs of completion of residential construction.

\*Lead counsel representing receiver of a Los Angeles airport hotel, resolving labor claims, real estate claims and defeating claims against receiver.

\*Lead counsel for receiver of large residential community development, defeating mechanics' lien claims and resolving environmental issues with a municipality.

\*Lead counsel for CMBS lender and special servicer in defeating lender liability claims resulting from foreclosure on real estate collateral due to change in management of borrower without lender consent.

\*Experience gained by attorney prior to joining Kilpatrick

## **Education**

UC Law San Francisco (Formerly UC Hastings) J.D. (1987)

University of Pennsylvania, Wharton School of Finance B.S., Economics (1984) *magna cum laude*

## **Admissions**

California (1987)

## **Court Admissions**

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

## **Professional & Community Activities**

Orange County Bar Association, Association of Business Trial Lawyers, Member

Anti-Defamation League, Orange County/Long Beach Region, Past Board Member

United Way, Past Board Member