Appellate



MG+M handles appeals of complex commercial and tort cases at every level of the state and federal judicial system. Clients count on us for a strong understanding of the record combined with fresh perspectives on the legal issues in their cases.

We know the courts from the inside out
Our attorneys have insight into the workings of appellate courts that goes far beyond familiarity with local rules and regulations. Before joining MG+M, many of us were clerks at all levels of the judicial system.

Trial experience drives appellate success
As trial attorneys, we know how to find the strengths and weaknesses in a lower court case. We can sort through motions, evidence, and arguments and recognize which issues will resonate with an appeals court.

Experience

+ Secured an appellate victory in the New York Supreme Court, Appellate Division, First Department, for a general contractor in a New York Labor Law case, with the court affirming that the plaintiff's injuries were due to pre-existing avascular necrosis, successfully reducing a $17 million claim.
+ Successfully appealed the verdict in a price discrimination case, winning an unusual appellate court order remanding the case to the trial court with an instruction to enter judgment for our client. The case upheld a critical pricing model used in the food distribution industry.
+ Upheld the district court decision in a False Claims Act case by demonstrating that the government had prior knowledge of the facts underlying the allegations.
+ Successfully petitioned the Supreme Judicial Court of Massachusetts to hear an insurance coverage case even in the absence of an intermediate court proceeding. We convinced the court there was a public interest in promptly resolving certain issues regarding the Massachusetts Insolvency Fund, and obtained a timely ruling.
+ Prevailed on behalf of a national manufacturer in the Third Circuit in a case involving interpretation of the Federal Officer Removal Statute.
+ Successfully defended a streaming service in a class action matter brought under the Consumer Choice in Television Act in Louisiana trial and appellate courts. The initial case was dismissed outright, and the appellate court affirmed the dismissal with prejudice. This result is expected to impact similar litigation in other jurisdictions.
+ Successfully drafted two interlocutory writs within a remarkable 72-hour timeframe in an Orleans Parish mesothelioma case at the Fourth Circuit. The first writ secured a remand to the trial court for a thorough evidentiary hearing, while the second, though partially granted, effectively stayed the ongoing trial, although ultimately denied as to substance.
+ Successfully obtained summary judgment in a mesothelioma case for a supplier in East Baton Rouge. The initial denial led to a writ at the state First Circuit, where two panel members were initially reluctant to grant relief, while a dissenting third member favored reversing the trial court. Subsequently, re-urging the motion before the state court led to the ultimate grant of summary judgment.
+ Successfully represented a multinational aircraft company in the appeal of a remand decision by the United States District Court for the Central District of California. The Ninth Circuit Court of Appeals reversed the district court's remand order and adopted MG+M's argument that established a new standard for the Ninth Circuit whereby the thirty-day removal clock is not triggered until “an amended pleading, motion, order or other paper” makes the grounds for removal “unequivocally clear and certain.”
+ Successfully represented American Biltrite in a crucial legal victory in three New York appellate cases, obtaining summary judgment based on the lack of causation. Plaintiffs alleged lung cancer from Amtico vinyl asbestos floor tile exposure, but American Biltrite successfully argued the tile's inability to contribute to the disease and challenged the lack of scientific foundation in plaintiffs' claims. The appellate court reversed prior denials, stating that plaintiffs were not exposed to sufficient asbestos levels, and there was no demonstrated correlation between floor tile asbestos and lung cancer risk beyond the general environment.

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