

Michael Davis Hoenig

Associate



216.583.7078
1660 West 2nd Street,
Suite 1100
Cleveland, OH 44113-1406
mhoenig@ulmer.com

Practices/Industries

- Litigation & Dispute Resolution
- Financial Services
- Broker-Dealer & Investment Litigation
- Cybersecurity & Privacy

Education

New York University College
of Arts and Science
(B.A., *cum laude*, 2005)

The Ohio State University
Moritz College of Law
(J.D., 2008)
Articles Editor, *Ohio State
Journal on Dispute Resolution*

Overview

Michael is a litigator with significant experience guiding clients to successful outcomes at trial as well as in mediation and arbitration. He focuses his practice on the representation of broker-dealers and investment professionals in FINRA arbitrations and regulatory proceedings, and also represents public and private companies across a range of industries. Michael has helped clients succeed in complex commercial litigation matters, including breach of contract, commercial tort, securities, consumer protection, employment and labor, and intellectual property disputes. He also advises clients on compliance with state data security and privacy laws and regulations.

Experience

- Second chair in multiple FINRA arbitrations of customer disputes that resulted in all claims being dismissed against the broker/dealers and financial advisors.
- Second chair in an internal corporate dispute state bench trial involving competing claims by religious groups to property and control of a temple in Western New York, which resulted in a favorable verdict.
- Second chair in a patent infringement federal jury trial, where Michael was an integral part of a team that defended a snow pusher manufacturer and won judgment of patent invalidity.
- Defended a beverage company in putative class action lawsuit alleging violations of a state consumer protection law that led to plaintiff voluntarily withdrawing the claim.
- Defended broker/dealers and financial advisors in FINRA arbitrations alleging breach of non-competition and non-solicitation that had strong results for clients.
- Assisted the defense of a large financial institution against claims of federal whistleblower retaliation.
- Assisted the defense of a commercial insurer in a coverage case involving claims for hundreds of millions of dollars in insurance costs and defense.
- Assisted the representation of an international petroleum company in a class action multidistrict litigation involving alleged violations of consumer protection laws.
- First chair represented a computer manufacturer in a New York State court breach of contract trial that led to a judgment dismissing all claims.
- Drafted and argued substantive and procedural motions and drafted appeal briefs.

Publications

- "Illinois Supreme Court Rules Workers' Compensation Act Does Not Bar Claims Under BIPA," Ulmer & Berne LLP *Client Alert* (February 2022)

Michael Davis Hoenig

Associate

Publications (Cont)

- “Time After Time: Illinois Supreme Court Asked To Decide When Statute of Limitations Accrues for BIPA Violations,” Ulmer & Berne LLP *Client Alert* (December 2021)
- “Colorado Passes New Comprehensive Consumer Data Protection Act,” Ulmer & Berne LLP Client Alert (July 2021)
- “Illinois Federal Court Rules Apple May Be ‘In Possession’ of Biometric Data Stored on User Devices,” Ulmer & Berne LLP Client Alert (June 2021)
- “Virginia Passes New Consumer Data Protection Act,” Ulmer & Berne LLP Client Alert (March 2021)
- “As California Enacts New Data-Privacy Laws, So May the Nation,” Ulmer & Berne LLP Client Alert (November 2020)
- “Involuntary Forensic Examinations in eDiscovery,” Cleveland Metropolitan Bar Journal (November 2020)
- “Mere Increased Risk of Identity Theft Supports Standing in Data Breach Case,” co-author, Ulmer & Berne LLP Client Alert (February 2018)
- “Privacy & Data Security,” co-author, Ohio Portion, *Bloomberg Law* (January 2018)

Involvement

Professional Affiliations

- New York State Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- American Bar Association

Community Involvement

- Wexner Heritage Program (*Cleveland Cohort Member*)
- Anti-Defamation League, Cleveland Regional Office (*Board Member*)
- MAKOM – A Place for LGBTQ Inclusion (*Co-Founder*)
- Green Road Synagogue Youth Committee (*Former Co-Chair*)

Honors & Distinctions

- Named to the Ohio Super Lawyers Rising Stars list (2019)
- Named to the Cleveland Jewish News list of “18 Difference Makers” (2019)

Admissions

- State of Ohio
- State of New York
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Eastern District of New York

Michael Davis Hoenig

Associate

Admissions (Cont)

- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of New York