ArentFox Schiff LLP
Attorneys

Michael S. Cryan

PARTNER

Michael focuses on complex commercial litigation, domestic and international arbitration, and bankruptcy litigation.

Industries

Beverage & Food
Fashion & Retail Law
Health Care
Hospitality
Insurance & Reinsurance
Long Term Care & Senior Living

Practices

Real Estate
Complex Litigation
Copyright
Food, Drug, Medical Device & Cosmetic
International Arbitration & Dispute Resolution
International Trade & Investment
Labor, Employment & OSHA
Privacy, Data Protection & Data Security
Trademark

International

Latin America
Europe
China
Asia
Canada
Africa

Education

Fordham University School of Law, JD, 1995
Vassar College, AB, cum laude, 1984

Offices	Phone	Email
New York	212.484.3929	michael.cryan@afslaw.com
Boston	617.973.6142	

A partner of the firm, he is a member of the Health Care, Insurance, Intellectual Property, and Bankruptcy and Financial Restructuring practices.

Client Work

Complex Commercial Litigation
Michael's representative complex commercial litigation cases include:

- Won a decisive summary judgment victory in California Superior Court on behalf of a major oil and gas company in a complex commercial dispute against a Fortune 100 oil company and then successfully resolved remaining claims through mediation.
- Obtained a judgment in the US District Court for the Southern District of New York in a commercial case on behalf of a major fashion, apparel, and specialty goods maker.
- Secured a favorable settlement of an action before the US District Court for the Southern District of California in a commercial dispute on behalf of a consumer goods manufacturer against a former supplier.
- Won a complete dismissal of an action alleging claims for defamation and breach of employment agreement filed against a defense contractor and an executive in the US District Court for the Southern District of New York.
- Negotiated a favorable settlement on behalf of a provider of communications, test, and management solutions for optical transport, access, and cable networks concerning a software development agreement in a matter against a major software developer that was pending before the Circuit Court in Maryland and was settled through mediation.
- Obtained trial and appellate court victories on behalf of a worldwide systems integration and services company in defense of an action filed by holders who purchased bonds governed by an indenture and sought immediate payment pursuant to the subordination provision in New York

Supreme Court and Appellate Division, First Department.

- Secured a favorable settlement of a complex set of lawsuits involving a leading close corporation in the wine and champagne category and a member of the family holding its shares in actions before the California Superior Court.
- Won a decisive trial court victory and obtained satisfaction of the judgment and withdrawal of an appeal to the New York Supreme Court, Appellate Division, Second Department in an action involving the enforcement of a foreign judgment.
- Won a significant pretrial discovery motion and then secured the favorable settlement of two actions pending in California Superior Court, on behalf of a major oil and gas company against a lessor and a competitor.
- Obtained a jury verdict in the US District Court for the Southern District of New York on behalf of an apparel supplier and a lender in an action against a leading department store chain in claims for conversion under the Uniform Commercial Code.
- Won a verdict after trial in the New York Supreme Court on behalf of a leading office supplies retailer in a case involving claims of forgery of negotiable instruments brought by a financial institution.
- Represented a public benefit corporation in actions by a disappointed bidder alleging claims for breach of real estate contract and civil rights violations in related cases and appeals filed in New York Supreme Court, Appellate Division, Second Department and US District Court for the Southern District of New York.
- Secured the rapid and complete dismissal of all claims filed against a hedge fund concerning activities of a portfolio company (a consulting services provider) in the US District Court for the Southern District of New York.
- Won an arbitration award issued by the Real Estate Board of New York on behalf of beverage industry client, a commercial tenant, in a proceeding filed by a real estate broker seeking a commission following the client's lease transaction.
- Obtained a favorable settlement of an action before the New York Supreme Court in a commercial dispute involving the sale of goods by a Chinese manufacturer to a US-based apparel marketer.

