



Michael Nicholson

Partner

Rochester

P: 585.295.4436

mnicholson@barclaydamon.com

Education

- University of Pittsburgh School of Law, JD
- Hobart College, *Magna Cum Laude*, BA

Practices & Industries

- Commercial Litigation & Complex Trials
- Energy
- Property Tax & Condemnation

Admitted to Practice

- New York
- Texas
- District of Columbia

Court Admissions

- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Eastern District of New York
- US District Court for the Western District of New York
- US Bankruptcy Courts for the Northern, Southern, Eastern, and Western Districts of New York
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Third Circuit

Biography

A broad-based commercial litigator, Michael concentrates his practice on representing clients in the energy industry on complex real property tax disputes, providing litigation services and strategic counseling and handling settlement negotiations across the country on a variety of sophisticated matters. He has a national practice with experience working on multimillion-dollar tax assessment litigation for the firm's clients in New York, California, Texas, Michigan, North Carolina, Massachusetts, and other states on both fossil fuel and renewable energy facilities as well as commercial properties.

In addition to his real property tax litigation practice, Michael has considerable experience counseling corporations in commercial disputes, litigating at both the trial and appellate levels in state and federal courts. He also has Chapter 11 bankruptcy and creditors' rights experience.

Bar Associations

- Monroe County Bar Association
- New York State Bar Association
- Onondaga County Bar Association

Selected Memberships & Affiliations

- Federalist Society

Representative Experience

- Represented a defendant corporation in multiple distinct actions in state, federal, and bankruptcy courts concurrently, with claims totaling approximately \$25 million. Successfully opposed a critical summary judgment motion seeking \$10

- US Court of Appeals for the Fourth Circuit
- US Court of Appeals for the Fifth Circuit
- US Supreme Court

- million in damages and debilitating equitable relief, and won the cross-motion dismissing the underlying action.
- Represented corporations in investigations by the NYS Attorney General, obtaining the discontinuance of investigations in each case.
- Represented individuals and municipalities in the litigation of real-property disputes and Article 78 proceedings, obtaining judgment in favor of the client in each case.
- Represented a regional bank in state court action, obtaining dismissal with prejudice of a critical case by a commercial borrower, raising issues of first impression with respect to lender liability that, if recognized, may have resulted in sweeping exposure for the bank on its entire commercial-loan portfolio.
- Represented a regional food manufacturer and distributor throughout a successful Chapter 11 reorganization and litigated various motions and claims objections, obtaining relief critical to successful reorganization.
- Represented an equipment-finance company in an action against directors of a corporate borrower attempting to avoid liability by dissolving and reincorporating while swapping directors. Obtained personal judgments against the directors, repossession of collateral, and the dismissal of all counterclaims.

Prior Experience

- Hiscock & Barclay, LLP, Associate
- Harter Secrest & Emery LLP, Associate

Selected Community Activities

- Law Explorers Regional Mock Trial Competition, Coach