



## John G. McCarthy

Partner | New York

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### Areas of Practice

Bankruptcy/Creditors Rights | Corporate Law | Intellectual Property | Intellectual Property Litigation | Trade Secrets | Litigation/Trial Practice | Global Transport Practice | Advertising Litigation

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John G. McCarthy is the Office Managing Partner for the New York office, as well as a Partner in the Litigation Practice, Intellectual Property Practice, and the Commercial and Bankruptcy Law Practice. Mr. McCarthy serves as a member of the Firm's Executive Committee.

Mr. McCarthy first and foremost is a trial attorney with extensive experience in federal and state court throughout the United States. He has been either first or second chair in more than three dozen trials in such venues as federal court in Indiana, New Jersey, New York and North Carolina, bankruptcy court in Connecticut, Indiana and New York, and state court in Connecticut, New Jersey and New York. He has also participated in numerous evidentiary hearings for injunctive and other provisional relief and in international and domestic arbitrations. He is a graduate of the National Trial Academy conducted by the ABA's Tort Trial and Insurance Practice Section and the American Board of Trial Advocates and a Fellow of the Litigation Counsel of America. He was Chair of the Federal Litigation Section of the Federal Bar Association (FBA) from 2016 to 2018 and currently serves as its liaison to the FJC's Advisory Committee on the Federal Evidence Rules. Mr. McCarthy is a former FBA Circuit Vice President and past Chapter President of its S.D.N.Y. Chapter.

Mr. McCarthy has represented domestic and foreign clients in all aspects of general business litigation in a variety of areas, including business torts, contract disputes, corporate law and governance, director and officer liability, intellectual property, unfair competition, trade secrets, professional malpractice, bankruptcy, banking, products liability, and real estate.

Mr. McCarthy has worked extensively with the Firm's Air Transport Group, both as an advisor on New York law issues and as litigation counsel. Mr. McCarthy also has extensive experience in litigation matters in bankruptcy court representing trustees, creditors, committees, and other interested parties and in district court representing parties in intellectual property infringement cases. Several of these matters resulted in opinions that are cited in leading treatises including *Collier on Bankruptcy* and *McCarthy on Trademarks and Unfair Competition*. Mr. McCarthy served as an attorney for the Monsey Fire District in Rockland County, NY, as an Adjunct Professor at Fordham Law School, and an Instructor on Business Law at Hartwick College. He is AV Rated by Martindale-Hubbell.

Mr. McCarthy received his Juris Doctor degree from the Fordham University School of Law in 1991, where he served as Managing Editor for the *Fordham International Law Journal* and as a member of the Moot Court Board. He is also currently an Adjunct Professor at Fordham University School of Law. His law school note on the use of international criminal jurisdiction to combat terrorism has been cited in more than two dozen scholarly works, including at least four treatises on international law, and in testimony to a bipartisan commission of the U.S. House of Representatives. He received his A.B. degree in Biology from Fordham University in 1988. During college he served as an International Trustee of Circle K International, the college level of Kiwanis International.

Mr. McCarthy is a past President of the Fordham College Alumni Association. He coached youth teams for Rockville Centre Soccer Club, Rockville Centre Basketball League, East Meadow Soccer Club, and St. Agnes Cathedral Catholic Youth Organization (CYO).

## Experience

- Lead counsel in the federal trial of a case involving breach of three aircraft lease agreements that resulted in judgments against the lessor and its parent company totaling more than \$409 million, which have been fully satisfied;
- Obtained the first ever order from a U.S. court granting immediate possession pursuant to the Convention on International Interests in Mobile Equipment (aka the Cape Town Convention) allowing the owner to repossess an aircraft located in Asia and eventually lease it to another airline before final determination of the complaint;
- Lead counsel for plaintiff in a Commercial Division trial in New York County Supreme Court in a dispute between co-founders of a successful business about payment due upon a liquidation event that settled for \$3.5 million during jury deliberations;
- Obtained an appellate decision affirming summary judgment as to holder of unsold shares status for a shareholder of a New York city co-operative building;
- Lead counsel in the federal trial of a commercial valuation dispute that resulted in a \$23+ million judgment in favor of SGR's client;

- After another firm lost a \$3.3 million verdict against SGR's client, he obtained a reversal and a remand for a retrial as to damages, and then obtained a complete defense verdict on liability;
- Successfully argued in the Seventh Circuit that the appellant lacked standing to appeal the order of the Bankruptcy Court resulting in an opinion that clarified the law on that issue;
- Represented an FAA Part 135 operator in companion lawsuits involving the leasing and operation of Pilatus PC-12 aircraft;
- Represented a sublessor of Airbus A330 aircraft in a Chapter 15 proceeding in New York bankruptcy court of a non-US airline;
- Devised a plan for a bankruptcy trustee to use arbitration against non-US partners of a defunct international law firm, and obtained voluntary settlements exceeding \$700,000 and arbitration awards totaling almost \$300,000;
- Obtained multi-million settlements for clients prosecuting intellectual property infringement actions;
- Negotiated a seven-figure settlement on behalf of a lessor of its claim in New York federal court against a non-US airline with respect to foreign object damage (FOD) to an engine;
- Prevailed after bench trial in bankruptcy court that U.S. preference law did not apply to transfer in Israel.

## **Admissions**

New York

Connecticut

U.S. Supreme Court

U.S. Tax Court

U.S. Court of Appeals Second Circuit

U.S. Court of Appeals Third Circuit

U.S. Court of Appeals Seventh Circuit

U.S. Court of Appeals Ninth Circuit

U.S. District Court – District of Connecticut

U.S. District Court - Southern District of New York

U.S. District Court - Eastern District of New York

U.S. District Court - Northern District of New York

U.S. District Court - Western District of New York

U.S. District Court – Northern District of Indiana

## **Memberships**

Federal Bar Association

American Bar Association

New York City Bar Association

Southern District of New York Chapter of the Federal Bar Association, Inc.

The Friendly Sons of St. Patrick in the City of New York

## Recognitions

Fellow, Litigation Counsel of America

Martindale-Hubbell AV Rated attorney

## Publications

- *Three Evidence Rule Amendments Move Closer to Adoption*, 69 THE FEDERAL LAWYER No. 5 at 12 (Sept/Oct 2022)
- *An Early Review of Iqbal in the Circuit Courts*, 57 THE FEDERAL LAWYER No. 4, at 36 (May 2010).
- *A Practitioner's View of the Distinctive Practices of The Second Circuit*, 53 THE FEDERAL LAWYER No. 2, at 41 (Feb. 2006).
- *The United States Should Prosecute those who Conspired to Assassinate Former President Bush in Kuwait*, 16 FORDHAM INT'L L.J. 1330 (1992-1993).
- *The Passive Personality Principle and Its Use in Combatting International Terrorism*, 14 FORDHAM INT'L L.J. 298 (1989-1990).