



Mark S. Lafayette

SENIOR COUNSEL

RATED BY
Super Lawyers®
Mark S. Lafayette
SuperLawyers.com

CONTACT 212-710-4996
mlafayette@goetzplatzer.com

EDUCATION B.A., State University of New York at Albany
J.D., Georgetown University Law Center

ADMISSIONS New York
Southern District of New York
Eastern District of New York
Supreme Court of the United States

Experience

Mark Lafayette specializes in the areas of commercial litigation, intellectual property litigation, real estate, and entertainment. He has extensive knowledge of real estate, hospitality, contracts, business torts and intellectual property. He also represents clients in cases involving specialized real estate issues, hotel management, construction, trademarks, including counterfeit product and license related litigation, copyrights, and trade secrets. Lafayette's client base has included Fortune 500 companies, owners and lessees of real estate, owners and managers of hotels, entertainers, investors, authors, music publishers, entrepreneurs, and new technology ventures.

In addition to his litigation practice, Lafayette has advised clients on trademark and copyright registration and protection, as well as advertising matters. He has also represented clients in real estate transactions, including those involving the purchase and sale of office buildings, condominiums, cooperative apartments, and residential property, and the lease of real property for various uses. Lafayette has served as approved counsel to represent major insurance companies and/or their insureds in matters related to contracts, business torts, disability, life, intellectual property, employment, and media.

Real Estate/Hospitality/Business Litigation

- Represented majority owners of hotel concerning claims seeking damages for fraud, breach of management contract and conversion against hotel management company and in defense of claims for breach of contract and tortious interference in connection with hotel takeover. See *Ithaca Capital Investments I, S.A. v. Trump Panama Hotel Management LLC*, 450 F.Supp.3d 358 (S.D.N.Y. 2020).
- Represented joint venturer in percentage interest reset proceeding.
- Represented majority owners in connection with management dispute involving Oakland Airport Executive Hotel in Oakland, California and subsequent litigation.
- Secured dismissal of claim for brokerage commission against property owner. See *Vasilios Vasiliu v. Chaim "Harry" Miller, Xi Hui Wu A/K/A Steven Wu*, 3 Mitchell Place Loft LLC, Beekman Towers LLC, And Beekman Towers Holdings, LLC, 2018 N.Y. Slip Op. 32487 (N.Y. Sup. Ct. 2018).
- Advised hotel management company in connection with claim of default by hotel owner.
- Represented seller of commercial property in connection with breach of sales contract.
- Represented subcontractor in connection with construction litigation.
- Represented owner in connection with construction litigation.
- Represented seller of office building in connection with litigation concerning rights to subsequent flip profits.
- Represented tenant to secure Yellowstone injunction.
- Obtained dismissal of an action asserting wrongful termination of branded product distribution agreement, breach of fiduciary duty, tortious interference and misappropriation of trade secrets. *Epic Sports International, Inc. v. Samsung C&T America et. al.*, 2012 WL 5947826 (Sup. Ct. New York County Nov. 26, 2012).
- Secured summary judgment in a case concerning termination of license agreement. *Woodland Designs PLC v. Nautica Apparel, Inc.*, 2012 WL 426518 (S.D.N.Y. Feb. 10, 2012).
- Represented client regarding footwear distribution agreement and commercial loan transaction. See *Diesel Props S.r.l. et. al. v. Greystone Business Credit II LLC*, et. al., 631 F.3d 42 (2d Cir. 2011).
- Represented client in dismissing breach of contract action brought by an inventory company involving unique account stated defense. *Hart Systems, Inc. v. Tommy Hilfiger Retail, Inc.*, 2007 WL 4978144 (Sup. Ct. Nassau County Dec. 31, 2007).
- Represented client in case involving First Amendment issues with respect to criminal charges against Globe Communications, Inc., publisher of The Globe, relating to its coverage of the rape allegations against William Kennedy Smith. *The State of Florida v. Globe Communications Corp.*, 622 So.2d 1066 (Fl. App. 1993).
- Secured dismissal of each and every cause of action in complaint, including attorney malpractice claim. *Argyle Capitol Corp. v. Lowenthal, Landau et. al.*, 261 A.D.2d 282, 690 N.Y.S.2d 256 (1st Dept. 1999).
- Secured dismissal of breach of insurance commission agreement.
- Represented insurance company client in resolving potential class action litigation involving health insurance policies.
- Represented Liberty Lines Transit, Inc. in case involving age discrimination, defamation and hostile work environment. *Terranova, et. al. v. Liberty Lines Transit, Inc.*, et. al. 292 A.D.2d 441 (2nd Dep't 2002).

Real Estate/Hospitality/Business Litigation

- Represented owner of digital music service in copyright infringement action. Secured new precedent holding that separate owners of copyright of sound recording and musical composition were required to share a single statutory damages award. *Capitol Records, Inc. v. MP3Tunes, LLC*, 28 F.Supp.3d 180 (S.D.N.Y. 2014).
- Secured assignment of third party's infringing domain name. *Managed By Q Inc. v. XL Liu*, Case No. D2016-1857 (World Intellectual Property Organization).
- Represented client in action concerning licenses for the use of the classic literary property "Babar" in connection with television, motion pictures and merchandise. *The Clifford Ross Company v. Nelvana, Ltd.*, 710 F. Supp. 517 (S.D.N.Y. 1989), *aff'd.*, 883 F.2d 1022 (2d Cir. 1989) (Cited by *Nimmer on Copyrights*, §6.10(b), (2000)).
- Represented client in trademark action involving use of the mark "Glow" by celebrity in connection with licensed products. *Glow Industries, Inc. v. Jennifer Lopez, Coty, Inc. and Sweetface Fashion Company, LLC*, 273 F. Supp.2d 1095 (C.D. Cal 2003).
- Represented client in claims against his former manager. *William M. Joel v. Francis X. Weber* (see, *In re Weber*, 118 B.R. 441 (E.D. Va. 1990)).
- Represented client in case involving musical artist's claims against her management company. *Ashlee Nicole DeLoach v. Just-In-Time Entertainment, Inc.*, 02 Civ. 106521 (Sup. Ct., N.Y. Co. 2000).

Expertise



Litigation



Real Estate



Corporate



Corporate Restructuring +
Debtor/Creditors' Rights

Affiliations

- Marks Works & Secrets blog, Co-Editor, 2015-2020
- New York State Bar Association