



## Michael Sochynsky

Associate

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Michael Sochynsky is an Associate in the Firm's Litigation department. Mr. Sochynsky's practice focuses on consumer class actions and false advertising disputes between competitors, where he has represented clients in the food and beverage, consumer packaged goods, medical device, software, and technology industries in both state and federal courts. He also represents clients in connection with both internal and government investigations.

From 2016 to 2017, Mr. Sochynsky served as a law clerk to the Hon. Alvin K. Hellerstein of the United States District Court for the Southern District of New York. Prior to his clerkship, he was an associate at a large New York law firm.

Mr. Sochynsky is a regular contributor to the Firm's [Misbranded](#) blog.

### **Representative Matters**

#### ***False Advertising***

Representing enterprise software company in false advertising dispute with competitor.

Represented global medical device company in false advertising dispute against competitor.

Represented leading consumer packaged goods company against Lanham Act false advertising claims asserted by a competitor, resulting in favorable settlement.

Successfully represented cough syrup and immune support company in competitor's challenge to brand name brought before the National Advertising Division.

#### ***Consumer Class Action Defense***

Representing technology-based legal services company in putative class action brought under the California Consumer Privacy Act arising from ransomware attack.

Representing leading consumer products manufacturer in consumer class action challenging labeling of a hair care products.

Successfully represented leading confections company in putative consumer class action challenging label statements on a chocolate product.

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Successfully represented leading beverage company in multiple putative consumer class actions challenging brand name of flagship product. Obtained early dismissals, which were affirmed by both the Second and Ninth Circuits.

## ***Investigations***

Representing prominent European bank in connection with government investigation into interest rate derivatives trading.

Represented non-profit education organization in connection with False Claims Act investigation by Department of Justice.

Represented global healthcare company in connection with internal investigation concerning potential compliance violations.

## **Pro Bono**

Represented client on death row in Alabama state court post-conviction proceedings.

Represented abortion provider in constitutional challenge to several Oklahoma laws that restrict access to abortion.

## **Education**

- New York University School of Law (J.D., *cum laude*, 2014)
  - Book Annotations Editor, *New York University Journal of International Law and Politics*
- Vassar College (B.A., 2005)

## **Admissions**

- U.S. District Court, Southern and Eastern Districts of New York
- New York

## **Publications**

- Book review, 45 N.Y.U. J. INT'L L. & POL. 913 (2013), *reviewing* Kent E. Calder, "The New Continentalism: Energy and Twenty-First-Century Eurasian Geopolitics"
- Co-Author, *Cybersecurity Governance: A Guide for Corporate Officers, Directors and General Counsel*, Bloomberg Law's Privacy & Data Security Practice Portfolio Series (May 2019)

## **Misbranded Blog**

*Misbranded* is Patterson Belknap's blog covering false advertising litigation—both consumer class actions and competitor suits—with a particular focus on FDA-regulated products (foods/beverages, pharmaceuticals, cosmetics, and dietary supplements). Writing from the industry perspective, we provide timely updates on important cases, surveys of litigation trends, and in-depth analyses of "hot" legal issues. Our firm pioneered the modern practice of false advertising law more than 40 years ago, bringing the first competitor suits under the Lanham Act. In the decades since, we have continued to practice at the cutting edge, handling many of the field's

most groundbreaking cases on behalf of the nation's best-known businesses. Today, led by [Steven A. Zalesin](#), our team advocates creatively, strategically, and efficiently on behalf of our clients at all phases of litigation, from pre-complaint demands to Supreme Court appeals.

## **When Two Wrongs Make a Right: Ninth Circuit Holds Proof of Injury Not Required for Unclean Hands**

August 7, 2020

Our parents and teachers taught us that “two wrongs don’t make a right.” But in the world of Lanham Act litigation, the opposite is often true. When defending a Lanham Act claim brought by a competitor, the doctrine of unclean...

## **Injunction Defunction: The Second Circuit Extinguishes Injunctive Relief as a Remedy for Consumer False Advertising Claims**

July 14, 2020

Last week, the Second Circuit issued an important published decision holding that previously injured consumers who seek to challenge product labeling lack constitutional standing to pursue claims for injunctive relief, and cannot obtain certification of an injunctive relief class under...

## **Must a Plaintiff Choose Between a UCL Claim and a Breach of Warranty Claim? Courts in California Are Split**

July 18, 2019

California has long been considered a hospitable place to bring a class action, and accordingly it’s also been a popular one. But some class action plaintiffs in the Golden State have encountered an unlikely hurdle: the unavailability of equitable remedies...

## **Proving Retail Sales Figures In Consumer Class Actions: Different Approaches Lead To Very Different Results**

April 26, 2019

To prove damages in a consumer class action, the named plaintiff must show—among other things—how many units of the defendant’s product were purchased by consumers in the relevant state (or states). This is easier said than done. Manufacturers generally keep...

## **Consumers Who Seek Injunctive Relief: The Limited Scope of *Davidson v. Kimberly-Clark***

February 25, 2019

In consumer cases alleging product mislabeling, one frequently litigated question is whether the plaintiff has standing to seek an injunction of the labeling practice that he or she claims is misleading. Over the past decade, consumer protection defendants have often...