Privacy & Data Security

- Developed privacy and cybersecurity program, including public-facing statements and notices, for investment fund.
- Represented financial services company in matter adverse to credit bureau concerning credit bureau's massive data breach.
- Earned two separate certifications through the International Association of Privacy Professionals (IAPP) - the Certified Information Privacy Professional/United States (CIPP/US) credential, and the Certified Information Privacy Manager (CIPM) designation.
- Counseled clients across a range of industries including financial services, healthcare and consulting on privacy and data security issues.
- Was a member of the Firm's E-Discovery Task Force

Insurance and Reinsurance
Michael's representative insurance and reinsurance cases include:

- Secured the complete dismissal of an officer of a structured settlement company on personal jurisdiction grounds in an action before the California Superior Court.
- Obtained contempt sanctions against an insurer for violations of a preliminary injunction in an action in the US District Court for the Southern District of Florida.
- Won trial and appellate court victories on behalf of an insurance carrier on a fidelity claim litigated in New York Supreme Court and Appellate Division, First Department.
- Won a decisive trial court victory by defeating a preliminary injunction motion and then secured a favorable settlement in mediation of an action involving claims of false advertising, defamation, and unfair competition between competitors in the structured settlement market in an action before the Circuit Court in Maryland.
- Obtained a decisive summary judgment victory in California Superior Court concerning the application of an indemnification agreement and notice provision.

Bankruptcy and Financial Restructuring
Michael's representative bankruptcy and financial restructuring cases include:

- Represented an indenture trustee in a bankruptcy case pending in the US Bankruptcy Court for the Central District of California.
- Represented a creditor trustee in a bankruptcy case pending in the US Bankruptcy Court for the District of Delaware, including adversary proceedings involving claims of breach of fiduciary duty.
- Represented a secured creditor – a company that owns health care facilities – in a bankruptcy case involving the lessee of nine skilled nursing facilities, in proceedings before the US Bankruptcy and District Courts for the District of Delaware.

Health Care
Michael's representative health care cases include:

- Secured a favorable settlement on behalf of a leading multinational health care provider in an action in the US District Court for the Southern District of New York against major insurance carriers concerning allegations of slow payment and improper coding of claims.
- Represented a secured creditor – a company that owns health care facilities – in a bankruptcy case involving the lessee of nine skilled nursing facilities, in proceedings before the US Bankruptcy and District Courts for the District of Delaware.
- Secured a judgment in New York Supreme Court for a leading health care provider in a commercial dispute concerning the development of a dialysis facility.

Intellectual Property
Michael's representative intellectual property cases include:

- Obtained injunctive relief including ongoing monitoring to prevent future infringement in a counterfeiting case brought in the US District Court for the Southern District of New York on behalf of a major luxury goods company.
- Negotiated a favorable settlement of a case in the US District Court for the Central District of California involving alleged breaches of software license agreement and trademark and copyright infringement on behalf of a multinational software and services corporation against a former licensee.
- Won a decisive trial court victory by defeating a preliminary injunction motion and then secured a favorable settlement in mediation of an action involving claims of false advertising, defamation and unfair competition between competitors in the structured settlement market in an action before the Circuit Court in Maryland.
- Represented a major footwear manufacturer in a declaratory judgment action seeking a declaration of non-infringement concerning the alleged claims of a competitor for patent and trademark infringement in an action before the US District Court for the Southern District of New York.
- Prosecuted a contempt motion and obtained sanctions for violation of an injunction concerning trademark infringement in an action before the US District Court for the Eastern District of New York.
- Represented a toy manufacturer in the successful defense of a copyright and trade dress action pending in the US District Court for the Southern District of New York.
- Obtained a judgment on behalf of a leading specialty food supplier in an action against a competitor concerning trademark and trade dress infringement in the US District Court for the Southern District of New York.
- Obtained a favorable settlement on behalf of a leading multinational confectionery company of trademark and trade dress infringement claims brought by a trademark holder in the US District Court for the Northern District of California.
- Won a jury verdict and declaration from the US District Court for the Southern District of New York ordering the assignment of a trademark in favor of a foreign publishing company in an action against its US-based distributor.

