



CARMINE J. CASTELLANO

Partner

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Carmine's practice focuses on technology litigation, financial services litigation, commercial litigation, and bankruptcy litigation. He has extensive federal and state court experience, including jury trials and bench trials, and has argued numerous appeals.

Carmine's representative matters include:

Technology Litigation

- Serving as lead trial counsel for a New Hampshire auto dealer group in litigation against CDK Global, LLC ("CDK") in New Jersey federal court concerning the implementation of software known as a dealer management system (DMS).
- Serving as lead trial counsel for a Maryland auto dealer group in litigation against CDK in Maryland federal court arising from the Third Party Access (3PA) program and associated data access fees.
- Served as lead trial counsel for one of the largest private auto dealer groups in the country in litigation against CDK in New Jersey federal court related to software integration between a dealer management system (DMS) and third-party software apps.
- Served as lead trial counsel for a California fleet management company in litigation against CDK in New Jersey federal court concerning the implementation of a dealer management system (DMS).
- Served as counsel for an information technology (IT) services firm in litigation in New York federal court relating to international cybercrimes committed against a broker-dealer and its client.
- Served as counsel for a healthcare technology company in litigation in New Jersey federal court arising out of a project to migrate data between electronic medical record systems.

605 Third Avenue
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New York City, NY 10158

Practices & Industries

Art
Bankruptcy, Restructuring &
Commercial Litigation
Business Litigation
Employment Litigation

Admissions

New York
U.S. Court of Appeals, First Circuit
U.S. Court of Appeals, Third Circuit
U.S. District Court, Eastern District
of New York
U.S. District Court, Southern
District of New York

Education

Brown University, B.A.
St. John's University School of Law,
J.D.

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Financial Services Litigation

- Served as lead counsel for a major financial institution in defense of an action alleging racial discrimination.
- Served as lead counsel for a major financial institution in defense of actions alleging fraudulent transfers.
- Served as lead counsel for a major financial institution in a proceeding involving allegations of guardianship fraud.
- Served as lead counsel for a major financial institution in defense of numerous actions alleging FCRA violations, negligence, and breach of contract.

Commercial Litigation

- Served as lead trial counsel for a computer consultant in a seven-day bench trial involving claims for trade secret misappropriation and breach of contract.
- Served as lead counsel for a global food and service hospitality company in real estate litigation relating to its restaurants at the MetLife Building in New York.
- Serving as lead counsel for a major financial institution in real estate litigation concerning its branches in New York.
- Served as lead counsel for a global agricultural sciences company in a contested tax lien foreclosure proceeding related to a consent order with the EPA.
- Served as lead counsel for a celebrity hairstylist in obtaining the voluntary termination of an indefinite trademark license agreement.
- Served as lead counsel for a global event management company in its breach of contract action filed against several artists and their agent arising out of events affected by COVID-19.

Bankruptcy Litigation

- Served as co-lead trial counsel for an Aspen-based private residence club in a three-day bench trial in Colorado bankruptcy court concerning debtor-in-possession (DIP) financing.
- Served as lead litigation counsel for an oil depot in an adversary proceeding in New Jersey bankruptcy court relating to its remediation and sale of real property.
- Served as trial counsel for plaintiff in a three-day bench trial in an adversary proceeding in New York bankruptcy court arising out of loans made to a billiards-related technology company.

Select Additional Representations

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- Served as counsel to a major department store retailer in a trademark infringement action filed by an Italian fashion house in New York federal court.
- Served as a member of the trial team that successfully defended one of the world's largest lift truck manufacturers in over 10 product liability actions in New York federal court.

Carmine received a J.D. degree from St. John's University School of Law in 2005, and a B.A. degree from Brown University in 2002, where he was a member of the Division I men's soccer team.

Honors

- Listed, *New York Metro Super Lawyers* Rising Stars, 2013 - 2016

In the News

Hodgson Russ Snags Two Lewis Brisbois Bankruptcy Pros
Law360, February 6, 2012

Heidi J. Sorvino and Carmine J. Castellano Join Hodgson Russ
February 1, 2012

Press Releases

Hodgson Russ Announces Eight Newly Elected Partners, Five Attorneys Promoted to Senior Associate
Press Release, January 8, 2019

Hodgson Russ Attorneys Named to 2016 New York Metro Super Lawyers
Press Release, October 5, 2016

Hodgson Russ Attorneys Named to 2015 New York Metro Super Lawyers
Press Release, September 16, 2015

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing
Press Release, August 14, 2014

Seventy Hodgson Russ Attorneys Named to *Super Lawyers* Listing
August 2013

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Publications

Federal Court Invalidates NYC's COVID-Era Guaranty Law, Opens Door For Commercial Landlords To Recoup Unpaid Rent From Personal Guarantors

Hodgson Russ Real Estate Alert, April 4, 2023

Mandating Low Carbon Concrete to Achieve Embodied Carbon Reductions in the Building Sector

Hodgson Russ Municipal Alert, May 16, 2022

New York City Bans Gas Hookups in New Buildings; is the State Next?

Hodgson Russ Renewable Energy Alert, January 19, 2022

When a Borrower Files a Chapter 11 Bankruptcy: What Lenders Should Know

Hodgson Russ Bankruptcy, Restructuring & Commercial Litigation Alert, November 11, 2020

Understanding Collection Options for Lenders Under Article 9 of the UCC

Hodgson Russ Bankruptcy, Restructuring & Commercial Litigation Alert, October 23, 2020

Early COVID-19 Court Decisions Supporting Executive Orders Suggest How the Courts May View Their Impact On Business Relationships

Hodgson Russ Business Litigation Alert, June 23, 2020

Securing Payment or Forbearance in the Time of COVID-19

Hodgson Russ Business Litigation and Bankruptcy & Restructuring Alert, June 22, 2020

As the Economy Re-Opens, Landlords and Tenants will Confront Rent Defaults

Hodgson Russ Real Estate Alert, June 18, 2020

SEC Discusses COVID-19 Pandemic-Related Enforcement Priorities

Hodgson Russ Business Litigation Alert, May 22, 2020

Preparing Your Required COVID-19 Health and Safety Plan for Business Reopening in New York State

Hodgson Russ OSHA and Business Litigation Alert, May 13, 2020

Presentations & Events

Understanding The Impact Of NYC's Climate Mobilization Act

NYSBA, April 21, 2021