BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM



# PAUL A. AVRON

**Partner**

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Paul Avron is a Partner on Berger Singerman's Business Reorganization Team based in the firm's Fort Lauderdale office. His practice focuses on corporate restructuring, bankruptcy law, creditors' rights, and appellate litigation in both state and federal courts.

## Education

J.D., Cumberland School of Law

- Served as an Associate Editor of the Cumberland Law Review
- Externship with the Hon. Robert B. Propst, United States District Court, Northern District of Alabama

B.A. in Political Science, Florida Atlantic University

## Bar Admissions

Florida
Alabama

U.S. Bankruptcy Courts, Southern and Middle Districts of Florida
U.S. Bankruptcy Courts, Northern and Middle Districts of Alabama
U.S. Court of Appeals, Eleventh Circuit
U.S. District Courts, Northern and Middle Districts of Alabama
U.S. District Courts, Southern and Middle Districts of Florida

## Practice Teams

Business Reorganization

## Practice Areas

Appellate
Bankruptcy Litigation
Bankruptcy/Restructuring

## Representative Matters

- Represented several Chapter 11 debtors in bankruptcy proceedings including WRS Infrastructure & Environment, Inc., Ruden McClosky P.A., Levitt and Sons, LLC, et al., First NLC Financial Services, LLC, et al., MPI Eagles, LLC, et al. and Miles Properties, Inc., et al.
- Represented several individuals and entities in appellate matters before the United States District Court, the United States Court of Appeals for the Eleventh Circuit, and the Florida Supreme Court.
- Reported decisions include the following matters:
    - Luria v. Thunderflower, LLC (In re Taylor, Bean & Whitaker Mortgage Corp.), Adv. Pro. No, 3:11-ap-693-JAF (Bankr. M.D. Fla. Sept. 28, 2018): Granting plaintiff partial summary judgment on state and federal fraudulent transfer claims
    - Wortley et al. v. Bakst et al., No. 17-20050-WILLIAMS (S.D. Fla. Aug. 29, 2018): Adopting proposed conclusion of law that action removed from state court was jurisdictionally barred under the Barton doctrine
    - Tabas v. Peebles (In re PADC Marketing, LLC), Adv. Pro. No. 10-3477-LMI (Bankr. S.D. Fla. Dec. 29, 2017): Granting defendant judgment on partial findings on fraudulent transfer action instituted by Bankruptcy Trustee
    - NWC Credit Service, LLC v. Shipworks Marketing Ltd., et al., No. 4D16-3094 (Fla. 4th DCA Oct. 5, 2017): Per curiam affirmance of Circuit Court's judgment in favor of proceeding supplementary respondent Irene Jung
    - Regions Bank v. Herendeen, No. 8:14-cv-01631-SDM (M.D. Fla. Feb. 25, 2015), aff'd, 632 Fed. Appx. 602 (11th Cir. 2016): Affirming order of bankruptcy court approving a settlement entered into by the chapter 7 trustees in related cases over the objection of lender which proposed to continue litigation being compromised.
    - In re Antonini, 555 Fed. Appx. 909 (11$^{th}$ Cir. 2014): Affirming bankruptcy court judgment in favor of petitioner awarding fees for bad faith filing of involuntary petition in bankruptcy and denial of discharge of debt
    - Cutuli v. Elie, No. 13-21721-KMM, 2014 WL 584211 (S.D. Fla. Feb. 14, 2014): Affirming bankruptcy court order overruling objection to creditor's claim in bankruptcy.
    - Boxer Finance, LLC v. Mukamal, No. 1:13-cv-23142-KMM (S.D. Fla. Sept. 29, 2014): Affirming order of bankruptcy court approving a settlement entered into by the chapter 7 trustee which included a litigation bar order, finding that the bankruptcy court possessed jurisdiction to enter the bar order and it was otherwise fair and equitable.

