



## Michael Farinacci

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Michael Farinacci is a Staff Attorney in the Firm's Litigation department.

### Education

- St. John's University School of Law (J.D., *magna cum laude*, 2017)
  - Senior Staff Member, *St. John's Law Review*
  - Managing Editor, *Commercial Division Online Law Report*
- Stony Brook University (B.A., *cum laude*, 2008)

### Admissions

- New York

## NY Commercial Division Blog

Patterson Belknap's Commercial Division Blog covers developments related to practice and case law in the Commercial Division of the New York State Supreme Court. The Commercial Division was formed in 1993 to enhance the quality of judicial adjudication and to improve efficiency in the case management of commercial disputes that are litigated in New York State courts. Since then, the Division has become a leading venue for judicial resolution of high-stakes and every-day commercial disputes. This Blog reviews key developments in the Commercial Division, including important decisions handed down by the Commercial Division, appellate court decisions reviewing Commercial Division decisions, and changes and proposed changes to Commercial Division rules and practices. Our aim is to provide you with thoughtful and succinct analysis of these issues. The Blog is written by experienced commercial litigators who have substantial practices in the Commercial Division. It is edited and managed by [Stephen P. Younger](#) and [Muhammad U. Faridi](#), who spearheaded the publication of the New York Commercial Division Practice Guide, which is part of Bloomberg Law's Litigation Practice Portfolio Series.

### **Advisory Council Proposes a Series of Commercial Division Rule Changes**

September 20, 2019

The final month of summer has seen a flurry of rulemaking activity with the Commercial Division Advisory Council (the "Advisory Council") proposing four changes to the Commercial Division Rules. The Office of Court Administration has requested public comment on each...

## **Bronx County Commercial Division Begins its Inaugural Term on September 3, 2019**

August 14, 2019

At her annual State of the Judiciary speech held on February 26, 2019 at Bronx County Supreme Court, Chief Judge Janet DiFiore announced that the Commercial Division will be expanding to Bronx County, effective April 1, 2019.[1] On August 4,...

## **A Fond Farewell to Two of the Commercial Division's Most Senior Judges**

January 10, 2019

The arrival of the new year is a bittersweet time for the Commercial Division as it bids farewell to two of its most senior judges: Justice Charles E. Ramos and Justice Eileen Bransten. Notably, both will be staying on to...

## **First Department Rules that Arbitrators Did Not Manifestly Disregard the Law and Confirms Arbitration Award**

October 2, 2018

On September 27, 2018, in a widely followed arbitration case, a unanimous panel of the Appellate Division, First Department concluded that the New York County, Commercial Division (Ramos, J.) erred when it partially vacated an arbitration award on the ground...

## **Commercial Division Finds Foreign Corporations Lack Sufficient Contacts with New York for Personal Jurisdiction**

July 30, 2018

On July 5, 2018, Justice Saliann Scarpulla of the Commercial Division granted a motion to dismiss by All Nippon Airways, Co. Ltd., ANA Aircraft Technics, Co., Ltd., ANA Base Maintenance Technics, Co., Ltd., ANA Holdings, Inc., and All Nippon Airways...

## **Alter Ego Claim Survives Pre-Answer Motion to Dismiss on an Equitable Ownership Theory**

July 20, 2018

On July 2, 2018, Justice Barry R. Ostrager of the Commercial Division denied a motion to dismiss by UMG Recordings, Inc. ("Universal"), an alter ego theory of liability against it in Aspire Music Group, LLC v. Cash Money Records, Inc.,[i]...

## **Court of Appeals Rules: What the "Value of His Interest in the Partnership" Means under New York Partnership Law**

April 26, 2018

The New York Court of Appeals, in Congel v. Malfitano,[1] recently ruled that the "Poughkeepsie Galleria Company" (the "Partnership") was not an at-will partnership and that therefore Defendant Marc Malfitano's (the "Defendant") unilateral dissolution of the partnership breached the partnership...

## **Second Department Finds Commercial Tenants Can Waive Their Right to a Yellowstone Injunction**

March 6, 2018

On January 31, 2018, the Appellate Division, Second Department affirmed,[1] in a 3-1 decision, the Kings County Supreme Court Commercial Division's decision, denying 159 MP Corp. and 240 Bedford Ave Realty Holding Corp.'s (collectively the "Tenants") motion for a Yellowstone...

## **Special Proceeding Seeking a Judicial Decree to Dissolve an LLC**

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January 16, 2018

In *Advanced 23, LLC v. Chambers House Partners, LLC*, No. 650025/2016, 2017 BL 462831 (NY. Sup. Ct. Dec. 15, 2017), Justice Saliann Scarpulla of the Commercial Division ruled that Advanced 23, LLC (“Advanced”) and David Shusterman’s (“Shusterman” and collectively, “Petitioners”)...