



Michael Petrino

Partner

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Mike Petrino is a commercial and appellate litigator with substantial experience in complex civil litigation matters in a number of different forums, including before state and federal trial courts, bankruptcy courts, federal courts of appeals, federal agencies, and arbitrators.

Mike is a generalist, who has litigated a wide variety of issues including breach of contract, trade secret misappropriation, breach of non-compete and non-solicitation covenants, breach of fiduciary duty, tortious interference, unfair and deceptive trade practices claims, and numerous other types of business tort claims, in addition to federal statutory causes of action under the U.S. Bankruptcy Code, the Clean Air Act, and the Clean Water Act. His prior matters have ranged in size from small matters with less than \$1 million at issue to very large multi-district litigations and class actions with billions of dollars at stake. He has represented individuals and corporate clients from a broad range of industries including vehicle manufacturing, oil and gas, medical devices, power generation and transmission, aerospace, and professional consulting services. In a number of these matters, he was litigating on behalf of private equity firms or their portfolio companies.

Before joining Stein Mitchell, Mike was a litigation partner in the Washington, D.C., office of Kirkland & Ellis LLP. Before that, he clerked for Hon. Edith H. Jones on the U.S. Court of Appeals for the Fifth Circuit.

Experience

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- *Van Rossum v. Baltimore County, Maryland* (District of Maryland): Counsel for plaintiff Dianne Van Rossum in an Americans with Disabilities Act lawsuit against her former employer, Baltimore County, Maryland. Litigated the case from complaint through post-trial motions. First chaired a federal jury trial resulting in a complete plaintiff's verdict awarding the full amount of damages requested. The Court also awarded the entire amount of attorneys' fees and non-taxable costs requested.

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Commercial Litigation

- *Protégé Biomedical, LLC v. Z-Medica, LLC* (District of Minnesota): Counsel for Defendant Z-Medica, a Linden portfolio company, in ongoing case alleging misappropriation of trade secrets.
- *FTI Consulting, Inc v. Berkeley Research Group, LLC* (Miami-Dade County): Counsel for Plaintiff FTI Consulting, Inc., alleging breach of non-compete and non-solicit employment covenants, tortious interference, and other claims.
- *SSL v. Orbital ATK* (Eastern District of Virginia): Counsel for Defendant Orbital ATK, now owned by Northrop Grumman, in case alleging misappropriation of trade secrets and violations of state and federal computer fraud and abuse statutes.
- *Commercial Arbitration Matter*: Counsel for coal-fired power plant emissions technology company and affiliated joint venture in AAA arbitration concerning misappropriation of trade secrets, breach of contract and related claims, and civil RICO claims; resolved through settlement after 20-day evidentiary hearing.

Bankruptcy Litigation

- *Cruz et al. v. HMR Foods Holding, LP, et al. (In re HMR Foods Holding, LP)* (Bankruptcy Court for the District of Delaware): Counsel for Arlon Group, the private equity sponsor of Chapter 7 Debtor, HMR Foods. Successfully wrote and argued motion to dismiss plaintiffs' attempt to attribute to Arlon liability under the Worker Adjustment and Retraining Notification Act.
- *In re Ultra Resources* (Bankruptcy Court for the Southern District of Texas): Counsel for Chapter 11 Debtor in adversary proceeding related to disputed make-whole payments allegedly owed upon repayment of certain debt.
- *In re Energy Future Holdings Corp.* (Bankruptcy Court for the District of Delaware): Counsel for Chapter 11 Debtor in various contested matters and adversary proceedings, including proceedings related to disputed make-whole payments.

Music and Entertainment Litigation

- *UMG Recordings, Inc., et al. v. Grande Communications Networks, LLC (Western District of Texas)*: Counsel for leading music recording companies in large-scale copyright infringement suit against an internet service provider. Obtained summary judgment against ISP's safe harbor defense under the Digital Millennium Copyright Act, a ruling cited in numerous copyright cases and authorities. Case is set for trial.
- *UMG Recordings, Inc., et al. v. RCN Telecom Services, LLC (District of New Jersey)*: Counsel for leading music recording companies in large-scale copyright infringement suit against the sixth largest internet service provider in the country.

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Terrorism Litigation

- *Henkin et al. v. Iran et. al.* (District of the District of Columbia): Ongoing Foreign Sovereign Immunities Act litigation on behalf of the Henkin family against Syria, Iran, and Iranian political subdivisions and agencies or instrumentalities for providing support to the foreign terrorist organization Hamas, who brutally murdered Eitam Henkin (a U.S. citizen) and his wife, Naama, in front of their four minor children.
- *Henkin et al. v. Kuveyt Türk Katılım Bankası* (Eastern District of New York): Ongoing Anti-Terrorism Act litigation on behalf of the Henkin family against Turkish Bank for aiding and abetting Hamas, who committed the attack against the Henkin family.

Environmental Litigation

- *In re Volkswagen "Clean Diesel" Matter*: Represented VW in its response to federal regulatory authorities, including the Environmental Protection Agency. Matter required spending approximately 75% of my time overseas for nine months working with the company to respond to information requests and supporting the effort to engineer a fix for the affected vehicles.
- *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico* (Eastern District of Louisiana): Counsel for BP in the *Deepwater Horizon* multi-district litigation related to the U.S.'s claim for civil penalties under the Clean Water Act.

Appellate Litigation

- Counsel for Chapter 11 Debtor-Appellee before the U.S. Court of Appeals for the Third Circuit related to settlement of certain make-whole payment claims and separate litigation related to disputed make-whole payment claims.
- Counsel for Chapter 11 Debtor-Appellee before the U.S. Courts of Appeals for the Second Circuit related to disputed make-whole payment claims.
- Counsel for farmers and ethanol manufacturers in litigation before the U.S. Court of Appeals for the Ninth Circuit related to California's Low Carbon Fuel Standard.
- Amicus counsel in numerous matters, including: for U.S. Senators in Anti-Terrorism Act litigation, for the State of Nevada in litigation over EPA's Clean Power Plan, and for an airline trade association in preemption litigation related to New Mexico's alcohol regulations.

News

<https://www.washlaw.org/jury-awards-baltimore-county-former-employee-with-a-disability-more-than-780-000-in-lawsuit-brought-by-washington-lawyers-committee-for-civil-rights-and-kirkland-ellis/>

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<https://www.jpost.com/arab-israeli-conflict/henkin-family-sues-iran-syria-for-360m-for-murders-587789>

Publications

Michael S. Greve, Jonathan Klick, Michael Petrino, J.P. Sevilla, Preemption in the Rehnquist and Roberts Courts: An Empirical Analysis, 23(1) Sup. Ct. Econ. Rev. 353 (2015).

Practice Areas

Appellate Litigation

Bankruptcy Litigation

Commercial Litigation

Healthcare Fraud

Honors

SuperLawyers®, Washington, D.C. (2020)

Kirkland & Ellis, Pro Bono Service Award (2011, 2013-2017)

Clerkships

Law clerk for the Hon. Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit (2008-2009)

Education

J.D. George Mason University School of Law, 2008, magna cum laude

- Law Review, Senior Research Editor
- Moot Court Board, Chief Justice
- Upper Class Moot Court Competition, Finalist

Amherst College, B.A., magna cum laude. Economics with Distinction and Political Science, May 2003

Admissions

Washington, D.C.

Virginia

Michael Petrino

United States District Court for the Districts of the District of Columbia, Eastern District of Virginia, and Eastern District of Michigan

United States Court of Appeals for the 2nd, 3rd, 4th, 5th, 6th, and D.C. Circuits

United States Court of Appeals for Veterans Affairs.