



# MARK M. WALL

Shareholder

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## BOARD CERTIFIED BY THE FLORIDA BAR

Board Certified in Business  
Litigation

## PRACTICE FOCUS

Litigation

Real Property Litigation

Probate, Trusts & Fiduciary  
Litigation

Bankruptcy Litigation

Corporate Compliance and  
Investigations

Noncompetes & Business  
Divorce

Securities & Shareholder  
Litigation

## EDUCATION

University of Florida, B.A., 1990

Penn State University,  
Dickinson School of Law, J.D.,  
1995

## BAR ADMISSIONS

American Bar Association

Mark Wall is an accomplished litigator and trial lawyer for commercial and fiduciary disputes who has been Board Certified by the Florida Bar in Business Litigation since 2011. While his practice is devoted to litigation and dispute resolution, Mark enjoys advising clients across a spectrum of their needs to coordinate delivery of the firm's broad range of legal services.

Mark maintains a statewide practice, handling matters in both state and federal court. His extensive and diverse commercial litigation experience involves all manner of contract and business disputes such as complex fraud cases, commercial tort claims, corporate and partnership disputes, business dissolutions, commercial real estate, foreclosures and leases, ad valorem tax and valuations, technology and intellectual property issues, creditors' rights and insolvency in state and bankruptcy courts, and restrictive covenants/non-competition enforcement and defense.

A considerable part of Mark's practice also involves adversary proceedings and litigation in the context of trust and estate disputes in which he appears regularly in probate and other courts. In these cases, Mark represents both fiduciaries and beneficiaries, as appropriate. These matters often involve claims for breach of trust and common law duties, lack of capacity and undue influence, disqualification and surcharge, accounting, declaratory relief and various other issues and remedies arising under the trust and probate codes. With increasing frequency, Mark handles complex cases involving high-stakes disputes at the intersection of commercial and fiduciary litigation.

## MARK M. WALL

- Business Law Section
- Business Divorce Subcommittee

The Florida Bar

Hillsborough County Bar Association

St. Petersburg Bar Association

### COURT ADMISSIONS

All Florida State Courts

U.S. District Court, Middle District of Florida

Eleventh Circuit Court of Appeals

Mark's service to the profession has included his appointment by the Florida Supreme Court to its committee tasked with developing the first set of official jury instructions for use in business and contract cases, which he served on for several years. More recently, he served on and came to chair a Florida Bar grievance committee. Within the community, he sits on the board of directors of Family Resources, Inc., a grant-funded agency providing vital services to children, youth and families in crisis and other need. Mark has served on the board of library and hospital foundations. He is a 2008 graduate of Leadership Pinellas and a 2010 graduate of the FBI Citizens Academy.

Mark is an equity shareholder who has been with the firm since 2004. He serves on the firm's compensation and shareholder committees. Previous leadership positions have included serving as a practice group leader for real estate litigation and chairing the firm's scholarship committee, in addition to various ad hoc and search committee assignments.

Mark lives in Pinellas County where he and his wife have raised three children. Outside of the office, his interests include reading, following college football, running and playing golf.

### HONORS

- AV Preeminent® Rating, Martindale-Hubbell Peer Review
- Florida Super Lawyers (2017-2025)
- Tampa Bay Magazine's list of Top Lawyers
- Florida Trend's Legal Elite
- *The Best Lawyers in America*® (2019-2026)
  - Commercial Litigation
  - Litigation - Trusts and Estates

### EXPERIENCE

- Lead trial counsel for national home developer in related state and federal court proceedings involving a challenge to the issuance of \$40,000,000 in revenue bonds by community development district in which an emergency temporary injunction hearing was conducted that ultimately lead to a negotiated resolution between the parties.
- Local counsel for international steel company in contract litigation with a Florida port authority over responsibility for maintenance of railroad tracks and other infrastructure within the port. Intensive litigation lead to favorable resolution without the need for trial.

