

# HOLWELL SHUSTER & GOLDBERG LLP



## MICHAEL S. SHUSTER PARTNER

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**M**ike Shuster is recognized as one of New York’s leading trial lawyers. He represents and advises corporate, financial, and individual clients in complex commercial disputes involving a wide range of legal and business issues. Mike has for several years been recognized as a top litigator in Chambers USA and Benchmark Litigation, with Chambers reporting that he is the “quintessential lead trial lawyer” who “leads by example and excels not only in case strategy but in oral argument and overall court presence,” and that he is “fantastic with clients, has super judgment, and has the right style and charisma for a courtroom litigator.” Market sources shared with Chambers that they trust Mike’s judgment “implicitly.” Mike has been recognized by Benchmark Litigation as a Top 100 Trial Lawyer for 2023 and 2024 and a finalist for General Commercial Litigator of the Year for 2023, and was named to Lawdragon’s 2024 500 Leading Litigators in America and 500 Leading Lawyers in America lists. He was also named a Litigation Trailblazer by The National Law Journal.

Mike currently represents, among others, Visa as a defendant in multibillion-dollar national antitrust class actions and opt-out litigation relating to network rules at the heart of the Visa system, Chubb in national coverage litigation relating to opioids, bank trustees including HSBC and U.S. Bank on claims relating to mortgage-backed securities, a hybrid electric aircraft startup on trade secret claims against Boeing, and various other clients navigating high stakes and complex disputes.

Mike has represented numerous clients in high-profile and highly contested domestic and cross-border matters across a variety of disciplines and in a multiplicity of fora, and has successfully tried cases and argued appeals in federal and state courts throughout the United States. He has extensive experience in and has secured favorable awards in arbitrations under the ICC, AAA, LCIA, JAMS, and other rules.

Before co-founding Holwell Shuster & Goldberg, Mike was a litigation partner at White & Case, where he served as Global Head of Commercial Litigation, and at Kasowitz, Benson.

## NOTABLE CASES

- Visa as a defendant in nationwide antitrust class actions and massive opt-out cases brought by Walmart, Home Depot, Target, Amazon, Delta Airlines, and other national retailers relating to credit card swipe fees.
- Visa in lawsuits brought by Walmart and Kroger relating to verification methods for debit cards.
- A MacAndrews & Forbes company in a substantial business dispute with News Corp.
- HSBC, U.S. Bank, and the Bank of New York Mellon as trustee (or securities administrator) in multiple RMBS putback matters asserting claims for hundreds of millions of dollars. Mike has been designated Lead Liaison Counsel in coordinating dozens of RMBS cases pending in New York’s Commercial Division.

- U.S. Bank and Wilmington Trust as trustees asserting RMBS putback claims in the Lehman Brothers bankruptcy. Mike and the HSG team secured a \$2.4 billion verdict after a lengthy trial.
- A Japanese pharmaceutical company in an ICC arbitration arising from its acquisition of a Mexican company of pharmaceuticals and over-the-counter products.
- XPO Logistics in a dispute with Elliott Capital relating to Elliott's holdout in a tender offer.
- French industrial company Alstom S.A. in multiple fora (SDNY, ICC, and elsewhere) in connection with a substantial claim against GE relating to the largest M&A deal in France in 2015.
- Holders of defaulted Argentine debt in the Southern District of New York and the Second Circuit, in support of the Republic of Argentina's contested effort to lift the pari passu injunction that HSG's clients and other holdout bondholders had obtained against Argentina.
- Comcast in precedential antitrust litigation, in Delaware breach of fiduciary duty litigation, in a Section 16 short-swing profits case, and in a dispute with Liberty Media.
- Comcast in AAA arbitration against its customer care/billing vendor, resulting in a \$140 million award for Comcast.
- Raytheon Corporation as lead counsel in securing DOJ and Pentagon approval for multibillion-dollar defense industry acquisitions (Hughes and Texas Instruments).
- The Federal Housing Finance Agency as plaintiff on various fraud and contractual RMBS claims.
- Individual plaintiffs in a lawsuit against the Hungarian government seeking the return of artworks worth more than \$100 million that were looted during World War II.
- Various defendants in securities class action litigation, including Amerada Hess, Comcast, Royal Bank of Canada (Enron), UBS Warburg (Orange County), and others.
- Mega Brands in connection with takeover litigation and products liability cases.
- General Reinsurance in antitrust litigation brought by EchoStar alleging improper denial of insurance coverage and refusal to issue new coverage.
- Christie's chairman in the Christie's/Sotheby's Auction Houses antitrust litigation.
- A European bank in litigation involving the largest-ever knockout currency options.
- Banco Santander in an ICC arbitration arising out of a failed derivatives joint venture with an AIG spin-off entity.
- A Saudi Arabian Oil Company subsidiary in a national price-fixing class action against it, Shell, and Texaco.
- Philippines-based construction conglomerate Landoil in political risk insurance litigation in the U.S., in a related arbitration in the London Court of International Arbitration, and in a U.S. alternative dispute resolution proceeding.

## WRITINGS

- "A Practical Approach to Antitrust Litigation," *Antitrust Litigation Best Practices: Leading Lawyers on Developing a Defense Strategy, Evaluating Settlement Opportunities, and Avoiding Common Client Mistakes* (Aspatore Books, 2008)

## EDUCATION

- McGill University Faculty of Law (LL.B., B.C.L., 1986; Senior Editorial Board, *McGill Law Journal*)
- York University (B.A., 1982)

## **BAR AND COURT ADMISSIONS**

- New York
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. Supreme Court