



# Mike Ferdman

*Partner*

*Buffalo*

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## Education

- St. John's University School of Law, JD
- Rutgers College, Henry Rutgers Scholar, BA

## Practices & Industries

- Canada-US Cross-Border
- Commercial Litigation
- Construction & Surety
- Restructuring, Bankruptcy & Creditors' Rights
- Torts & Products Liability Defense
- Transportation

## Admitted to Practice

- New York

## Court Admissions

- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Second Circuit
- US District Court for the Northern District of California
- US District Court for the Western District of New York

## Biography

Mike's extensive trial experience includes appearances in federal court, bankruptcy court, and courts across the country. He concentrates his practice on business disputes, including UCC Articles Two, Three, Four, and Nine as well as construction disputes. He also tries personal-injury and products-liability cases, representing manufacturers and utility companies.

Mike has successfully represented building owners, architects, and contractors and has extensive experience relating to sureties. He is also experienced in MWBE statutes, regulations, and guidelines. In addition, Mike has represented several individuals who have been investigated by the NYS Attorney General, including an owner of several cooperative buildings in New York City, a process-serving company that was being investigated for possible fraudulent service, and appraisers investigated for possible fraudulent appraisals.

Mike additionally represents major lenders in commercial-loan suits and restructures. He represents dairy-industry companies, including a milk processor, nutritionists, a farm-equipment sales company, and feed sellers. For many years, he has represented an oil refinery, and he also has a significant background representing railroads in transportation matters.

## Bar Associations

- Bar Association of Erie County

## Selected Memberships & Affiliations

- National Institute of Trial Advocacy, Former Member

## Representative Experience

- Advised an automobile-parts manufacturer of its contract rights under Article 2 of the Uniform Commercial Code and under the contracts it had entered into with the automobile manufacturer, resulting in the client's successful renegotiation of a new set of contracts that saved them millions.
- Defended a milk manufacturer in a NJ state-court trial against a milk distributor's claim of fraud and interference with business relations. The court granted the motion to dismiss after the plaintiff completed its case.
- Represented a large owner of residential cooperative apartments in New York City in several civil actions brought by the NYS Attorney General regarding claimed violations of NYS disclosure laws. Also represented the same client in actions brought by the co-op boards of the buildings in question. After several years of litigation, the matter was favorably settled with the AG and the co-op boards.
- Successfully tried a case in a bankruptcy court adversary proceeding in which the client obtained a large verdict over a trucking company for a breach of contract. The trucking company agreed to purchase liners for the transport of sugar and grains from the client, refuting the trucking company's claim that the liners did not operate as claimed.
- Represents a small lawn care company in a breach of contract suit brought against a commercial property management company seeking to collect payment for extensive work on several properties throughout Western New York. The Supreme Court of Erie County denied the defendant's motion to dismiss, holding that the contract was so offensive to the public policy of New York that the court retained jurisdiction despite Arizona being designated in the contract as the controlling law and forum.

## Prior Experience

- Hiscock & Barclay, LLP, Partner

## Selected Community Activities

- Buffalo Women & Children's Hospital, Project Advisory Committee Member
- Elmwood Retail Committee, Chair
- Buffalo Seminary, Former Board of Directors Member
- Forever Elmwood, Inc., Former President
- Buffalo Police Foundation, Former Board of Directors Secretary and Member

## Selected Honors

- Selected to *The Best Lawyers in America*®: Construction Law, 2024; *Super Lawyers* Upstate New York: Business Litigation, 2016–2023
- *Buffalo Business First*, Legal Elite of Western New York, 2017–2019
- *Chambers USA America's Leading Lawyers for Business*: Litigation: General Commercial (Upstate New York), 2015–2017
- Forever Elmwood, Outstanding Service to the Community Award, 2004
- Buffalo Police Department, Community Service Award, 1997

## Selected Media

- Law360, "Mass. Bill May Alter Deals Involving Both Goods and Services"

## Selected Alerts & Blog Posts

- Massachusetts Proposes Adoption of 2022 UCC Amendments for Hybrid Transactions
- Mandatory Proof of Vaccination and Use of ArriveCAN to Enter Canada to End on September 30, 2022. Will the United States Follow Suit?
- Fourth Department Explains When a Defaulting Commercial Tenant Is No Longer Responsible for Future Rent
- Attorneys' Fees And Indemnification In New York: How Covered Are You Really?
- Mandatory Arbitration and Mediation Clauses in Commercial Contracts