



Michael R. Hogue

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Michael R. Hogue maintains a multi-disciplinary practice serving the construction, commercial real estate, financial services, and aviation industries. This includes representing a broad cross-section of clients in transactions, disputes, and restructuring/bankruptcy matters.

In his construction and commercial real estate practice, Michael focuses particularly on medium and large-scale residential, commercial, energy, and industrial projects. He represents parties at all stages of the commercial development life cycle, from initial design and contract negotiation to pre and post-completion dispute resolution and litigation. Michael has represented large commercial owners and developers in real estate and construction litigation in both state and federal court, including claims for breach of contract, fraud, delay claims, negligence, defective design, failure to inspect, and construction defects. He regularly advises developers and contractors on regulatory and licensing issues, particularly in California and Nevada. Michael also advises on trademark, copyright, trade dress and trade secret matters.

Michael's financial services practice involves representing financial institutions, secured and unsecured lenders, and loan servicers in various litigation in state and Federal Court as well as arbitrations. These cases range from individual disputes under state and Federal credit reporting statutes to large class actions involving tens of thousands of potential claimants. Michael focuses on disputes in the Western United States, with a particular emphasis on Nevada and California matters. He has considerable experience with the major statutory schemes relevant to lenders and loan servicers, including TILA, RESPA, FCRA, FDCPA, MLA, EFTA, the California CRAA, and the California Rosenthal Act.

In his aviation practice, Michael represents domestic and international carriers in a variety of litigation matters, including commercial disputes, personal injury and property damage claims, products liability, insurance, intellectual property, environmental issues, securities class actions, derivative actions, employment matters, data privacy, and advertising law. He also represents aviation clients in local, state, and federal investigations as well as corporate transactions

Additionally, Michael represents creditors, particularly developers, financial institutions, and loan servicers, in bankruptcy proceedings under Chapters 7, 11, and 13, focusing on bankruptcy litigation in various jurisdictions throughout the country. He also advises debtors with regard to various restructuring efforts ranging from pre-bankruptcy workouts to Chapter 11 petitions and plans.

Finally, Michael serves as part of the firm's eDiscovery and eRetention group, providing advice and support to clients regarding best practices for records management. Michael also advises and represents clients regarding electronically-stored information and technology-assisted review in litigation in state and federal courts.

Concentrations

- Construction law
- Construction litigation
- Real estate litigation
- Business and financial services litigation
- Aviation law

- Bankruptcy and business reorganization
- eDiscovery & eRetention
- Copyright, trademark, and trade secret litigation

Capabilities

[Litigation](#) | [eDiscovery & eRetention](#) | [Financial Services Litigation](#) | [Construction Law](#) | [Real](#)

[Estate Litigation](#) | [Restructuring & Bankruptcy](#) | [Aviation](#) | [Business Aviation](#)

Experience

Construction and Real Estate Representative Experience

- Represented the owner joint venture in the MGM CityCenter litigation, a complex construction dispute regarding a \$9.2 billion mixed-use residential, commercial, and gaming development in Las Vegas, the largest privately-funded commercial development in American history.
- Represented Shenzhen Investment Holding Company, one of the largest state-owned investors in real estate and technology based in Shenzhen, China, in negotiation of design and construction agreements for technology real estate development project in Silicon Valley.
- Represented Blackstone Real Estate Income Trust (BREIT) in \$3.89 billion acquisition of the Aria Resort & Casino and Vdara Hotel and Spa in Las Vegas, advising on construction-related aspects.
- Represented large developer affiliate of Encore Housing Opportunity Fund with terminating a \$97 million construction contract in Los Angeles and negotiating construction agreement for project with successor contractor.
- Represented large developer in dispute with general contractor involving completion of \$100 million residential high rise in San Francisco.
- Represented design architect in contract negotiations for Baylands development in San Francisco.
- Represented semiconductor manufacturer in connection with construction of \$100+ million “green” manufacturing campus in San Francisco Bay Area, including resolution of mid-project disputes.
- Represented Veeco Instruments, Inc. in \$40 million lease buildout of a 100,000 square foot manufacturing facility in Silicon Valley, California specializing in advanced laser annealing and lithography technology for semiconductor applications.
- Represented hotel developer with multi-million dollar renovation and expansion of “ecotourism” hotels in Hawaii.
- Represented insurance broker in construction and insurance dispute arising from destruction of winery facilities in the 2017 North Bay Fires in Sonoma and Napa County, including resulting construction surge pricing issues, obtaining settlement of dispute.
- Assisted owners and general contractors in developing contracts for design professionals, general contractors, subcontractors, and vendors in numerous states, including California, Nevada, Arizona, Texas, Florida, Hawaii, and Georgia.

Aviation Representative Experience

- Represented international carrier in putative class action asserting breach of contract claims regarding the amount and type of non-regulatory fees an airline may charge and relationship between the fees and actual cost of services provided. Obtained dismissal of complaint with prejudice.
- Represented international carrier in multiple putative class actions asserting breach of contract claims regarding COVID-19 flight cancellations.
- Represented multiple national and international airlines in various individual employment and consumer disputes.
- Represented charter operator in secured loan facility dispute.
- Represented production company in contract negotiations for commercial project involving aerial filming, including unique issues of insurance and regulatory compliance.

