



Michael Fialkoff

Senior Associate

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OVERVIEW

Michael Fialkoff, a commercial litigator, is committed to resolving his clients' complex business and contractual disputes in a timely and cost-effective manner. He works closely with clients to ensure that the litigation strategy for a case fits with business goals and realities. Michael assists clients with litigation matters related to contractual issues, patent and trademark disputes, disputes under the New Jersey Franchise Practices Act, shareholder disputes, and commercial and consumer lending issues. He has obtained numerous favorable rulings for clients, including:

- Summary judgment dismissing all claims in an expansive trademark litigation in which the plaintiff asserted infringement of more than a dozen trademarks, which was affirmed by the Third Circuit Court of Appeals
- Summary judgment dismissing breach of contract and other claims asserted by a franchisee against a national hotel chain
- Dismissal of a putative class action challenging an alleged kickback scheme between a mortgage loan servicer and property insurance companies related to lender-placed insurance
- Dismissal of a patent infringement lawsuit alleging infringement of three software patents, on the grounds that the asserted patents were invalid.

In addition to his litigation experience, Michael also counsels clients in minimizing their antitrust risk in connection with joint ventures and product offerings.

Michael is also actively involved in pro bono work, including prisoners' rights cases and guardianship proceedings. As part of his pro bono work, he obtained a first-of-its-kind ruling from the New Jersey Appellate Division that indigent parents are entitled to appointed counsel in child abuse cases before the Office of Administrative Law.

Michael was a summer associate with Day Pitney in 2014. Prior to joining the firm, he served as a judicial intern to the Honorable Alison J. Nathan of the Southern District of New York and to the Honorable Paul W. Armstrong of the Superior Court of New Jersey.

Outside of the firm, Michael is actively involved with the Crohn's & Colitis Foundation's New Jersey Chapter, serving on the Executive Committee for its annual Take Steps event.

SERVICES

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LITIGATION

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INSIGHTS

NEW JERSEY FEDERAL CIVIL PROCEDURE

Co-author, December 22, 2022

COLLEGE 'SUPER CONFERENCES' MAY WIND UP ON DEFENSE WITH ANTITRUST LAW

Co-author, September 7, 2022, *Sports Business Journal*

NEW YORK COURT OF APPEALS ADOPTS COMMONSENSE APPROACH TO AUTHENTICATING SCREENSHOTS OF TEXT MESSAGES

Co-author, August 9, 2022, *Day Pitney Alert*

AUTHENTICATING SOCIAL MEDIA EVIDENCE IN NJ COURTS

Co-author, March 6, 2017, *New Jersey Law Journal*

SUPREME COURT SHORT-CIRCUITS DEFENSE STRATEGY TO PICK OFF CLASS REP

Co-author, January 25, 2016, *Day Pitney Alert*

NEWS

LIBERTY STATE PARK TAKE STEPS WALK FOR CROHN'S AND COLITIS FOUNDATION

Featured, June 12, 2022, *Day Pitney Press Release*

LAKELAND COMPLETES MERGER WITH 1ST CONSTITUTION

Mentioned, January 11, 2022, *Day Pitney Press Release*

DAY PITNEY SPONSORS CROHN'S & COLITIS FOUNDATION'S TAKE STEPS CHARITY WALK IN NEW JERSEY

Featured, June 13, 2021, *Crohn's & Colitis Foundation*

FOX NEWS MUST FACE EX-AD CLIENT'S ACCOUNTING SCHEME SUIT

Mentioned, April 8, 2021, *Day Pitney Press Release*

DAY PITNEY'S PRO BONO TAX TEAM WINS NJ SUPREME COURT APPEAL INVOLVING RELIGIOUS USE

Mentioned, July 16, 2020, *The Record, Law 360*

EDUCATION AND CREDENTIALS

EDUCATION

University of Michigan Law School, J.D., 2015

University of Michigan, B.A., 2011

ADMISSIONS

State of New Jersey

State of New York

RECOGNITION AND COMMUNITY

RECOGNITION

Selected to the list of New Jersey *Super Lawyers* Rising Stars (Thomson Reuters), Business Litigation, 2023

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