- In re Able Body Temporary Services, Inc., 632 Fed. App'x 602 (11th Cir. 2016) (per curiam): Affirming U.S. District Court's affirmance of U.S. Bankruptcy Court's order overruling Regions Bank's objection to proposed settlement motion holding, in part, that an evidentiary hearing was not required before the Bankruptcy Court could approve a proposed compromise.
- In re Scantling, 754 F.3d 1323 (11th Cir. 2014): Holding that a so-called "Chapter 20" debtor ineligible for a discharge in her chapter 13 case may nevertheless strip off valueless liens on her principal residence.
- WHR Holdings, LLC v. Geoff & Krista Sims Enterprises, Inc., No. 11-61576-KAM, 2011 WL 5838387 (S.D. Fla. Nov. 11, 2011): Holding that a settlement agreement between the debtor and a third party was an executory contract necessary to operate the debtor's business which was not excluded from the sale such that there was no basis to challenge the sale of the debtor's assets.
- Krause v. Textron Financial Corp., 59 So. 3d 1085 (Fla. 2011): Holding, in part, that the tolling provisions in § 1367(d) tolls claims commenced in federal court but later dismissed for lack of subject matter jurisdiction such that the dismissed claims could be reasserted in state court if filed within 30 days of dismissal.
- Osborne v. Dumoulin, 55 So. 3d 577 (Fla. 2011): Holding that, for the purpose of the statutory personal property exemption in Fla. Stat. § 222.25(4), a debtor in bankruptcy does not receive the benefits of Florida's constitutional homestead exemption where the debtor owns homestead property but does not claim the exemption in bankruptcy and the trustee's administration of the property is not otherwise impeded by the existence of the exemption.
- Jean-Baptiste v. Gutierrez, 627 F.3d 816 (11th Cir.. 2010): Holding that police officer was entitled to qualified immunity for shooting, reversing denial of officer's motion for summary judgment and directing judgment for police officer.
- Lawrence v. Goldberg, 573 F.3d 1265 (11th Cir. 2009): Holding, in part, that the Barton doctrine applied to suit by debtor against the chapter 7 trustee and his professionals where the crux of the suit concerned efforts to collect and reduce to money an offshore asset protection trust found to constitute property of the bankrupt estate.
- Fern v. Eagles Reserve Homeowners Ass'n, Inc., 231 Fed. Appx. 941 (11th Cir. Aug. 21, 2007): Holding that district court correctly rejected a challenge to a settlement agreement which was within the bankruptcy court's "related to" subject matter jurisdiction.
- In re Piccadilly Cafeterias, Inc., 484 F.3d 1299 (11th Cir. 2007): Holding that Bankruptcy Code § 1146(a)'s stamp tax exemption applies to transactions necessary to consummation of a confirmed chapter 11 plan. This ruling was reversed by the United States Supreme Court which sided with other circuit courts of appeal which have that the exemption contemplated by § 1146(a) only applies to transfers under a chapter 11 plan.
- Rodriguez v. Dept. of Corrections, 508 F.3d 611 (11th Cir. 2007): Holding that the district court erred in granting judgment for defendants/appellees where genuine issue for trial existed concerning plaintiff/appellant's § 1983 claims deriving from near fatal attack at prison after prison authorities had been advised by prisoner that his life was in danger).
- Chames v. DeMayo, 972 So. 2d 850 (Fla. 2007): Holding that there can be no waiver of the homestead protection provided for in Florida's constitution in respect of an unsecured claim as distinguished from a secured (mortgage) claim.
- In re Westwood Community Two Ass'n, Inc., No. 05-13753, 2006 WL 940647 (11th Cir. April 12, 2006): Affirming order denying fees and ordering fees received by trustee's counsel disgorged because counsel had no right to be paid from funds derived from an improper assessment against non-debtor homeowners where such funds were not estate property and because counsel ran the risk of nonpayment and disgorgement if the estate turned out to be insolvent.
- Karma Intn'l., S.A.R.L. v. Karre, 173 Fed. Appx. 755 (11th Cir. 2006): Holding in part, that the district court correctly dismissed state law claims based on lack of "related to" subject matter jurisdiction where litigation proceeds were promised to the debtor, a non-party.
- Cowan, Liebowitz & Latman, P.C. v. Kaplan, 902 So. 2d 755 (Fla. 2005): Holding that parties may assign claims for legal malpractice committed in preparing private placement memoranda, and receding from dicta in prior caselaw purporting to prohibit the assignment of all legal malpractice claims.
- Lawrence v. Goldberg, 153 Fed. Appx. 552 (11th Cir. 2005): Affirming district court's denial of debtor/appellant's writ of prohibition and mandamus based on his to meet the strict requirements for such extraordinary relief in connection with his incarceration for civil contempt for failure to comply with turnover order concerning the res of an offshore asset protection trust.

