



## Michael Wexelbaum

### Partner

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Michael Wexelbaum concentrates on civil litigation and alternative dispute resolution, including arbitrations and mediations. He has extensive trial and appellate experience in both the Federal and State courts, and has handled a wide variety of complex lawsuits and arbitrations in such diverse areas as textiles and apparel, labor law, corporate law, partnership law, limited liability company law, real estate law, outdoor advertising, eminent domain, trusts and estates law, and bankruptcy law.

#### Michael Wexelbaum's practice areas include

- Commercial Litigation
- Corporate Law
- Fashion Law
- Outdoor Advertising
- Real Estate Law

Michael Wexelbaum has successfully prosecuted and defended a number of multi-million dollar lawsuits, and successfully argued a case of the first impression before the United States Court of Appeals for the Second Circuit which is cited as the controlling authority interpreting a Section of the Uniform Commercial Code. Mr. Wexelbaum also serves as an arbitrator on the Panel of Arbitrators of both the American Arbitration Association and the National Arbitration Forum.

#### Notable Cases

- *Rosenshein v. Meshel*, No. 16-3189-cv, 2017 WL 1439957 (2d Cir. April 21, 2017)
- *Rosenshein v. Kushner*, No. 15-cv-7397(DLC), 2016 WL 4508756 (S.D.N.Y. August 26, 2016)
- *Bodner v. Grunstein*, 127 A.D.3d 410, 4 N.Y.S.3d 503, 2015 N.Y. Slip Op. 02849 (1st Dept. 2015)
- *Petrocelli v Petrocelli Electric Co., Inc.*, 121 A.D.3d 596, 995 N.Y.S.2d 552, 2014 N.Y. Slip Op.



07303 (1st Dept. 2014)

- Roberts v. Borg, 83 A.D.3d 947, 922 N.Y.S.2d 426 (2nd Dept. 2011).
- Roberts v. Borg, 74 A.D.3d 1349, 904 N.Y.S.2d 186, 2010 WL 2606488, N.Y. Slip Op. 05775 (2nd Dept. 2010)
- Bank of New York v. First Millennium, Inc., 607 F.3d 905, 2010 WL 2163099 (2nd Cir. 2010)
- Roberts v. Borg, 2009 Slip Op. 30563 (U) (Surr. Ct., Nass. Co., 2009)
- Dhamoon v. 230 Park South Apartments, Inc., 48 A.D.3d 103, 849 N.Y.S.2d 61, 2007 WL 4533144, 2007 N.Y. Slip Op. 10504 (1st Dept. 2007)
- LJ Kings, LLC v. Woodstock Owners Corp., 46 A.D.3d 321, 848 N.Y.S.2d 42, 2007 WL 4336227, 2007 N.Y. Slip Op. 09884 (1st Dept. 2007)
- Came Realty, LLC v. Canadian Imperial Bank of Commerce, 36 A.D.3d 575, 827 N.Y.S.2d 622, 2007 WL 60426, 2007 N.Y. Slip Op. 00103 (2nd Dept. 2007)
- Roberts v. Borg, 35 A.D.3d 617, 826 N.Y.S.2d 409, 2006 WL 3631835, 2006 N.Y. Slip Op. 09475 (2nd Dept. 2006)
- Snow Becker Krauss P.C. v. ISG Solid Capital Markets, LLC, 298 A.D.2d 210, 748 N.Y.S.2d 639, 2002 Lexis 9729, 2002 N.Y. Slip Op. 07303 (1st Dept. 2002)
- Bernstein v. The MONY Group, Inc., 228 F.Supp.2d 415, 2002 WL 31422949 (S.D.N.Y. 2002)
- Hudson Envelope Corp. v. Klausner, 249 A.D.2d 31, 670 N.Y.S.2d 104, 1998 WL 168463, 1998 N.Y. Slip Op. 03108 (1st Dept. 1998)
- In re T.R. Acquisition Corp., 1997 WL 528156 (S.D.N.Y. 1997)
- In re Houbigant, Inc. (Atlantis International, Ltd. v. Houbigant, Inc.), 1996 WL 527334 (S.D.N.Y. 1996)
- In re Sackman Mortgage Corporation (European American Bank v. Sackman Mortgage Corporation), 158 B.R. 926, 1993 WL 327815 (Bankr. S.D.N.Y. 1993)
- Stanley Tulchin Associates, Inc. v. Vignola, 186 A.D.2d 183, 587 N.Y.S.2d 761, 1992 WL 232349 (2nd Dept. 1992)
- Chase Manhattan Bank, National Ass'n v. Federal Chandros, Inc., 148 A.D.2d 567, 539 N.Y.S.2d 36, 1989 WL 26369 (2nd Dept. 1989)
- Judnick Realty Corporation v. 32 West 32nd Street Corp., 61 N.Y.2d 819, 473 N.Y.S.2d 954, 462 N.E.2d 131 (1984)
- Hopfan v. Harris, 54 N.Y.2d 843, 444 N.Y.S.2d 60, 428 N.E.2d 392 (1981)
- Ernest J. Michel & Co., Inc. v. Anabasis Trade, Inc., 50 N.Y.2d 951, 431 N.Y.S.2d 459, 409



N.E.2d 933, 29 UCC Rep. Serv. 55 (1980)

- Schubtex, Inc. v. Allen Snyder, Inc., 49 N.Y.2d 1, 424 N.Y.S.2d 133, 399 N.E.2d 1154, 27 UCC Rep. Serv. 1166 (1979)
- Cliff v. PPX Pub Co., 84 F.R.D. 369, 28 Fed. R. Serv.2d 1322 (S.D.N.Y. 1979)
- Citron v. Hartford Accident & Indemnity Company, 57 A.D.2d 913, 394 N.Y.S.2d 576 (2nd Dept. 1977)
- In re Ore Cargo, Inc. (Israel Discount Bank Limited v. Gottesman), 544 F.2d 80, 1976 A.M.C. 2403, 20 UCC Rep. Serv. 186 (2nd Cir. 1974)
- Law Research Service, Inc. v. General Automation, Inc., 494 F.2d 202 (2nd Cir. 1974)

## **Practices**

Commercial Litigation, Corporate Law, Fashion Law, Outdoor Advertising, Real Estate Law

## **Admissions**

- New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Eastern District of Wisconsin

## **Awards**

- Profiled in Who's Who in America, Who's Who in American Law, Who's Who in Finance and Industry and Who's Who in the East
- Marquis Who's Who Lifetime Achievement Award – 2018
- Selected as a New York Metro Super Lawyer (General Litigation) years 2006-2019
- Named to Avenue Magazine's Legal Elite (Commercial Litigation) years 2010-2019
- Rated AV Preeminent (Highest peer review rating available) by Lexis Nexis Martindale-Hubble)
- Member of the American Bar Association, Litigation Section
- Member of Lawyers Association of the Textile and Apparel Industries (member of the Board of Governors 1990-2003)



- Member of the Association of Commercial Finance Attorneys, Inc.
- Member of the Bankruptcy Lawyers Bar Association

## **Education**

New York University School of Law, J.D.

Bucknell University, B.A.