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- Lead counsel in defense of insurance agent in restrictive covenant/non-compete litigation resulting in favorable resolution.
- Lead counsel for principal attorney in partnership litigation over dissolution of law firm, corporate and membership agreement issues and resolution of various charging liens in law firm's pending cases.
- Lead trial counsel in complex boundary dispute between adjoining property owners and claim against title insurance carrier resulting in completely favorable judgment against adjacent owner following series of evidentiary hearings and affirmance on appeal. Summary judgment entered against title carrier for breach of defense and coverage duties. Client awarded seven-figure fee and costs judgment against collective defendants.
- Lead trial counsel in highly contested buy-sell partnership dispute and dissolution action between medical professionals in which a receiver over the practice was appointed as a result of successful evidentiary hearing, leading to a favorable resolution for the client.
- Co-lead trial counsel for national dialysis company in protracted business litigation arising out of a commercial lease that resolved favorably for client after a lengthy evidentiary hearing to challenge the opposing party's claims as sham.
- Co-lead counsel for national provider of allied health and operating room services in non-complete and restrictive covenant enforcement suit against operating room perfusionist and in claims against competitor for damages. Temporary injunction obtained at outset of litigation and matter was eventually resolved on favorable terms.
- Co-counsel at trial for national restaurant brands company in ad valorem tax litigation over valuation assessment of tangible personal property at corporate headquarters campus culminating in bench trial and successful outcome on appeal, ultimately leading to favorable resolution.
- Lead counsel for real estate investment trust in deficiency and fraud litigation against shopping center developer culminating in bench trial from which a multimillion dollar judgment was obtained for fraud and loss of non-recourse protections (later reversed on appeal based on technical application of foreign law principle that was issue of first impression in Florida).
- Lead trial counsel for party in litigation against probate estate of deceased family member involving a mortgage on a hotel and related real estate issues, culminating in a jury trial and eventual settlement.

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- Lead trial counsel for personal representative of \$100-plus million estate and family office in defense of complex litigation by claimed partner of the deceased against estate and trusts. Favorable resolution eventually reached after successful evidentiary hearing conducted to discharge lis pendens recorded against commercial property as an asset of estate.
- Lead counsel in obtaining dismissal of lawsuit with prejudice at early stage of litigation on behalf of defendant trustee in claims brought by beneficiaries for breach of trust, breach of fiduciary duties and tortious interference with expectancy.
- Lead trial counsel in successfully representing shopping center owner in litigation for breach of lease and guaranty and in defense of counterclaims for breach and civil theft. Jury verdict obtained for client on all claims and judgment entered for client's attorneys' fees and costs.
- Lead trial counsel in representing private lender to high-end apartment complex developer in litigation to foreclose mortgage and for appointment of receiver. Successful workout/settlement reached in conjunction with evidentiary hearing over dispute, but before court ruled.
- Lead trial counsel in bench trial for beneficiary of Florida probate estate to determine marital rights/status of intestate father under Israeli law, as place of challenged marriage. Appeal resulted in complete reversal of trial court in client's favor in a question of first impression in Florida, notwithstanding private settlement between the parties. Attorneys' fees awarded to parties for benefit to probate estate.
- Lead trial counsel for elderly beneficiary of trust in suit against individual trustees for breach of trust in not funding extraordinary medical expense, resulting in a judgment in client's favor on all claims and award of attorneys' fees following a bench trial in probate court.
- Lead trial counsel for real estate investment trust in successfully obtaining judgment to confirm foreclosure of development rights to shopping center project as result of bench trial.
- Lead trial counsel for healthcare certification board in federal court contract dispute with leading New York publisher of scientific books and journals, favorably settled following pre-trial conference.
- Lead trial counsel for plaintiff in jury trial for statutory securities fraud and deceptive trade practices, in addition to common law fraud, resulting in resoundingly favorable verdict for client and ultimate award of attorneys' fees.