- In re Piper Aircraft Corp., 362 F.3d 736 (11th Cir. 2004): Affirming denial of post-confirmation motion to compel the trustee for the Piper Aircraft Irrevocable Trust to furnish certain records that the trustee supplied to actuaries in connection with a re-computation process directed by the Trust where movant had received all documents required by the Trust and it failed to negotiate a provision requiring the trustee to provide further documentation.
- In re Bateman, 331 F.3d 821 (11th Cir. 2003): Holding that a secured creditor cannot collaterally attack a confirmed chapter 13 plan, even though the plan conflicted with the mandatory provisions of the Bankruptcy Code, where the secured creditor failed to object to the plan's confirmation or appeal the confirmation order, and that a secured creditor's claim for mortgage arrearage survives the confirmed plan to the extent it is not satisfied in full by payments under the plan, or otherwise satisfied under the terms Code § 1325(a)(5).
- In re World Wide Web Systems, Inc., 328 F.3d 1291 (11th Cir. 2003): Affirming denial of defendants/appellants' motion to vacate default judgment in avoidance action where they failed to establish "excusable neglect," that is, a meritorious defense that might have affected the outcome; granting the motion would not result in prejudice to the non-defaulting party, and (3) a good reason existed for failing to reply to the complaint.
- In re Martinez, 311 F.3d 1272 (11th Cir. 2002): Affirming grant of summary judgment against law firm based on claims that firm, engaged in debt collection activities, violated § 1962g of the Fair Debt Collection Practices Act by failing to give notice required under the statute.
- In re Lawrence, 279 F.3d 1294 (11th Cir. 2002): Affirming order directing debtor to turn over to the chapter 7 trustee the res of an offshore asset protection trust and holding the debtor in contempt and ordering him incarcerated until he purged the contempt by complying with turnover order.
- Ex Parte Karl James Dorough, 773 So. 2d 1001 (Ala. 2000): The Supreme Court held that it could not determine whether the forfeiture of the petitioner's vehicle was excessive and, therefore, violates the Excessive Fines Clause of the Eighth Amendment to the United States Constitution because the trial court made no findings as to the value of the vehicle, the amount of controlled substance seized from the vehicle or the criminal charge, if any, made against the petitioner.
- In re Alabama Symphony Ass'n, 211 B.R. 65 (N.D. Ala. 1996): Holding, in part, that the bankruptcy court committed reversible error in approving debtor-symphony's rejection of collective bargaining agreement with union where the debtorsymphony breached the collective bargaining agreement and, therefore, Bankruptcy Code § 1113(f).
- In re Miami Trucolor Offset Serv. Co., 187 B.R. 767 (Bankr. S.D. Fla. 1995): Holding, in part, that where creditors whose claims were subject of objections neither sought or obtained leave of the court to have their claims allowed for voting purposes prior to the deadline to submit ballots, their ballots rejecting the plan could not be counted where the plan provided that creditors whose claims were subject to objections had to obtain an order allowing same for voting purposes.
- In re North Alabama Anesthesiology Group, Inc., 154 B.R 752 (N.D. Ala. 1993): Reversing an order of the bankruptcy court enjoining a state suit against non-debtor guarantors for breach of consulting and non-compete agreement based on the res judicata effect of a ruling by the Alabama Supreme Court that the chapter 11 confirmation order did not bar the state suit.

