

## Michael P. Regan

Partner | New York

Michael P. Regan is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP.

Mr. Regan is an experienced commercial and real-estate litigator and regularly represents clients in state and federal court and in arbitration. He has served as litigation counsel in a wide variety of commercial and real-estate cases involving, by way of example, claims for breach of contract, specific performance, fraud, breach of fiduciary duty, tortious interference with contract and fraudulent conveyances. Mr. Regan has considerable experience litigating business tort and contract cases, partnership disputes, commercial real estate and construction matters, and applications for injunctive relief arising out of restrictive covenants in employment agreements. He has represented companies in various industries such as finance, real estate, construction, securities and manufacturing. Mr. Regan has significant trial experience and, as a practitioner and former appellate clerk, has handled numerous appeals.

Mr. Regan is an active member of the New York City Bar Association. For the past 8 years, he has served on the Committee on State Courts of Superior Jurisdiction. Effective September 1, 2017, Mr. Regan will serve as Chair of the State Courts Committee for a period of 3 years.

Born in Connecticut, Mr. Regan received his undergraduate degree from Dartmouth College and his law degree from the University of Connecticut School of Law. After graduating from law school, Mr. Regan clerked for the Honorable Thomas G. West of the Connecticut Appellate Court. He also earned an LL.M. degree in Banking, Corporate and Finance Law, with honors, from Fordham Law School.

### REPRESENTATIVE EXPERIENCE

#### New York Supreme Court - Commercial Division

- Defending former directors of Delaware corporation against tortious interference and fraud claims.
- Defending former manufacturer of ready-to-drink products against contract claims.



#### Contact Information

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#### Areas of Practice

Litigation/Trial Practice

Arbitration

Appellate Practice

Construction Law and Litigation

Global Transport Practice

#### Bar Admissions

New York

Connecticut

Southern District of New York

Eastern District of New York

District of Connecticut

Second Circuit Court of Appeals

United States Supreme Court

- Prosecuting claims on behalf of secured lender to enforce a promissory note and related loan documents.
- Defending lender in a large condominium development project against fraudulent conveyance and contract claims.
- Defending publicly-traded company against fraudulent conveyance claims.
- Obtained summary judgment for client in a declaratory judgment action to resolve ownership of closely-held companies.
- Obtained a favorable decision for client after a bench trial involving a commercial lease dispute.

### **New York Supreme Court – Real Estate Litigation**

- Prosecuting commercial mortgage foreclosure proceeding on behalf of lender.
- Prosecuting preliminary injunction and indemnification claims on behalf of cooperative corporation against shareholders.
- Prosecuting preliminary injunction and breach of fiduciary duty claims on behalf of minority member in a real-estate partnership dispute.
- Defending partnership in declaratory judgment action concerning an option to renew a commercial lease.
- Defending cooperative corporation against contract claims stemming from a large-scale roof repair project.
- Obtained summary judgment in favor of a commercial landlord in a dispute concerning ownership of a building in Manhattan.
- Obtained summary judgment in favor of a cooperative corporation based largely on the business judgment rule.

### **Federal Court Litigation**

- Defending a UK citizen in an action filed in the Southern District of New York concerning the parties' entitlement to a substantial down payment in connection with a contract to purchase a new condominium unit.
- Prosecuting contract and account stated claims filed in the Eastern District of New York on behalf of a cybersecurity company.
- Obtained transfer of action improperly filed in the Southern District of New York to Illinois federal court based on a forum-selection clause.
- Prosecuted and settled a contractual indemnity claim filed in the Southern District arising out of a stock purchase agreement.

### **Connecticut Superior Court Litigation**

- Prevailed on a motion to strike tortious interference with contract and CUTPA claims in the Complex Docket in Stamford.
- Defended and settled a commercial lease dispute filed in Hartford on behalf of the commercial tenant.
- Defended and settled two adverse possession cases filed in Bridgeport on behalf of the property owner.
- Defeated an application for a prejudgment remedy of attachment in Danbury in connection with a large-scale residential real estate development project.

### **Arbitration**

- Prevailed in an arbitration proceeding concerning the enforcement of an option to purchase a partnership interest.

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**Delaware Chancery Court**

- Obtained mandatory preliminary injunctive relief to compel a financial institution to file the necessary paperwork with the Chinese Aviation Authority to facilitate the sale of a commercial aircraft.