



Michael S. Horn

Partner

Business Litigation



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Overview

Michael has a diverse general and complex commercial litigation practice representing clients in a broad range of matters, including partnership disputes, UCC claims, defamation claims, contract disputes, real estate matters, unfair competition claims, employment disputes, environmental matters, as well as fraud-based criminal charges. He represents clients ranging from Fortune 500 companies and large multinational corporations, to mid- and small-sized businesses. Michael routinely appears before state and federal courts, administrative agencies and arbitrators in New Jersey and New York. He has successfully argued Appellate matters before the New York State Appellate Division, the New York State Appellate Term, and the New Jersey Appellate Division.

A significant portion of Michael's practice is focused on defending medical practitioners in disciplinary actions to protect their privileges at hospitals, and in defense of their medical licenses before the New Jersey State Board of Medical Examiners. He has arbitrated before the American Health Lawyers Association. In addition, Michael represents automobile dealerships in court and binding arbitrations. Mr. Horn also assists clients in complex transactions involving the sale or transfer of businesses.

Throughout his career, Michael has also represented businesses before regulatory boards such as the U.S. Equal Employment Opportunity Commission ("EEOC"), New Jersey Division of Consumer Affairs, and the New York State Department of Labor, New York City Division of Human Rights. He has also litigated before the Tribunal of the United Nations.

Michael has a long list of clients that have relied upon his guidance for over a decade. He has developed a long-standing relationship with clients based upon trust, efficiency and effective results. When working with Michael, clients are provided a unique strategy that is designed to provide a holistic approach to litigation, while

considering that the primary goal of any business is to succeed in their respective area. He provides clients real time information about their litigation and meaningful, effective and responsive representation.

Michael began his career as a litigator serving as an Assistant District Attorney in New York City. As a result, he has a keen ability to discover and litigate against fraudulent misconduct. During his tenure, Michael concentrated on prosecuting financial fraud crimes against large corporations and insurance companies, including subprime mortgage fraud, embezzlement charges and insurance fraud. He also conducted long-term investigations of criminal enterprises and identity theft operations.

Michael is a frequent lecturer and author on various topics in the area of litigation, such as enforceability of franchise non-competes, reverse false claims statutes, commercial real estate disputes, shareholder/membership disputes, and litigation regarding trade secrets, vendor contracts, and employment policies.

Representative Experience

- Represented medical practice and managing physician in a highly contested partnership dispute.
- Represented physicians before the Board of Medical Examiners and before Hospital Medical Executive Boards.
- Advocated for multiple automobile dealerships in high level disputes with partners and lenders.
- Provided guidance in the transfer of multiple businesses including multiple automobile dealerships.
- Represented high level executive in dispute with former employer related to ownership interest and severance issues.
- Successful trial involving large golf center involving complex environmental, landlord tenant and partnership issues.
- Represented national retail chain's claim against local businesses for trademark infringement.
- Minority shareholder suit for judicial dissolution of the corporation and the distribution of corporate assets.
- Healthcare corporation's pursuit of a lawsuit against former employees for breach of a covenant not to compete, non-solicitation and confidentiality provision.
- Represented hotel investors' suit for rights under a contract for the purchase of land to construct a national hotel brand in a major metropolitan market.
- Represented a national retail distribution company in multiparty products liability claim.
- Represented a large healthcare non-profit network in a series of suits related to various liability actions.



- Represented clients at trial in a contested dispute between beneficiaries before the NY Surrogate Court.

Professional and Community Involvement

- Member, The International Association of Jewish Lawyers and Jurists
- Member, National Association of Dealer Counsel
- Member, World Golf Network
- Former President, New Jersey Tulane Alumni Association
- LeTip of Paramus, Ethics Chair
- Member, Advisory Council for the Transformative Leadership in Disruptive Times Certificate Program at Seton Hall University

Select Articles

- “The shifting landscape of antitrust lawsuits in the medical field,” *Chief Healthcare Executive* (June 2023)
- “Health Staffing Shortages May Draw More Antitrust Scrutiny,” *Law360* (June 2023)
- “Shifts in the Enforceability of Franchise Non-Competes,” *Franchising.com* (March 2023)
- “Comparing NY And NJ Reverse False Claims Statutes,” *Law360* (February 2023)
- “The pandemic’s impact on medical non-compete clauses,” *Chief Healthcare Executive* (January 2023)
- “Common Commercial Real Estate Disputes to be Aware of in 2023,” *Northeast Real Estate Business* (January 2023)
- “Post-Pandemic Litigation: Trade Secrets, Vendor Contracts and Employment Policies May Top List,” *ROI-NJ* (July 2021)
- “Stressed Out: How COVID-19 Has Affected Shareholder/Membership Disputes,” *NJBIZ* (February 2021)

Past Speaking Engagements and Seminars

- Direct Examination of the Adverse Witness and Attacking the Adverse Expert, *National Business Institute* (March 2023)
- Human Resources Law, *National Business Institute* (July 2022)
- New Jersey Labor and Employment Law 2021 Miniseries: Part 1, *National Business Institute* (December 2021)
- Intro to Employee Handbooks, *National Business Institute* (October 2021)
- Employment Law: Advanced Issues and Answers, *National Business Institute* (April 2021)



- **Representing Your Client in Federal Court**, *National Business Institute* (2016)
- Local Government Law: What Attorneys Need to Know, *National Business Institute*
- Disciplining and terminating Employees for Off-Duty Misconduct, *National Business Institute*
- Non-Compete, Non-Solicitation and Non-Disclosure Agreements – Current Trends, *National Business Institute*
- Civil Trial: everything You Need to Know, *National Business Institute*

In the News

- **“The Paul Vandenburg Show/ Libel Trial of Sarah Palin Suing NY times,”** New York Talk Radio (Part 1, 2/15/22)
- **“The Paul Vandenburg Show/ Libel Trial of Sarah Palin Suing NY times,”** New York Talk Radio (Part 2, 2/21/22)

Credentials

Education

- Syracuse University, JD, *magna cum laude*
- Tulane University, BA, *cum laude*

Bar Admissions

- New Jersey
- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York
- U.S. Supreme Court



Offices

- Hackensack, NJ
- New York, NY

Areas of Focus

Practice

- Appellate Practice
- Business Litigation
- Labor & Employment

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