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- Lead counsel for physician/entrepreneur in protracted litigation against allied group of defendants for fraud and conspiracy claims in complex suit related to development of software platform for use in healthcare/insurance space. All defendants eventually stipulated to entry of seven figure settlement and entry of judgment for joint and several liability.
- Lead counsel for investor in protracted litigation over ownership and scope of data rights in novel device for use in healthcare and other settings, ultimately resulting in settlement.
- Lead counsel in defense of personal injury law firm sued by a competitor firm for service mark infringement and unfair competition based on alleged use of Google AdWords. Suit voluntarily dismissed after scheduled temporary injunction hearing, resulting in client filing motion for attorneys' fees and costs as prevailing party under applicable advertising statute and Florida Statutes Section 57.105. Suit dismissed with prejudice per terms of settlement.
- Lead trial counsel for prominent entrepreneur and philanthropist in defense of protracted, complex litigation involving shareholder derivative action and corporate issues concerning a number of companies and the development of commercial real estate. Litigation favorably concluded after the conducting of a number of evidentiary hearings, including the successful discharge of a lis pendens and a hearing on client's motion to strike pleadings for fraud on the court, for which a ruling was pending when the matter resolved.
- Lead trial counsel in representing ownership of downtown residential/retail tower adverse to restaurant tenant with affiliated locations. Judgment obtained as a result of bench trial, prevailing on all claims against tenant and in defense of tenant's claims. Issues primarily concerned percentage rent owed to landlord based on calculations of sales and alleged modification of lease, as well as recovery of sales from affiliated store as a result of restrictive covenant violations. Client awarded attorneys' fees and costs as prevailing party.
- Lead counsel for trustees and high-net-worth family office following passing of family patriarch and in defense of various claims asserted by sole income beneficiary and attempt to convert income trust to unitrust. Two related suits resolved following mediation.
- Lead counsel for primary beneficiary of significant probate estate in claims for breach of trust due to failure of fiduciaries to make distributions. Matter settled early in litigation, resulting in full funding of multimillion dollar distributions owed to client.

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- Lead counsel for property owners association in exclusive Florida community in intensive litigation adverse to adjacent property owners association involving recorded easement for pedestrian access over roads and asserted claim for statutory way of necessity. Summary judgment granted in client's favor on all issues and claims, along with an award of attorneys' fees.
- Lead trial counsel for high-net-worth probate estate in bench trial determination of ownership for significant fine art collection.
- Co-counsel at jury trial resulting in resoundingly favorable verdict for ownership of commercial office building in suit against tenant for rents owed and against counterclaims for alleged industrial hygiene issues and damages. Entitlement to attorneys' fees awarded pending appeal.
- Lead counsel for commercial developer in joint venture dispute with project partner that resulted in recordation of mortgage, subsequent foreclosure action and complete recovery of invested funds per workout agreement and recovery of client's attorneys' fees.
- Lead counsel for state bar association pursuing contract litigation and related claims in which an early resolution was achieved via mediation.
- Lead trial counsel on buy-out issues in complex, multi-entity partnership dispute in which appellate petition for writ of certiorari was obtained to address statutory right of corporations to purchase shares and avoid dissolution remedies. Issues and application of related statutes likely involved questions of first impression in Florida and resulted in published opinion.
- Lead trial counsel for landlord/building owner in multi-day commercial eviction bench trial involving construction permitting and land-use issues and that resulted in judgement for possession in client's favor.

### COMMUNITY & PROFESSIONAL

- Leadership Pinellas: Graduate (2008)
- FBI Citizens Academy: 2010 Class
- Building Owners & Managers Association (BOMA): Allied Member
- Florida Supreme Court Appointed Committee Drafting Jury Instructions In Business and Contract Cases
- The Florida Bar: Advanced Trial Advocacy Program (2009)
- Barney Masterson Inn of Court (Barrister)

## MARK M. WALL

### MILITARY SERVICE

- Honorable Discharge, U.S. Army

### NEWS & INSIGHTS

Seventy-Seven Hill Ward Henderson Attorneys Recognized in the 2026 Edition of *The Best Lawyers in America*® and *The Best Lawyers: Ones to Watch*® in America  
Firm News, 8.21.25

