



Mark Hatch-Miller

Partner

New York

(212) 336-8330

mhatch-miller@susmangodfrey.com

Overview

Mark Hatch-Miller, a graduate of the Yale Law School and a former law clerk to two federal judges, is one of the country's top trial and appellate attorneys.

Mark has extensive standup trial and arbitration experience, including serving as co-lead counsel in an \$86 million patent infringement jury trial where he won a take-nothing verdict for the defendant. Mark has represented clients ranging from Fortune 500 companies, such as Walmart and Nasdaq; to Dominion Voting Systems in its defamation lawsuits against Fox News and others; to smaller businesses and individuals. He has been involved in headline-grabbing matters that have attracted widespread attention from outlets such as the *New York Times*, *CNBC*, *The Associated Press* and *LA Times*.

Mark practices in a wide range of subject-matter areas, including patent infringement, trade secrets misappropriation, defamation, contracts and general commercial disputes, construction/real estate, qui tam/false claims, antitrust, securities fraud, and product liability, among other areas. He has handled pro bono matters ranging from an individual employment discrimination dispute to authoring an amicus brief filed in a high-profile Supreme Court case.

“

“Mark is a formidable advocate to have on your side. I have watched him face-off against many trial lawyers and Mark is always legally superior – his litigation skills are unrivaled and his ability to understand a case from big picture to the critical small details is unmatched. With Mark we know we are always in good hands.”

Jay Jani, Vice President and Chief Patent Counsel, Globus Medical Inc.



“Mark is an exceptional litigator, with terrific instincts and a matching intellect. He’s been highly effective for us, and I would recommend him to anyone facing a high-stakes legal battle.”

Sam Humphreys, CEO, London Bay Capital

PROVEN RESULTS

Whether through trial verdicts or arbitration awards, via pre-trial motion wins, or through favorable settlements, Mark regularly secures results for his clients.

Mark served as co-lead trial counsel for defendant Globus Medical, Inc., a medical device manufacturer, in an \$86 million patent infringement dispute in the Eastern District of Pennsylvania. Early in the case, Mark helped win a rare transfer of the case out of the Western District of Texas to Globus’s home district. At trial, Mark delivered the opening statement for Globus, presented Globus’s first witness, and won a complete victory for the defendant. The jury found that not a single one of ten accused Globus products infringed a single one of plaintiff’s three asserted patents. The plaintiff, a business owned by a Maryland doctor and his family, was represented by the #1 patent litigation firm in the United States.

Mark previously won another take-nothing defense verdict for Globus, in an earlier patent infringement dispute in the Eastern District of Texas. Mark also obtained several key pre-verdict wins in the case, including on summary judgment motions and motions to limit expert testimony. After the first Globus trial win, Mark co-wrote an article for The Corporate Counselor about his experience trying the case—and about how Globus, an out-of-state corporation, prevailed over patent infringement claims brought by a local Texas doctor.

Mark helped secure a historic \$787.5 million deal for Dominion Voting Systems to resolve a \$1.6 billion lawsuit it brought against Fox News and Fox Corporation over claims that Fox News and its commentators relentlessly stated that Dominion’s voting machines were at the center of a vast conspiracy in the 2020 presidential election. Mark was an instrumental trial team member – he led efforts on deposing Fox News hosts and show producers, eliciting information that was critical to the landmark outcome. Mark is now litigating similar cases on behalf of Dominion against Rudy Giuliani, Mike Lindell, MyPillow, Sidney Powell, One American News Network, and Newsmax.

Mark obtained plaintiff-side summary judgment rulings against five different defendants for client YH Lex Estates, in New York state court actions seeking to collect on a nearly \$20 million debt. Mark initially won an early summary judgment ruling against one of the two guarantors of an unpaid real estate project-related loan. Mark later won a unanimous summary judgment ruling on

appeal against the real estate firm defendant and the other guarantor. Watch Mark argue the appellate case [here](#) (start @23:19). Mark also won decisive plaintiff-side summary judgment rulings against two related voidable transferee defendants, and later defeated the defendants' appeals from the voidable transfer judgments. Mark's high-profile real estate cases for YH were included in *TheRealDeal's* list of "New York's biggest, baddest and juiciest real estate lawsuits of 2022," and have also been covered in *New York Magazine's Curbed*, *Crain's New York Business* section, and other publications.

Mark won a no-liability summary judgment ruling for Speedwell Holdings (f/k/a Selling Source) in a complex dispute over a \$28.7 million commercial note. Mark also successfully defended the summary judgment result on appeal in New York's First Department.

