

Bird Marella Secures Dismissal of \$100M Legal Malpractice Claim Against Am Law 200 Firm

Principals Mark Drooks, Joel Boxer and Sharon Mayer secured full dismissal of a legal malpractice claim worth over \$100 million against their client, an Am Law 200 firm, in a case filed in the New York Supreme Court.

The litigation arose from an unsuccessful acquisition of a company after the acquirer neglected to extend the acquisition's closing date. As a result, the company being acquired was able to terminate the deal and collect a nine-figure termination fee. Bird Marella's client represented the financier in the deal. After the firm sued to collect outstanding fees, the former client sued the firm for legal malpractice and other related claims, arguing that the firm should have given a reminder regarding the acquirer's right to extend the closing date.

As lead counsel, Bird Marella worked with the New York firm of Elman Freiberg PLLC to file a motion to dismiss the malpractice claim based on the firm's lack of duty to remind the financier of the closing date and lack of causation. The Honorable Jennifer G. Schechter ruled in favor of Bird Marella's client and dismissed all of the financier's claims.