



# Michael D. Margulies

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## Overview

Michael Margulies litigates complex commercial disputes, including those involving insurance coverage, bad faith, breach of contract and fiduciary duties, fraud, bankruptcy clawbacks and fraudulent transfers, employment, and business torts. He has substantial trial and appellate experience.

He defends and prosecutes claims on behalf of a wide array of clients, from *Fortune* 500 companies to small businesses and individuals. His notable work includes obtaining a summary judgment dismissing an \$18 million investor lawsuit against the principals of a pharmaceutical startup and, in another case, recovering a \$5 million award and attorneys' fees on behalf of a regional bank for a borrower-commercial developer's breach of promissory notes.

Michael has obtained dismissal of claims for insurance coverage under a professional services liability policy on cross-motions for summary judgment, defended an international energy company against claims of breach of a non-circumvent provision in the context of a large-scale transaction, prosecuted fraud and breach of contract claims for misappropriated funds on behalf of an investment fund against one of its contractors, and defended a large fitness corporation against class action wage and hour claims.

He also has broad experience in bankruptcy, corporate reorganization, and creditors' rights, having represented debtors and a variety of creditors and creditors' committees. In addition, Michael has negotiated favorable debt restructuring under the threat of impending bankruptcy.

# Experience

- Obtained dismissal on summary judgment in confidential arbitration of claims for alleged violation of covenant not to compete in LLC operating agreement.
- Negotiated favorable resolution for developer-defendant against class action claims for violation of New Jersey Consumer Fraud Act upon obtaining leave to file interlocutory appeal and arguing issues before New Jersey Appellate Division.
- Obtained dismissal of negligence claim alleged by insured against insurer's agent for alleged improper handling of claims under management liability policy. *MicroBilt Corp. v. Certain Underwriters at Lloyd's, London, Subscribing to Policy No. DOG02408208 and CFC Underwriting Limited*, No. MER-L-000079022 (N.J. Super. Ct. Apr. 11, 2022).
- Secured the dismissal of \$13 million in claims, including breach of contract, filed by an investor in a biotech company. The U.S. Court of Appeals for the Second Circuit affirmed the district court's summary judgment decision that no oral agreement was ever reached. *Schoninger v. Green*, No. 18-382 (2d Cir. 2019).
- Obtained dismissal of claims for insurance coverage under a professional services liability policy on cross-motions for summary judgment, as the claims predated the inception of the policy. *Colony Ins. Co. v. AIG Specialty Ins. Co.*, No. 1:15-cv-03896, 2018 WL 1478045 (S.D.N.Y. Mar. 26, 2018).
- Obtained dismissal on summary judgment of breach of oral contract claim by an investor arising out of the failed merger of pharmaceutical star-ups and the development of a pharmaceutical drug. *Schoninger v. Green*, No. 1:15-cv-02233, 2018 WL 722838 (S.D.N.Y. Feb. 5, 2018).
- Obtained a multimillion-dollar award and attorneys' fees on summary judgment on behalf of regional bank for borrower-commercial developer's breach of promissory notes (*Boiling Springs Savings Bank v. Shotland Bauer, LLC*, No. L-10426-15 (N.J. Super. Ct. Mar. 2017)), and secured foreclosure upon associated commercial development (*Boiling Springs Savings Bank v. Shotland Bauer, LLC*, No. SSX-F-003246-16 (N.J. Super. Ct. Mar. 2017)).
- Obtained dismissal of consumer fraud claims on motion to dismiss on basis of web-based terms and conditions that precluded consumer plaintiff from bringing claims in violation of forum selection clause limiting jurisdiction and venue. *Cetel v. Kevlar Builders & Developers, LLC*, No. L-000731-16 (N.J. Super. Ct. Jan. 17, 2017).
- Defended an international energy company against claims for injunctive relief arising out of allegations of breach of a non-circumvent provision in the context of a large-scale energy transaction. *LAIG v. Medanito, S.A.*, No. 160103/14 (N.Y. Sup. Ct. 2014).
- Prosecuted fraud and breach of contract claims for misappropriated funds on behalf of an investment fund against one of its contractors.
- Defended a large fitness corporation against a class action that alleged wage and hour claims.
- Defended a private equity investment firm against motions to dismiss its bankruptcy case.

- Defended a monoline insurer against fraudulent conveyance claims in the context of a corporate restructuring.
- Defended a semiconductor company in its attempt to issue debt pursuant to a contractual arrangement in the face of an alleged material adverse effect.

## Areas of Focus

### Practices

- Labor & Employment
- Litigation and Trials
- Appellate & Trial Support
- Creditors' Rights and Bankruptcy
- Telephone Consumer Protection Act
- Real Property Litigation
- Representations and Warranty Insurance
- Life, Annuity, and Retirement Litigation
- Cyber Insurance Coverage Disputes

### Industries

- Property & Casualty Insurance

## News

02.29.2024

Thomson Reuters Names 12 Carlton Fields Attorneys to 2024 Stand-Out Lawyers

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04.21.2023

Thomson Reuters Names Eight Carlton Fields Attorneys to 2023 Stand-Out Lawyers

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02.25.2019

Carlton Fields Wins Appellate Victory in Biotech Investor Dispute

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02.01.2019

Media Shines Spotlight on Carlton Fields' New Office and Lawyers; Firm Opens New Jersey Office and Bolsters Real Estate and Insurance Litigation Practices

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01.07.2019

Carlton Fields Opens New Jersey Office, Adds Five Attorneys

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## Recognition

- "Stand-Out Lawyers," Thomson Reuters (2023–2024)

## Speaking Engagements

- "Recent Cases and Developments in Bad Faith Law From Across the Country," Carlton Fields (May 28, 2020)

## Credentials

### Education

- New York University School of Law (J.D., 2008)
- University of Chicago (M.A., 1999)
- University of Wisconsin–Madison (B.A., 1998)

### Court Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of New Jersey

### Bar Admissions

- New Jersey
- New York

## Background

- Counsel, Bressler, Amery & Ross, P.C., Florham Park, NJ (2015–2018)
- Associate, Becker, Glynn, Muffly, Chassin & Hosinski LLP, New York, NY (2010–2015)
- Associate, Kasowitz, Benson, Torres & Friedman LLP, New York, NY (2008–2010)