Mark represented whistleblowers and helped the government secure a \$40.5 million settlement in a medical false claims lawsuit in New York Federal Court against Apria Healthcare Group; the whistleblowers recovered \$4.34 million.

Mark secured a \$19 million settlement (approximately \$12 million after fees and expenses) for a class of plaintiffs in a New York federal court price-fixing case against Coach USA Inc. and City Sights LLC, providers of "hop-on, hop-off" double-decker bus tours of New York City.

Notable Representations

Past Wins

TRIAL AND ARBITRATION

- ***Moskowitz Family LLC v. Globus Medical Inc. (E.D. Penn.)*** Served as co-lead trial counsel for client Globus Medical Inc., and successfully defended the company against an \$86 million patent infringement claim by a Maryland doctor and his family. Mark delivered Globus's opening and put on its first witness. After an eight-day trial, a jury in the Eastern District of Pennsylvania found that not a single one of ten accused Globus products infringed a single one of Moskowitz's three asserted patents. [Read more.](#)
- ***Flexuspine Inc. v. Globus Medical Inc. (E.D. Tex.)*** Won a take-nothing defense verdict for medical device manufacturer Globus Medical, in a patent infringement dispute before a Texas federal court. Mark also obtained several key pre-verdict wins in the case, including on summary judgment motions and motions to limit expert testimony. After the Globus trial win, Mark co-wrote an article for *The Corporate Counselor* about his experience trying the case.
- ***Westlake Chemical v. James Construction et al. (334th District Court of Harris County, Texas)*** Won a more than \$4 million breach of contract

trial verdict for Westlake Chemical against James Construction Group in Texas state court. The jury sided with Westlake on claims that safety issues justified removing the contractor, James, from a \$400 million construction project. The result was later modified by the Texas Supreme Court.

- ***Intrepid Investments v. Selling Source* (New York Supreme Court, Commercial Division)** Represented online advertising firm Selling Source in a New York arbitration regarding the equity earn-out provision in an acquisition contract and won an award rejecting 93% of the plaintiff's claims, and ordering the plaintiff to reimburse arbitrator fees previously paid by Selling Source.

PRE-TRIAL

- ***YH Lex Estates v. HFZ Capital Group* (New York Supreme Court, Commercial Division)** Won summary judgment for plaintiff YH Lex Estates against a guarantor defendant in a New York state court action seeking to collect a nearly \$20 million debt, and later won summary judgment for the same plaintiff on its separate \$12.6 million voidable transfer claims against two transferee defendants.
- ***Intrepid Investments, LLC v. Speedwell Holdings* (New York Supreme Court, Commercial Division)** Obtained a complete defense-side summary judgment win for online advertising firm Speedwell Holdings (formerly known as Selling Source), in a New York state court breach of contract dispute over an alleged \$28.7 million debt.
- ***In re Sensata Technologies* (New York Supreme Court, Nassau County Branch)** Won a complete defense-side summary judgment victory for auto parts manufacturer Sensata Technologies, in a New York state court product liability case.

APPELLATE

- ***Intrepid Investments, LLC v. Selling Source, LLC* (New York Supreme Court, Appellate Division, First Department)** Secured a major appellate win for client Speedwell Holdings (formerly known as Selling Source) in New York State Court. The order affirmed a prior no-liability summary judgment ruling by the New York Supreme Court's Commercial Division in a complex \$28.7 million commercial loan case, brought by plaintiff Intrepid Investments.
- ***YH Lex Estates, LLC v. Nir Meir et al* (New York Supreme Court, Appellate Division, First Department)** Won an appeal affirming a nearly \$14 million fraudulent transfer judgement on behalf of client YH Lex Estates, LLC.
- ***YH Lex Estates v. HFZ Capital Group* (New York Supreme Court, Appellate Division, First Department)** In a New York state court action seeking to collect a nearly \$20 million debt for plaintiff YH Lex

Estates, [won a unanimous summary judgment ruling](#) on appeal against a real estate firm defendant and its founder. You can watch Mark argue the appellate case [here](#) (start @23:19).

