



## ZACHARY A. KERNER COUNSEL

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**Z**achary Kerner's practice focuses on complex commercial litigation, including multidistrict antitrust and securities actions. He also brings experience with Lanham Act and other intellectual property issues.

As a litigation associate at Cahill Gordon & Reindel, where he practiced under Floyd Abrams, Zach successfully represented a hedge fund involved in a defamation action brought by the owner of the Washington Redskins. A member of the New York Bar Association's Committee on Civil Rights, he also has contributed substantially to *amicus* briefs in two civil rights-related appeals before the U.S. Supreme Court.

Zach has been recognized as a Rising Star in editions 2015-2017 of *New York Metro Super Lawyers*. Prior to joining Holwell Shuster & Goldberg, Zach clerked for Judge Andrew L. Carter on the U.S. District Court for the Southern District of New York. During his clerkship, the Judge heard a high-profile trademark dispute between Louis Vuitton and Warner Bros. over the appearance of knock-off handbags in *The Hangover Part II*.

Zach studied in Barcelona as an undergraduate at the University of Pennsylvania and speaks proficient Spanish.

### NOTABLE CASES

- Former Governor Andrew Cuomo in a separation-of-powers challenge to the Commission on Ethics and Lobbying in Government related to the proceeds of a \$5 million book deal. Secured rulings at both the New York Supreme Court and the Appellate Division, Third Department declaring the Commission unconstitutional.
- Visa Inc. and its subsidiaries in various matters, including its defense against dozens of antitrust actions brought by hundreds of merchants who have opted out of a multibillion-dollar class settlement.
- Melody Business Finance, a hedge fund, in litigation against former hedge fund billionaire Philip Falcone, securing an award of \$69.8 million—approximately 99% of the amount sought following a trial on damages.
- A former senior employee of New York asset manager firm in civil action brought by investors alleging fraud and breach of fiduciary duty.
- Microban Products Company in securing summary judgment in connection with trademark enforcement action brought in the Southern District of New York.
- Drafted U.S. Supreme Court amicus brief on behalf of Civil Rights Committee for the New York City Bar Association in *Clapper v. Amnesty International*.

## **WRITINGS**

- “*Jung v. Skadden, Arps, Slate, Meagher & Flom*,” *The New York Law School Law Review* (53 N.Y.L. Sch. L. Rev. 179 (Case comment, 2008))
- “The Constitutionality of Teacher Assignment Plans Post-PICS,” *The New York Law School Justice Action Center*

## **CLERKSHIPS**

- Hon. Andrew L. Carter, Jr., U.S. District Court for the Southern District of New York, 2011 – 2012

## **EDUCATION**

- New York Law School (J.D., *summa cum laude*, 2009)
- University of Pennsylvania (B.A., 2006)

## **BAR AND COURT ADMISSIONS**

- New York
- New Jersey
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York