

# Patrick M. McCarthy

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**“I am a trial lawyer of complex business and intellectual property disputes in courts and forums nationwide.”**

Pat is the Chairman of the Firm and a seasoned trial lawyer of 29 years, successfully representing clients in complex business and intellectual property disputes. His broad range of experience includes trials and arbitration hearings concerning breach of contract, business torts, unfair competition, patent, trademark, and copyright matters in courts and forums nationwide. Pat's clients include Fortune 50 clients and middle market clients for industry leaders, including national retailers, a global standards writing and certification company, third-party logistic providers, electric power plants, technology companies, real estate developers, gaming manufacturers and operators, health care providers, automotive and heavy equipment suppliers, financial institutions, and dietary supplement manufacturers. For each representation, he focuses on the client's specific goals by devising creative, cost-effective, and winning strategies. Pat also serves as the Chair of the Litigation Practice Group.

## Business Litigation

- Intellectual Property Litigation
- Business & Corporate
- Real Estate
- Gaming
- Automotive
- Financial Institutions
- Alternative Dispute Resolution
- Artificial Intelligence

## Representative Matters

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- Lead counsel for global logistics provider in several complex, high-stakes litigation matters, both in arbitration and in federal/state courts nationally.
- Lead trial counsel and outside corporate legal advisor for a not-for-profit company, which operates worldwide in the area of product certification and standards writing.
- Represented a manufacturer and supplier of conveyor systems, principally for use in the automotive industry. Our client's former sales representative filed suit alleging millions of dollars of commissions, plus seeking doubling of damages, attorneys' fees, and costs under the Michigan Sales Representative statute. After weeks of arbitration hearings, our client was awarded a full defense verdict of no liability, as well as being awarded its own attorneys' fees and costs. The former sales representative challenged the award in court, but lost both in the lower court and in the appellate court.
- Represented a large natural-gas-fired combined-cycle electric generating plant in a multimillion-dollar property tax appeal concerning the complex subject matter of power plant valuation. After extensive discovery and a full trial (affirmed on appeal), we obtained a judgment for our client resulting in the lowering of the property assessment by over \$200MM. In addition to a multimillion-dollar tax refund to our client, the judgment resulted in millions of dollars in tax savings not only in the tax years under appeal, but also in subsequent years.
- Represented a large organic certifier in a series of class action lawsuits alleging liability for certain certification decisions regarding organic dairy operations. In complex briefing about the intricacies of federal organic regulations as well as federal preemption concepts, we won a complete dismissal of all claims against our organic certifier client. The dismissal was affirmed on appeal by the United States Circuit Court for the Eight Circuit. That case established a precedent on preemption in the organic industry that remains cited in federal district and circuit courts around the country.
- Lead trial counsel for a Fortune 50 retailer client that selected the firm as a litigation "go-to law firm", including successful defenses of several multimillion-dollar lawsuits brought against this retailer, and lead counsel in several commercial plaintiff cases for same client.
- Lead trial counsel for a popular dietary supplement manufacturer in numerous high stakes contract, business tort, trade secret, and trademark litigation matters nationally.
- Successfully defeated a multimillion-dollar sales representative claim.
- Lead trial counsel for radiant burner manufacturer as plaintiff in a breach of contract case, resulting in an award of substantial damages that was affirmed on appeal by the Sixth Circuit.
- Served as neutral arbitrator and arbitration panel chair in complex intellectual property and business litigation matters.

## Education

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- University of Detroit Mercy School of Law, 1993
  - J.D., *magna cum laude*
- Michigan State University, 1990
  - B.A., with honors

## Memberships

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- American Bar Association
- American Bar Foundation, Fellow
- American Heart Association
  - Executive Leadership Team
- Ann Arbor Chamber of Commerce
- Federal Bar Association
- Litigation Counsel of America
  - Trial Law Institute
  - Diversity Law Institute
- Michigan State Bar Foundation, Fellow
- Oakland County Bar Association
- Oakland County Bar Foundation
  - Past President
  - Fellow
  - Board of Directors
- Washtenaw County Bar Association

## Admissions

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- Michigan, 1993
- U.S. Court of Appeals, Fifth Circuit, 2022
- U.S. Court of Appeals, Seventh Circuit, 2016
- U.S. Court of Appeals, Federal Circuit, 2013
- U.S. Court of Appeals, Eighth Circuit, 2009
- U.S. District Court, Eastern District of Wisconsin, 2006
- U.S. District Court, Southern District of Indiana, 2003
- U.S. District Court, Western District of Michigan, 2002
- U.S. Court of Appeals, First Circuit, 2000
- U.S. Court of Appeals, Third Circuit, 2000
- U.S. District Court, Eastern District of Michigan, 1996
- U.S. Court of Appeals, Sixth Circuit, 1996

## Professional Achievements

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- Litigation Counsel of America, Senior Fellow
- *The Best Lawyers in America*®, 2013-2024
- America's Top 100 High Stakes Litigators®, 2019
- Michigan *Super Lawyers*, 2009-2023
  - Top 50 Michigan Business Lawyers, 2013-2015
  - Top 100 Michigan Lawyers, 2012-2016
- Michigan *Leading Lawyers*, 2014-2021
- *dbusiness*, "Top Lawyers," 2011; 2013-2014; 2016-2018; 2020
- Michigan *Super Lawyers*, "Rising Stars," 2008

- Martindale-Hubbell® AV Preeminent® Peer Review Rating