LANDMARK SETTLEMENTS

- ***Dominion Inc. et al. v. Fox News Network LLC (Delaware Sup. Ct.).***
Helped secure a historic \$787.5 million deal for Dominion Voting Systems to resolve a \$1.6 billion lawsuit it brought against Fox News and Fox Corporation over claims that Fox News and its commentators relentlessly stated that Dominion's voting machines were at the center of a vast conspiracy in the 2020 presidential election.
- ***United States of America ex rel. Gauch v. Lincare Holdings Inc. (S.D.N.Y.)*** Secured a deal valued at [\\$25.5 million](#) to resolve a False Claims Act lawsuit based on allegations of fraud and kickbacks made by Susman Godfrey clients, and former Lincare employees, Sandra Gauch and Michelle McNeill. Lincare agreed to the settlement to resolve the whistleblowers' allegations that it submitted false claims to federal health programs.
- ***United States of America et al. ex rel. Martinez et al., v. Apria Healthcare Group, Inc., and Apria Healthcare LLC (S.D.N.Y.)*** Represented whistleblowers and helped the government secure a [\\$40.5 million settlement](#) in a medical false claims lawsuit in New York Federal Court against Apria Healthcare Group; the whistleblowers recovered \$4.34 million.
- ***In re: NYC Bus Tour Antitrust Litigation (S.D.N.Y.)*** Secured a [\\$19 million settlement](#) (approximately \$12 million after fees and expenses) for the class in a New York federal court [price-fixing case](#) against Coach USA Inc. and City Sights LLC, providers of "hop-on, hop-off" double-decker bus tours of New York City.
- ***AIG Securities Fraud Litigation (S.D.N.Y.)***. Represented Pacific Life Funds and Oppenheimer Funds as opt-outs from the landmark New York federal court securities fraud class action against American International Group, arising from AIG's misstatements and omissions to investors leading up to its 2008 bailout; the cases settled on confidential terms.
- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation (E.D.N.Y.)*** Represented Walmart in [contract and antitrust lawsuits](#) in New York state and federal court against Visa USA; the cases settled on confidential terms.
- ***In re General Motors Ignition Switch Litigation (S.D.N.Y.)*** Represented plaintiffs in a federal multi-district litigation against General Motors over an ignition switch defect. Mark's work on a key personal injury bellwether case in New York federal court contributed to a favorable settlement on the eve of trial. This case received substantial press from outlets such as [The Wall Street Journal](#).

Current Cases

- ***US Dominion Inc. et al. v. Fox News Network LLC (Superior Court of the State of Delaware)*** Serving as counsel to Dominion Voting Machines in its [defamation lawsuits](#) against Newsmax TV, OAN and several other high profile defendants. Dominion accuses the defendants of making false claims that Dominion rigged the 2020 Presidential Election.
- ***Langer v. CME Group, Inc. (Circuit Court Of Cook County, Illinois County Department, Chancery Division)*** Serving as counsel for individual plaintiffs and a proposed class of members of the Chicago Mercantile Exchange and the Chicago Board of Trade. The case alleges that CME and CBOT breached their most fundamental obligations to members under the exchanges' respective corporate charters, including by opening an electronic trading floor without required member approval. Additional information about the case is available [here](#).
- ***Globus Medical v. Life Spine (D. Delaware)*** Representing Globus Medical in a plaintiff-side patent infringement case against competitor Life Spine, related to Globus's innovative expandable spinal fusion implant technologies.
- ***BML Properties Ltd. v. China Construction America (New York Supreme Court, Commercial Division)*** Counsel to BML Properties on claims that China Construction America, one of the largest contractors in the world, and other defendants committed fraud in connection with BMLP's development of the "Baha Mar" resort complex in the Bahamas.
- ***Macquarie Energy Winter Storm Litigation (Various)***. Representing Macquarie Energy in multiple disputes arising from the February 2021 winter storm Uri in Texas.
- ***NASDAQ, Inc. v. Miami International Holdings (D.N.J.)*** Representing NASDAQ in a trade secrets misappropriation litigation against competitor MIAX, and defending NASDAQ against antitrust and other counterclaims.

Honors & Distinctions

In 2025 Mark was ranked as a leading lawyer by [US News-The Best Lawyers in America](#). In 2024, [Lawdragon](#) named Mark among their [Top 500 Leading Plaintiff Financial Lawyers](#). In 2023 and 2024, [Lawdragon](#) recognized Mark as one of the 500 Leading Litigators in America. Mark was also recognized by Super Lawyers (Thompson Reuters) as a "Super Lawyer" in 2023 and 2024, and was recognized as a "Rising Star" in the area of general litigation for the New York Metro Area from 2014-2022. Similarly, Benchmark Litigation named Mark to its 40 & Under Hot List of up-and-coming trial lawyers from 2019-2022.

Mark is active in charitable and bar organizations, including the Federal Bar Council and its Inn of Court program, and helps organize New York Lawyers for the Public Interest's annual Michael Rothenberg Memorial Golf Outing.

Clerkships

Honorable Mark R. Kravitz, United States District Court for the District of Connecticut

Honorable Reena Raggi, United States Court of Appeals for the Second Circuit

Education

Yale Law School (J.D.,)

Wesleyan University (B.A.,)