

Michael D. Silberfarb | Partner
Business Litigation

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Michael Silberfarb has nearly two decades of experience as a trial lawyer with a nationally recognized practice. He regularly acts as lead counsel in high stakes litigation, and he has litigated disputes in the financial services, publishing, events, merchant services, energy, food and beverage, life sciences, green technology, software as a service (“SAAS”) and security/alarm industries.

Michael has substantial experience representing parties in the healthcare data industry, where he regularly represents the largest players in the industry in licensing and intellectual property disputes concerning products, analytics, and insights based on real world evidence (“RWE”).

Michael has also litigated more than 100 matters involving distressed or bankrupt companies. He represented the debtors in the Chrysler (employment and retiree benefits disputes and sale hearing), Hostess (first chair litigator in trial against ten separate unions), and Lehman Brothers (in connection with failed \$1 billion swap agreement) bankruptcies. He also represented key constituents in Dreier (hedge fund against eight-figure claw-back action); Spansion (creditor in obtaining a \$100 million recovery from debtor); NS8 (debtor/trustee in recovering tens of millions of dollars on behalf of the estate); Borden (secured creditors in obtaining a nine-figure recovery); Metaldyne (lead counsel to debtor in connection with dispute with retirees and unions); and Dana Automotive (debtor in connection with trials related rejection of collective bargaining agreements and confirmation).

In the real estate industry, Michael regularly represents developers and investors in partnership disputes. He has successfully defended real estate developers in cases involving fraud, breach of fiduciary duty, breach of contract and unjust enrichment.

Michael employs an aggressive yet practical approach to litigation. He understands that all litigation must be viewed through the lens of the client's business objectives and that a litigator's role is to employ a strategy that will help the client to accomplish these objectives without causing significant disruption to the client's business.

Outside The Firm

Michael lives in Park Slope and enjoys chasing his son around Prospect Park. He has hiked all over the world, including in Japan, Venezuela, Slovenia, Tasmania, Malaysia, Wales, and Chile. He is a Mets fan.

Select Engagements

- Trial counsel to healthcare data and analytics company in defense against \$500 million breach of contract and misappropriation of trade secrets action brought in federal court. After a three-week trial in federal court, obtained a unanimous jury verdict denying the misappropriation of trade secrets claim and awarding plaintiff only one dollar on account of its breach of contract action.
- Trial counsel to hedge fund trader in defense against \$11 million breach of fiduciary duty action brought by former employer. After two-week trial in the Southern District of New York, obtained a unanimous jury verdict dismissing all claims.
- Counsel to New York real estate developer in dispute with former partner. Obtained unanimous appellate victory overturning trial court decision and dismissing \$9 million breach of fiduciary duty claim.
- Co-lead counsel to foreign SAAS company in defense against \$100 million claim related to merchant services agreement. Successfully obtained summary dismissal of claimant's key claims in arbitration and settled remaining disputes for a minimal payment.
- Trial counsel to healthcare data and analytics company in defense against claim by former sales manager seeking unpaid commissions. After a one-week trial, obtained directed verdict dismissing all claims.
- Trial counsel to food and beverage company in bankruptcy proceedings seeking to reject collective bargaining agreements in bankruptcy. After five-day trial, bankruptcy court for the Southern District of New York granted all relief sought.
- Pro bono trial counsel to octogenarian whose life savings were stolen by the deacon at her church. Obtained complete victory on behalf of client.
- Co-lead counsel to SAAS company in defense against \$16 million claim brought by former executives seeking to reinstate their ownership stake. Successfully obtained favorable settlement on the eve of trial.
- Trial counsel to Chinese manufacturer in \$12 million dispute over loan with an American financial institution. Obtained favorable verdict on behalf of client.
- Lead counsel to alarm manufacturer in nine million dollar dispute related to a

burglary at a bank location in Brooklyn, New York.

- Led representation of a salad dressing manufacturer in three nationwide class action lawsuits alleging that products were mislabeled. After obtaining favorable ruling in the Southern District of New York on early motion practice, successfully negotiated the settlement of all three actions for minimal amounts.
- Counsel to medical facility in multimillion breach of contract action against its electronic healthcare records software vendor. Obtained favorable settlement on behalf of client.
- Represented a healthcare data and analytics company in defense against \$20 million dispute with its former legal counsel. Obtained favorable settlement on behalf of client.
- One of the lead litigators representing Hostess Brands, Inc. in its 2012 bankruptcy proceedings that led to the sale of Hostess' assets for nearly one billion dollars.
- Represented Spansion Japan, with respect to bankruptcy claims against its parent company. After seven months of expedited litigation, parent agreed to pay Spansion Japan \$100 million.
- Counsel to debtor in Chrysler's seminal 2009 bankruptcy (oversaw contingency planning related to employment and retiree benefits-related issues; member of trial team for sale hearing).

Admissions

- Pennsylvania
- New York
- U.S. District Court - Eastern District of New York
- U.S. District Court - Southern District of New York
- United States Court of Appeals for the Sixth Circuit

Education

- University of California, Los Angeles, BA
- Boston University School of Law, JD, cum laude

Recognitions

2014–2018, "Pennsylvania Rising Star" in Business Litigation, listed in *Super Lawyers®*

Professional Activities

While in law school, Michael was a legal intern in the United States Attorneys' Office, Criminal Division. In college, he interned in the financial crimes division of the United States Secret Service.