



Michael J. Cohen

PRINCIPAL

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Practice Areas

- [Litigation](#)

Education

- Seton Hall University School of Law, J.D., *cum laude*
- Rutgers College, B.A., *highest honors*

Bar Admissions

- New Jersey, 2005
- New York, 2006
- U.S. District Court, District of New Jersey
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals – Third Circuit
- U.S. Court of Appeals – Second Circuit

Biography

Michael Cohen is a principal in the firm's Litigation Department practicing in the federal and state courts of New York and New Jersey, serving clients from case inception through trial, and on appeal. Michael has represented clients in contract disputes, insurance matters, environmental litigation (including matters involving CERCLA and the New Jersey Spill Act), shareholder litigation, probate and estate litigation, and airline litigation (including matters involving the Airline Deregulation Act of 1978 and the Montreal and Warsaw Conventions governing international air travel).

Michael's recent cases include:

- Serving on the trial team that represented a large commercial real estate developer in a 20-day environmental trial in federal court, which resulted in the dismissal of the largest claims against his client. That result was then affirmed by published decision on appeal. *Litgo New Jersey, Inc. v. Comm'r N.J. Dept of Environmental Protection*, 725 F.3d 369 (3d Cir. 2013).
- Obtaining summary judgment awarding nearly \$3.5 million to the family owners of a well-known limousine company after the company's former owner attempted to re-designate the beneficiary of his life insurance proceeds in order to avoid repaying a loan to those family members.
- Prevailing in an ancillary forfeiture proceeding on behalf a claimant seeking to recover funds wrongfully seized by the U.S. Government. The government sought to dismiss the client's petition for relief and the petitions of several other claimants for failure to state a claim and for lack of standing. By published opinion, the Court rejected the government's position, which ultimately resulted in the government settling with each of the claimant parties for their proportionate share of the seized funds. *U.S. v. Egan*, 811 F.Supp.2d 829 (S.D.N.Y. 2011).
- Successfully defending claims by the employee of a prominent developer who alleged he was entitled to nearly eleven months of additional compensation after he was terminated one month after he was hired. Following a full trial, the court concluded that the client was an at-will employee who could be terminated for any reason or no reason.
- Following several days of arbitration, prevailing on behalf of a business owner and landlord (and his entities) against his daughter and estranged wife, obtaining declarations that he alone was the owner of the subject properties and businesses, and that his wife and daughter (who leased space in the subject premises) were obligated to pay him over a half million dollars in back rent.

Michael also prevailed on several recent appeals, including:

- a decision by the New Jersey Appellate Division affirming summary judgment for a landlord whose

tenant, a Dodge dealership, ceased paying rent based on claimed frustration of purpose following the national Chrysler bankruptcy. *476 Grand, LLC v. Dodge of Englewood, Inc.*, 2012 WL 670020 (App. Div. Mar. 2, 2012).

- a decision by the New Jersey Appellate Division affirming (in large part) a final agency decision of the N.J. Division of Purchase and Property awarding a nearly \$10 million contract to Michael's client, a security contractor, over the objections of two other bidders. *Securitas Sec. Services, U.S.A., Inc. v. New Jersey Dep't of Treasury, Div. of Purchase & Prop.*, 2012 WL 43608 (App. Div. Jan. 10, 2012).
- a decision by the New Jersey Appellate Division affirming a final agency decision of the Commissioner of Education invalidating the fourth year of a collective bargaining agreement entered into between a local teachers association and the local Board of Education. *Bd. of Educ. of Borough of Ramsey, Bergen Cnty. v. Ramsey Teachers Ass'n*, 2012 WL 5869413 (App. Div. Nov. 21, 2012), *certif. den.*, 213 N.J. 535 (2013).
- a decision by the New York Appellate Division reversing, in part, a lower court's decision and dismissing a RICO claim against his client, a check casher, that unknowingly cashed checks that were fraudulently issued by a faithless employee of the plaintiff company. Following the completion of extensive discovery, the trial court later dismissed all claims against Michael's client on summary judgment. See *House of Spices (India), Inc. v. SMJ Servs., Inc.*, 103 A.D.3d 848, 960 N.Y.S.2d 443 (2nd Dept. 2013) and 2013 WL 6815234 (N.Y. Sup. Ct., Queens Cty., Aug. 15, 2013) (dismissing case on summary judgment).

Michael has been certified by the Supreme Court of New Jersey as a Civil Trial Attorney. In 2014, Michael was named one of the *New Jersey Law Journal's* New Leaders of the Bar (formerly the "Top 40 under 40"). He is a member of the Bergen County and New Jersey Bar Associations, and is a graduate of the Morris Pashman Inn of Court, a professional association that helps young lawyers develop practical trial skills. Prior to joining the firm, Michael served as a judicial law clerk for the Hon. Sebastian Gaeta, Jr. on the New Jersey Superior Court.

Contact

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