Domestic and International Arbitration, Litigation and Mediation
Many of the representations referenced above involved domestic or international arbitration and mediation. Some of these cases, and others, include:

- Secured trial and appellate court victories on grounds of foreign sovereign immunity on behalf of

a foreign head of state in a tort action before the US District Court for the Western District of Oklahoma and the US Court of Appeals for the Tenth Circuit.

- Won an arbitration award issued by the Real Estate Board of New York on behalf of beverage industry client, a commercial tenant, in a proceeding filed by a real estate broker seeking a commission following the client's lease transaction.
- Represented a defense contractor in an international arbitration before the International Chamber of Commerce in a matter adverse to a foreign defense ministry.
- Represented a general contractor in a dispute with a foreign government and funding agency over a construction project subject to arbitration before the Regional Center for International Commercial Arbitration in Cairo.
- Negotiated a favorable settlement on behalf of a provider of communications, test, and management solutions for optical transport, access, and cable networks concerning a software development agreement in a matter against a major software developer that was pending before the Circuit Court in Maryland and was settled through mediation.
- Won a decisive summary judgment victory in California Superior Court on behalf of a major oil and gas company in a complex commercial dispute against a Fortune 100 oil company and then successfully resolved remaining claims through mediation.
- Won a decisive trial court victory by defeating a preliminary injunction motion and then secured a favorable settlement in mediation of an action involving claims of false advertising, defamation, and unfair competition between competitors in the structured settlement market in an action before the Circuit Court in Maryland.
- Won a decisive trial court victory and obtained satisfaction of the judgment and withdrawal of an appeal through mediation conducted by the Court in the New York Supreme Court, Appellate Division, Second Department in an action involving the enforcement of a foreign judgment.
- Negotiated a favorable settlement through mediation of a case in the US District Court for the Central District of California involving alleged breaches of software license agreement and trademark and copyright infringement on behalf of a multinational software and services corporation against a former licensee.

Previous Work

As an executive at major international public relations firms from 1984 to 1992, Michael counseled Fortune 500 corporations on marketing, investor relations, and public affairs.

Professional Activities

Michael is a member of the American Bar Association, the Association of the Bar of the City of New York, and the New York State Bar Association. He has served on the executive committee of the Commercial and Federal Litigation Section of the New York State Bar Association since 1997 and was secretary (1997-1998) and co-chair of the Antitrust Committee (1999-2001).

Publications, Presentations & Recognitions

Michael wrote Chapter 20: E-Discovery in *Practising Law Institute*'s Health Care Litigation and Risk Management Answer Book 2015.

Michael's presentations include:

- "Practice in Action: Business Litigation," Fordham University School of Law; January 29, 2012
- "Introduction to Commercial Litigation in the United States," East China University of Political Science and Law, Shanghai, China; April 26, 2011
- "Commercial Litigation in the United States: Export, Collection, Litigation and Enforcement of Judgments," Sino-Foreign Economic & Trade Forum, Guangzhou, China; April 24, 2011
- "Navigating the New World of E-Discovery," Bridgeport CLE: Electronic Discovery in California, Los Angeles, CA; November 6, 2009
- "Civil Litigation," Fordham University School of Law; 2004
-

“Expert Evidence,” New York State Bar Association; 2000

Bar Admissions

California
District of Columbia
Massachusetts
New York

Court Admissions

US Court of Appeals, District of Columbia Circuit
US Court of Appeals, Federal Circuit
US Court of Appeals, 1st Circuit
US Court of Appeals, 2nd Circuit
US Court of Appeals, 3rd Circuit
US Court of Appeals, 4th Circuit
US Court of Appeals, 5th Circuit
US Court of Appeals, 6th Circuit
US Court of Appeals, 7th Circuit
US Court of Appeals, 8th Circuit
US Court of Appeals, 9th Circuit
US Court of Appeals, 10th Circuit
US District Court, District of Connecticut
US District Court, Central District of California
US District Court, Eastern District of California
US District Court, Northern District of California
US District Court, Southern District of California
US District Court, Eastern District of New York
US District Court, Northern District of New York
US District Court, Southern District of New York
US District Court, Western District of New York
US District Court, District of Massachusetts
Supreme Court of the United States