- Recent unreported decisions include:
  - Piper Aircraft, Inc. v. Capra, No. 19-cv-23303-KMW (S.D. Fla. Oct. 23, 2020): Affirming an order of the Bankruptcy Court denying a motion seeking to compel the post-confirmation Piper Aircraft Corporation Irrevocable Trust to resolve claims resulting from a fatal aircraft crash where the aircraft was manufactured years after the manufacturer purchased the assets, including type-certificate for the accident aircraft, from the Chapter 11 Debtor, Piper Aircraft Corporation.
  - In re Taylor, Bean & Whitaker Mortgage Corp., No. 5:19-cv-607-Oc-39 (M.D. Fla. Sept. 23, 2020): Granting post-confirmation liquidating trustee’s motion to dismiss appeal of discovery orders for lack of jurisdiction because respondents failed to meet standards to take an immediate appeal of interlocutory order.
  - Mercantil Bank, N.A. v. Thermagen, LLC, et al., No. 2017-7251-CA-01 (Miami-Dade Circuit Court July 28, 2020): Denying motion by Lorion Beauty USA LLC for leave to sue former receiver Michael Moecker and his firm, Michael Moecker & Associates, Inc., for alleged tortious actions taken pursuant to order authorizing receivership after receiver and receivership bond were discharged. Respondents Michael Moecker and his firm, Michael Moecker & Associates, Inc. are currently defending an appeal of this Order before Florida’s Third District Court of Appeal.

- In re Hals Realty Associates Ltd. Partnership, No. 20-13103-MAM (Bankr. S.D. Fla. June 15, 2020): Granting motion to appoint chapter 11 trustee to displace existing manager of chapter 11 debtor; manager did not oppose the motion filed by creditor SMS Company facilitating prospective sale of real property which should result in payment in full of creditor SMS Company's approximate $13 million claim.
- Barmapov v. Amuial et al., No. 9:18-cv-80390-WPD (S.D. Fla. Dec. 12, 2018): Granting in part and denying in part motion by Defendants to dismiss multi-count complaint; subsequent to dismissal Plaintiff dismissed client from lawsuit.
- Bloomer v. Menotte, No. 16-81010-CIV-MARRA (S.D. Fla. Dec. 22, 2017): Affirming order of U.S. Bankruptcy Court denying Defendant's motion to vacate default judgment.

## Awards & Honors

- *Martindale-Hubbell*, AV® Preeminent™ rated
- *The Best Lawyers in America*®, 2018-2027

## Community Activities / Associations

- Director, Bankruptcy Bar Association of The Southern District of Florida (2010-2013)

## In the News

Berger Singerman Attorneys Recognized in the 33rd Edition of Best Lawyers In America
August 20, 2026

Fifty-Six Berger Singerman Attorneys Recognized in the 2025 Edition of Best Lawyers In America
August 15, 2024

Forty-Three Berger Singerman Attorneys Recognized in the 2023 Edition of Best Lawyers In America
August 18, 2022

M&A Advisor Recognizes Berger Singerman LLP for its Work on the Chapter 11 Bankruptcy Case of Unipharma
June 15, 2022

Thirty-Nine Berger Singerman Attorneys Recognized in the 2022 Edition of Best Lawyers In America
August 19, 2021

Berger Singerman's Bankruptcy Litigation Practice Recognized As 2021 "Litigation Departments of the Year" By Daily Business Review
March 29, 2021

Thirty-Five Berger Singerman Attorneys Recognized in the 2021 Edition of Best Lawyers In America
August 19, 2020

Contractor On Failed Miami Bridge Has Ch.11 Plan Confirmed
December 11, 2019

Thirty Berger Singerman Attorneys Recognized in the 2020 Edition of Best Lawyers In America
August 14, 2019

Thirty Berger Singerman Attorneys Recognized in the 2019 Edition of Best Lawyers In America
August 14, 2018

Thirty Berger Singerman Attorneys Recognized in the 2018 Edition of Best Lawyers In America
August 14, 2017