Financial Services Litigation Representative Experience

- Represented national banking association in putative class action alleging violated of Nevada law (NRS 107.080, et. seq.), obtaining dismissal of certain claims with prejudice at the pleading stage and defeating class certification.
- Represented financial institution with regulatory and enforcement proceedings across numerous states where the institution's license for mortgage origination business was threatened or impaired their ability to service loans. This was resolved with resolution where each state regulatory agency dismissed their complaints.
- Represented large financial institution in putative nationwide class action asserting inadequate fee disclosures.
- Represented numerous lenders and loan servicers in individual and putative class actions involving alleged violations of the FCRA, RESPA, TILA, FDCPA, MLA, EFTA, the California CRAA, and the California Rosenthal Act, consistently obtaining dismissals and settlements.
- Represented national banking association in \$15 million commercial loan default with online furniture business, obtaining favorable resolution to dispute.

Bankruptcy and Business Reorganization Representative Experience

- Represented lenders and financial institutions in Chapter 7, 11, and 13 proceedings involving alleged violations of the automatic stay, the discharge injunction, and plan terms, obtaining resolutions and settlements.
- Represented major pipeline owner throughout all phases of the 2019-2020 PG&E bankruptcy proceedings ("PG&E II").
- Represented foreign and domestic financial institutions in adversary proceedings regarding various claims, including turnover of alleged debtor assets, avoidance actions, fraud claims, and other nondischargeability actions.
- Represented secured and unsecured creditors in various Chapter 11 restructurings and Chapter 7 liquidations in multiple jurisdictions.
- Represented loan servicers in adversary proceedings regarding fraudulent transfers, contested lien priority and validity, and post-discharge foreclosures.
- Represented corporate and individual borrower and guarantor defendants related to a \$500 million syndicated credit facility on a 1,700-acre master planned development.°
- Represented numerous debtor entities in Chapter 11 restructuring of multibeneficiary loans regarding commercial real estate valued at over \$300 million.°

eDiscovery & eRetention Experience

- Advised corporate and individual clients regarding use of eDiscovery in litigation of insurance, financial services, aviation, and construction disputes, including TAR and other forms of human-assisted machine learning.
- Advised corporate and individual clients regarding eDiscovery protocols, eDiscovery planning, and motion practice concerning eDiscovery disputes.
- Advised corporate and individual clients regarding discovery issues concerning the law of privilege including litigating challenges to privilege claims.
- Advised corporate and individual clients regarding the review, analysis and appropriate assertion of privilege claims for document collection, review and production.

Copyright, Trademark, and Trade Secret Litigation Representative Experience

- Represented nightclub owners and operators in copyright, trademark and defamation disputes.
- Represented corporations in copyright and trade secret disputes in California and Nevada.
- Represented former employees in patent and trade secret dispute involving data center technologies.°

°The above representations were handled by Mr. Hogue prior to his joining Greenberg Traurig, LLP.

Internship

- Judicial Intern, Hon. F. Michael Giles, Essex County Superior Court, Civil Division, May 2008-August 2008

Recognition & Leadership

Awards & Accolades

Listed, *The Legal 500 United States*

- Dispute Resolution - General Commercial Disputes, 2021
- Real Estate - Construction (Including Construction Litigation), "Other Key Lawyer," 2022

- Team Member, a *Law360*, "Construction Practice Group of the Year," 2020, 2022
- Listed, *Super Lawyers* magazine, *Northern California Super Lawyers*, "Rising Stars," 2018-2023
- Listed, *Super Lawyers* magazine, *Mountain States Super Lawyers*, "Rising Stars," 2014-2017
- Listed, *Daily Journal*, "Top Plaintiffs' Verdict by Dollar," Top Verdicts List, 2017
- Team Member, *U.S. News - Best Lawyers®*, Best Law Firms Edition, "Law Firm of the Year," Banking & Finance – Litigation, 2017
- Team Member, *U.S. News - Best Lawyers®*, Best Law Firms Edition, "Law Firm of the Year," Litigation – Real Estate, 2017, 2022
- Team Member, Global M&A Network's Turnaround Atlas Awards, 2021 Restructuring Law Firm of the Year – Middle Markets

Professional & Community Involvement

- Member, American Bankruptcy Institute
- Member, American Bar Association
- Member, Bar Association of San Francisco
- Board Member, Hive Advisory Council, California Academy of Sciences

Credentials

Education

- J.D., Seton Hall University School of Law, 2010
 - Seton Hall Law Award for Excellence in Advocacy
 - Board Member, Moot Court
- B.A., Political Science, University of Pennsylvania, 2005

Admissions

- California
- Nevada
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the District of Nevada
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

News, Insights & Events

June 15, 2023 MEDIA COVERAGE

Nevada Legislature Advances Plan For Oakland A's Vegas Move

Law360 Real Estate Authority

May 19, 2023 MEDIA COVERAGE

Oakland A's Las Vegas Plans Bring Work for Law Firms, Lobbyists

Bloomberg Law

April 09, 2020 PUBLISHED ARTICLE

The CARES Act, Consumer Bankruptcy, and Mortgage Servicing: What to Know and Potential Pitfalls

The National Law Review

March 11, 2020 PRESS RELEASE

Greenberg Traurig Earns Antitrust Trial Victory on Behalf of StarStar Number Pioneer
