



Contact

Michael T. Mervis

Partner

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Michael Mervis is an experienced litigator and trial lawyer who has tried numerous cases in federal and state courts and before arbitral tribunals across the country. Michael represents clients in complex commercial matters, disputes over distressed loans and investments (particularly in large chapter 11 bankruptcy cases), and intellectual property cases.

Michael has trial experience in copyright, false advertising, trade secret, contract, business tort and RICO claims, as well as a variety of contested matters in bankruptcy cases. And he has tried cases on behalf of clients in the consumer products, motion picture, recording, venture capital, private investment, telecommunications, cable television, health care, real estate, energy, automotive and banking industries.

Leading legal directory *Benchmark Litigation* named Michael a “Litigation Star” and he has repeatedly been recognized by *The Legal 500* for his expertise in advertising litigation.

Michael is the past vice-chair of the Commercial Litigation Practice Group and is the head of the Bankruptcy Litigation Practice Group. In addition, Michael is also the chair of the Firm’s Hiring Committee and has long served as co-chair of the Firm’s Summer Associate Program.

Matters

Commercial Litigation

- Served as lead trial counsel for several ERISA funds in commercial lease dispute, obtaining complete trial victory on funds' claims against landlord and dismissal of landlord's counterclaim.
- Served as lead trial counsel for debtor in successful application to modify retiree benefits over objection of major labor union.
- Served as lead trial counsel for a Lanham Act plaintiff in a case in which the court found for his client, held that the defendant, his client's main competitor, engaged in "intentional deception of an egregious nature" and entered one of the largest damage awards on record in a Lanham Act false advertising case.
- Obtained summary judgment on behalf of a lender dismissing lender liability claims asserted by the borrower, a multi-billion dollar REIT, in connection with a high-profile condominium conversion project in lower Manhattan. The grant of summary judgment was affirmed on appeal.
- Obtained summary judgment on behalf of a lender against a defaulting borrower who claimed that capital contributions made to the SPE, which secured the loan, were really loans to the SPE.

Entertainment and TMT Litigation

- Helped a major motion picture studio obtain a permanent injunction that prevented an online "hacker" magazine from distributing decryption software that allows the unlawful copying of DVDs.
- Represented a leading international database provider in preventing a start-up Internet company from making unauthorized competitive use of data and obtained a favorable decision involving a key copyright preemption issue.

- On behalf of Britney Spears, her record label and associated music publisher, obtained summary judgment dismissing a copyright infringement claim concerning a best-selling album.
- Obtained a directed verdict for a record company in a jury trial involving alleged tortious interference with the plaintiff's contract with a successful recording artist.
- Obtained summary judgment on behalf of a record label in a defamation action based on song lyrics by a well-known hip hop artist.

Practices

Intellectual Property, Private Credit Restructuring, Product Liability & Consumer Litigation, Trial Strategies, Business Solutions, Governance, Restructuring & Bankruptcy, False Advertising & Trademark, Copyright, Non-Compete & Trade Secrets

Industries

Entertainment, Private Equity Real Estate

Education

New York University School of Law, J.D., 1990

Bowdoin College, A.B., 1986

summa cum laude

Admissions & Qualifications

New York

Connecticut

Court Admissions

U.S. Court of Appeals, Eighth Circuit

U.S. District Court, New York, Northern District

U.S. District Court, Colorado

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit
U.S. District Court, New York, Eastern District
U.S. District Court, New York, Southern District

Awards & Recognition

The Legal 500 United States: Media, Technology & Telecoms: Marketing & Advertising 2010-2015

The Legal 500 United States: General Commercial Disputes 2019

Institutional Investor, Benchmark Litigation Guide Future Star - New York 2017

Benchmark Litigation, Litigation Stars 2019