



Michael A. Kaplan

Counsel

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Michael brings strategic judgment and practical solutions to a practice focused on complex commercial litigation, as well as products liability, mass tort, toxic tort, and dram shop cases. He handles a wide array of civil litigation and appeals in both state and federal courts across the country. Clients also value his experience with U.S.-based and international arbitrations.

Outside his civil practice, Michael concentrates on white collar criminal law, representing individuals and corporations in matters involving allegations of mail and wire fraud, health care fraud, and tax evasion. He conducts internal investigations and has a strong track record defending entities in investigations and civil proceedings brought by state and federal regulatory authorities.

In addition to his passion for litigation, Michael is committed to giving back to the community. He regularly provides pro bono representation to victims of domestic violence through the firm's relationship with Partners for Women and Justice and the Rachel Coalition.

Prior to joining the firm, Michael served as a judicial law clerk to Chief Judge Gary L. Sharpe of the U.S. District Court for the Northern District of New York.

EXPERIENCE

- > Successfully tried a civil case brought in state court in Monmouth County, New Jersey, on behalf of Telcordia Technologies Inc., a subsidiary of Ericsson. The plaintiff served as a subcontractor providing temporary employees to a prime contractor, which in turn provided the employees to Telcordia. When the prime contractor declared bankruptcy, the plaintiff sued Telcordia for breach of contract, claiming that the prime contractor was Telcordia's agent, and quantum meruit claims. The three-day bench trial culminated in a comprehensive written opinion from the court entering judgment in favor of Telcordia on all counts.
- > Won a significant victory on behalf of AGL Resources Inc. in a civil case brought in state court in Union County, New Jersey. The plaintiff in the case claimed to suffer from extensive injuries to her lower back and knee, both requiring surgery, from a minor vehicle accident with one of AGL's utility vehicles. The jury determined that AGL was not negligent and rendered a no-cause verdict.
- > Won a significant victory on behalf of Aramark Corporation in a civil case brought in federal court in Rochester, New York. The plaintiff in the case claimed to be totally disabled due to internal head injuries resulting from an accident which occurred on property managed by Aramark. The claim was bifurcated into two phases: liability and damages. The jury determined that Aramark was not liable and therefore prevented the second phase.
- > Represents LifeCell Corporation in multiple products liability cases involving cutting-edge medical technology.
- > Represents numerous investment advisors in connection with government investigations.
- > Represented a major medical center in connection with its physical damage and business interruption losses stemming from Hurricane Sandy, which are expected to exceed \$1 billion.
- > Represents individuals under investigation for alleged wire fraud by the U.S. Attorney's Office in the District of New Jersey.
- > Representing national telecommunication research and development company in a contract dispute regarding the provision of temporary technical labor.
- > Pro bono representation of a victim of domestic violence seeking a final restraining order in family court.
- > Pro bono representation of New Jersey homeowners seeking insurance coverage for damages stemming from Superstorm Sandy.

HONORS & AWARDS

- > **Order of the Coif**
- > **The Order of Barristers**

- > **ALI-ABA Scholarship and Leadership Award**
- > **National Order of Scribes**
- > **College of Law Ambassador Award**
- > **Partners for Women and Justice: Partner in Justice Award (2018)**
Recognized for dedication and commitment to providing pro bono representation of Partners for Women and Justice clients

NEWS & INSIGHTS

Publications

- > July 24, 2018
"New Jersey Supreme Court Reinforces the Need for Specificity in Settlement Agreements," *Litigation Client Alert*
Michael A. Kaplan
- > December 14, 2016
"U.S. Supreme Court Affirms: Defrauding Bank Customer Is Also Fraud Against Bank," *White Collar Criminal Defense Client Alert*
Michael T. G. Long, Michael A. Kaplan
- > December 7, 2016
"U.S. Supreme Court Reaffirms Insider Trading Rules, Casting Doubt on Continued Utility of Second Circuit's Newman Decision," *White Collar Criminal Defense Client Alert*
Robert J. Kipnees, Michael A. Kaplan

In the Media

- > December 7, 2019
Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the bankruptcy case of **Bumble Bee Foods** is highlighted in the **Global Legal Chronicle**. The Lowenstein team includes **Andrew David Behlmann, Eric Chafetz, Michael A. Kaplan,** and **Myles R. MacDonald**. [View Lowenstein's news announcement about this retention.](#)
- > November 6, 2019
Jeffrey Cohen, Nicole Fulfree, Michael A. Kaplan, Gabriel L. Olivera, and **Keara Waldron** are cited in a **Global Legal Chronicle** article highlighting Lowenstein's having been selected as counsel to the Committee of Unsecured Creditors in Chapter 11 proceedings for **Fred's, Inc.**, a discount general merchandise store operator. [View Lowenstein's news announcement about this representation.](#)
- > August 9, 2018
Law360 quotes **Robert J. Kipnees** and notes Kipnees and **Michael A. Kaplan** as counsel for the Union Mutual Medical Fund and its trustees in an article reporting the U.S. Court of Appeals for the Second Circuit's rejection of a request by the Teamsters Local 210 Affiliated Health and Insurance Fund and its trustees that the court reconsider its June 2018 decision to uphold the trial court's grant of summary judgment and an award of over \$3.7 million on behalf of Lowenstein's clients. [View Lowenstein's news announcement about the June 2018 appellate decision.](#) (*subscription required to access article*)
- > June 7, 2018
Law360 quotes **Robert J. Kipnees** and notes Kipnees and **Michael A. Kaplan** as counsel to the Union Mutual Medical Fund (UMMF) and its trustees in an article discussing UMMF's 2nd Circuit victory in a 10-year litigation against the Teamsters Local 210 Affiliated Health and Insurance Fund and its trustees. [View Lowenstein's news announcement about the court's decision.](#) (*subscription required to access article*)

EDUCATION

- > Syracuse University College of Law (J.D. 2011), summa cum laude; Lead Articles Editor, *Syracuse Law Review*; Executive Director, Moot Court Honor Society
- > Temple University (B.A. 2008), Political Science, summa cum laude

ADMISSIONS

- > New York
- > New Jersey
- > District of Columbia
- > Pennsylvania