Fifty-Eight Hill Ward Henderson Attorneys Named to 2025 Florida Super Lawyers List  
Firm News, 6.26.25

Eighty-Three Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2025 Publication  
Firm News, 8.15.24

Fifty-Seven Hill Ward Henderson Attorneys Recognized in 2024 Florida Super Lawyers Listing  
Firm News, 6.24.24

Eighty-Three Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2024 Publication  
Firm News, 8.17.23

Sixty-one Hill Ward Henderson Attorneys Recognized in 2023 Florida Super Lawyers Listing  
Firm News, 6.27.23

Eighty-One Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2023 Publication  
Firm News, 8.18.22

61 Hill Ward Henderson Attorneys Recognized in 2022 Florida Super Lawyers Listing  
Firm News, 7.1.22

Seventy Six Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2022 Publication  
Firm News, 8.19.21

58 Hill Ward Henderson Attorneys Recognized in 2021 Florida Super Lawyers Listing  
Firm News, 6.23.21

## MARK M. WALL

67 Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2021 Publication  
Firm News, 8.20.20

Fifty Nine Hill Ward Henderson Attorneys Recognized in 2020 Florida Super Lawyers Listing  
Firm News, 6.5.20

2019 Best Lawyers Cites 46 Hill Ward Henderson Attorneys & Names Six "Lawyer of the Year"  
Firm News, 8.16.18

Hill Ward Henderson Attorneys Named 2018 Florida Super Lawyers  
Firm News, 6.25.18

Shareholder Mark M. Wall Selected To Join Board of Family Resources  
Firm News, 11.15.17

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame, Legal Elite, And Up & Comers  
Firm News, 6.22.17

Hill Ward Henderson Attorneys Named 2017 Florida Super Lawyers  
Firm News, 6.8.17

### ARTICLES & PUBLICATIONS

- "Legal Pitfalls: Selected Lease & Contract Provisions to Keep You Out of Trouble." Presenter, 2013 BOMA Southern Region Conference, April 11, 2013.
- "Commercial Foreclosures: Florida's Pay-to-Play Statute and Other Practice Topics." Presenter, 4th Annual Real Estate & Construction Law Seminar, September 2012.
- A presentation to the Association for Corporate Growth meeting, February 2015, addressing the benefits of an operating agreement in partnership dissolutions and business-divorces, delivered as part of a presentation entitled "Unplanned Life Events and How They Affect Your Business."

### PUBLISHED DECISIONS

- Royal United Properties, Inc. v. Royal  
370 So. 3d 1020  
District Court of Appeal of Florida, Sixth District, September 22, 2023
- Kim v. Galasso  
348 So. 3d 1183  
District Court of Appeal of Florida, Second District, August 3, 2022

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- Hepco Data, LLC v. Hepco Medical, LLC  
301 So. 3d 406  
District Court of Appeal of Florida, Second District, April 15, 2020
- Bonita Real Estate Partners, LLC v. SLF IV Lending, L.P.  
222 So. 3d 647  
District Court of Appeal of Florida, Second District, July 14, 2017
- Cohen v. Shushan  
212 So. 3d 1113  
District Court of Appeal of Florida, Second District, March 15, 2017
- Spring Air Intern., LLC v. R.T.G. Furniture Corp.  
Not Reported in F.Supp.2d, 2010 WL 4117627 8:10-CV-1200-T-33TGW  
United States District Court, M.D. Florida, Tampa Division. October 19, 2010
- Zakhary v. Giammarco  
16 So.3d 142, Unpublished Disposition 2009 WL 793706 2D08-2822  
District Court of Appeal of Florida, Second District. March 27, 2009
- Biggross, Inc. v. Matthews  
Not Reported in F.Supp.2d, 2007 WL 2827566 8:02-CV-1216-T-MAP  
United States District Court, M.D. Florida, Tampa Division.  
September 27, 2007
- Biggross, Inc. v. Matthews  
Not Reported in F.Supp.2d, 2006 WL 2947729 8:02-CV-1216-MAP  
United States District Court, M.D. Florida, Tampa Division. October 16, 2006