

Contact

Michael T. Mervis

Partner

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Mike Mervis is a veteran litigator who has tried dozens of cases in federal and state courts and before arbitral tribunals across the country. He represents clients in complex commercial matters, disputes over distressed debt and investments (particularly in contentious chapter 11 bankruptcy cases), real estate and entertainment industry disputes and intellectual property cases.

Mike is the Vice-Chair of the Firm's Litigation Department and the immediate past head of the Commercial Litigation Group. He is also the head of its Bankruptcy Litigation Group and co-head of the Private Credit Litigation Group. In bankruptcy matters, he represents lenders, ad hoc creditor groups and statutory committees, and debtors in complex chapter 11 cases in bankruptcy courts across the country. Mike has litigated the full spectrum of contested matters and adversary proceedings that arise during the lifecycle of complex chapter 11 cases.

Mike has consistently been named a “Litigation Star” by *Benchmark Litigation* and has been recognized by *The Legal 500* for his capabilities in advertising and commercial litigation. Mike has also been named a "Stand-out Lawyer" by *Thomson Reuters* based on the organization’s twelve month survey of in-house counsel to identify exemplary outside counsel.

Mike is the past chair of the Firm's Hiring Committee and co-chair of the Firm's Summer Associate Program. He also serves on the Board of VOLS (Volunteers of Legal Service) and the New York City Bar Foundation and is active in pro bono matters.

Matters

Representative Commercial and Real Estate Litigation Matters

- 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.
- 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 and far-reaching permanent injunctions 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.
- 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 lower Manhattan.

Representative Bankruptcy Court Litigation Matters

- Co-counsel for group of minority lenders excluded from an exclusive backstop offering found by District Court on appeal to violate equal treatment requirement of Bankruptcy Code Section 1123(a)(4).
- Co-lead trial counsel for confirmation of Puerto Rico's plan of adjustment under federal PROMESA statute.

- Lead trial counsel for debtors in contested confirmation hearing involving successful cram down of secured creditor.
- Lead trial counsel for prevailing lenders/purchasers in multiple contested sales under Section 363 of Bankruptcy Code.
- Lead trial counsel for debtor in successful application to modify retiree benefits over objection of major labor union.

Representative Entertainment Litigation Matters

- Helped major motion picture studios 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.
- Obtained summary judgment on behalf of Britney Spears, her record label and associated music publisher, 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

Litigation, Intellectual Property, Trials, Copyright, False Advertising & Trademark, Private Credit Restructuring, Real Estate Litigation, Restrictive Covenants, Trade Secrets & Unfair Competition, Restructuring, Special Situations

Industries

Private Capital, Real Assets

Education

New York University School of Law, J.D.

Bowdoin College, A.B.

summa cum laude

Admissions & Qualifications

New York

Connecticut

Court Admissions

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Eighth Circuit

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

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

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

Awards & Recognition

Benchmark Litigation Star 2019-2026

Benchmark Litigation Future Star 2017

The Legal 500 United States: General Commercial Disputes 2019-2020, 2024-2025

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

Thomson Reuters Stand-out Lawyer (f/k/a Acritas Star) 2020-2021