



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

- Recently 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. *Schoningher v. Green*, No. 18-382 (2d Cir. 2019) [ECF doc. 87-1].

- 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

All News

02.25.2019 Carlton Fields Wins Appellate Victory in Biotech Investor Dispute

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

01.07.2019 Carlton Fields Opens New Jersey Office, Adds Five Attorneys

Credentials

EDUCATION

- New York University School of Law (J.D., 2008)

COURT ADMISSIONS

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

- University of Chicago (M.A., 1999)
 - University of Wisconsin - Madison (B.A., 1998)
 - U.S. District Court, Eastern District of New York
 - U.S. District Court, District of New Jersey
 - U.S. District Court, District of Connecticut
- 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 (2010-2015)
- Associate, Kasowitz, Benson, Torres & Friedman LLP, New York (2008-2010)
- Intern to the Honorable Robert M. Levy, U.S. District Court, Eastern District of New York, Brooklyn, NY (2006)

Areas of Focus

PRACTICES

- Life, Annuity, and Retirement Solutions
- Property & Casualty Insurance
- Representations and Warranty Insurance
- Cyber Insurance Coverage Disputes
- Appellate & Trial Support
- Labor & Employment
- Litigation and Trials
- Life, Annuity, and Retirement Litigation
- Creditors' Rights and Bankruptcy
- Real Property Litigation
- Intellectual Property