## Publications

Law360, "11th Circ. Equitable Tolling Ruling Deepens Circuit Split"
September 22, 2025

Law360, "11th Circ. Ruling Shows Federal Question Jurisdiction Limits"
August 26, 2025

American Bankruptcy Institute Journal, "Is the IRS Truly the Triggering “Golden Creditor” for Statute-of-Limitations Purposes for Trustees?"
April 22, 2019

American Bankruptcy Institute Journal, "Retention of a Turnaround Firm"
October 2018

Law360, "New Value Defense: 11th Circ. Reverses 30-Year-Old Precedent"
August 29, 2018

The Federal Lawyer, "A Primer on the Roles of the Office of the US Trustee and Individual Trustees in Bankruptcy Proceedings"
July 29, 2018

The Federal Lawyer, "Constitutional Issues Concerning Civil Forfeiture"
March 2018

The Florida Bar Out-of-State Division, "New Eleventh Circuit opinion may warrant a second look at Florida as a venue for chapter 11 bankruptcy filings"
Winter 2017

Law360, "11th Circ. Just Got More Attractive For Business Bankruptcy"
October 23, 2017

The Record, "A Primer on the Law of the Case Doctrine in the Eleventh Circuit"
July 19, 2017

The Federal Lawyer, "A Primer on Vacatur of a Prior Court Order as Part of a Settlement Agreement; Recent Case Law"
March 2017

American Bankruptcy Institute Journal, "Equitable Mootness: Is It Time for the Supreme Court to Weigh In?"
March 2017

The Federal Lawyer, "Can A Waiver of Indemnification Insulate an Insider-Guarantor From Preference Liability?"
February 2, 2016

## Events & Speaking Engagements

Paul Avron, Panelist, "You lost! Now what? Appellate Issues: Is your order final?" 41st Annual Alexander L. Paskay Memorial Bankruptcy Seminar
February 16, 2024

## Doing Business in Florida Blog

Eleventh Circuit Clarifies Federal Ancillary Jurisdiction in Casa Express v. Venezuela
December 2, 2025

Eleventh Circuit Seeks Florida Supreme Court Guidance on Fraudulent Transfers and Proceedings Supplementary
November 14, 2025

Eleventh Circuit Reaffirms Need to Verify LLC Members' Citizenship to Establish Diversity Jurisdiction
October 28, 2025

Eleventh Circuit Clarifies When New Issues on Appeal Are Forfeited: Gould v. Interface, Inc.
October 15, 2025

Hiring Local Counsel Alone Doesn't Create Personal Jurisdiction: Eleventh Circuit Clarifies Limits in ECB USA v. Savencia Cheese
October 7, 2025

From Purdue Pharma to Rule 41: Key Lessons in Bankruptcy and Appellate Practice
September 18, 2025

Homecourt Advantage: Pitfalls, Challenges and Opportunities regarding nonparty witness subpoena motion practice in Federal District and Bankruptcy Court
May 3, 2017

Exclusive Arbitration Clauses and Non-Parties to Agreements: The Eleventh Circuit Holds That the Kardashians Cannot Compel Arbitration
January 23, 2017

Foreign Businesses Catering to U.S. Tourists Can Enforce Contract Provisions Determining Where Litigation for Injuries Suffered Overseas Must Be Initiated
January 5, 2017

Subject Matter Jurisdiction Trumps All in Appeals
September 21, 2016

Eleventh Circuit Gives Guidance to Third Parties Served With Discovery
May 26, 2016

Post-Westwood Eleventh Circuit Bankruptcy Appellate Standing Cases
February 18, 2016

Approval of Bankruptcy Settlements – No Evidentiary Hearing Required
February 15, 2016

Be Careful What You Wish For: Eleventh Circuit Finds that an Assignment for the Benefit of Creditors Cannot be Converted into a Bankruptcy without Specific Authorization
January 27, 2016

## Prior Affiliations

- Markowitz, Davis, Ringel & Trusty, P.A., Miami, FL
- Schoel, Ogle, Benton & Centeno, P.A., Birmingham, AL