



## Charles A. Michael

Partner  
[REDACTED]

1114 Avenue of the Americas  
New York, NY 10036

[REDACTED] direct  
+1 [REDACTED] fax

### Areas of Practice

- Commercial Litigation
- Financial Services
- Litigation
- Securities Litigation & Enforcement

### Education

- New York University School of Law, J.D., 2002, *magna cum laude*, Order of the Coif
- Cornell University, B.A., 1999

### Judicial Clerkships

- Hon. Edith B. Clement, US Court of Appeals for the Fifth Circuit
- Hon. Victor Marrero, US District Court, Southern District of New York

### Bar & Court Admissions

- New York

Charles Michael has successfully handled a wide range of commercial litigation matters. He has obtained favorable settlements or dismissals on behalf of clients accused of securities fraud, intellectual property infringement, antitrust violations, wrongful termination and breach of contract. He has also successfully represented clients bringing claims for breach of fiduciary duty, trademark infringement, breach of contract, and professional malpractice.

Mr. Michael was recently part of the trial team that obtained a complete victory after a bench trial of a \$120 million suit relating to a collateralized debt obligation (CDO) transaction. He also secured a preliminary injunction preserving a medical practice's contractual option to buy the company supplying the practice's non-medical support staff, and won an appellate decision reversing the trial court and dismissing a \$200 million fraud and alter ego suit against a private equity firm.

Mr. Michael is also experienced in regulatory and criminal investigations. He has represented clients under investigation by the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA), and the US Department of Justice (DOJ).

He is the founder and editor of the SDNY Blog which covers civil litigation and trial practice in the US District Court for the Southern District of New York. Additionally, Mr. Michael has recently given several presentations to in-house counsel at private equity firms and others about limiting the risk of being held responsible in court for portfolio company liabilities, and preserving the attorney-client privilege among corporate affiliates.

### Noteworthy

- New York *Super Lawyers*, Business Litigation, 2013-2015

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### Representative Matters

- Defeated a Japanese billionaire's federal court petition to force a US-based global investment bank to produce, for purposes of a Japanese litigation, extensive discovery from the bank's Japanese broker-dealer
- Successful dismissal of multimillion-dollar breach of contract and fraud suit brought by real estate developer against project owner
- Granted summary judgment for a home furnishings company accused of failing to pay over \$20 million in alleged liabilities under an acquisition agreement
- Defended software firm in dispute relating to \$150 million acquisition of another software firm
- Defended dietary supplement maker in multimillion-dollar lawsuit arising from the failed launch of a pre-workout beverage
- Secured a preliminary injunction in a case involving theft of trade secrets
- Successfully defended several asset purchasers in successor liability lawsuits in multiple jurisdictions
- Granted summary judgment that largely disposed of case seeking \$15 million in damages for alleged breaches of an oil rig lease and related contracts
- Defended investment banking executive in multiple investigations relating to auction-rate securities market collapse
- Successfully defeated, before trial court and on appeal, a motion to preliminarily enjoin a consumer products manufacturer from selling its largest brand
- Defended private equity firm in \$55 million wrongful termination lawsuit brought by its former president
- Defended the former owners of the "Tinkerbell" trademark in a fraud and breach of contract action brought by a former licensee
- Obtained summary dismissal of a securities fraud case against a publicly-traded technology firm
- Obtained a preliminary injunction against a company improperly using a client's trademarks
- Represented a consumer products manufacturer in a lawsuit accusing two of the company's former executives of accounting fraud
- Represented a public company in a multibillion-dollar class action accounting fraud case

**Charles A. Michael**

- Successfully defended publicly-traded investment bank accused of understating options compensation in proxy statement
- Represented bank in DOJ investigation of money transfers to sanctioned countries and entities

**Select Seminars & Events**

"Fundamentals of Taking and Defending Depositions," *Practicing Law Institute*, 2015

"Fundamentals of Taking and Defending Depositions," *Practicing Law Institute*, 2014

**Selected Publications**

SDNY Blog

A Middle-Ground Approach To 'Piggybacking'  
June 2, 2015, *Law360*

Judge Rakoff Allows FIRREA Claims Where Bank's Misconduct 'Affects'  
Itself  
August 23, 2013, *The CLS Blue Sky Blog*