

Nikolas S. Komyati

Executive Committee Member & Principal

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Nik Komyati believes that his varied experience in the law strengthens his ability to provide solutions to his clients' most difficult problems. He is a Principal in the firm's Financial Institutions practice. In that capacity, Nik represents financial institutions including investment banks, broker-dealers, hedge funds and insurers in complex matters in state and federal court. Nik has successfully defended FINRA arbitrations, receiving dismissal of all claims against the firm's clients. He has handled regulatory inquiries and responses on a multitude of issues and has also handled employment matters including expungement of various matters from financial advisors' Form U-4 and U-5s.

In his commercial litigation practice, Nik provides counsel for closely held businesses, transportation and trucking companies, creditors, and contractors. Nik's commercial litigation experience includes breach of contract and enforcement of agreements, partnership/joint venture disputes, business torts, breach of fiduciary duty allegations, and shareholder issues. Nik has prosecuted and defended these matters in state and federal court throughout the country.

Nik's diverse catalog of experience has allowed him to develop into an outside general counsel for many clients and assist with their corporate matters as well. He is involved with corporate formation and structuring, private equity transactions, hedge fund transactions and redemptions, complex securities transactions, and the sale of restricted securities under Rule 144.

Nik is also the Firm's practice area leader for its cannabis practice group. He advises clients with regards to licensing, financial, regulatory and compliance issues for cannabis and hemp companies. Nik also advises ancillary service providers to the industry on their financial, regulatory and compliance matters. His broad base of experience allows him to carefully walk clients through this emerging industry and its unique challenges.

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AREAS OF PRACTICE

Bankruptcy, Creditors' Rights &
Business Reorganizations

Business & Commercial
Litigation

Cannabis Law

COVID-19 Task Force

Creditors' Rights Litigation

Financial Institutions

Financial Institutions
Enforcement Defense

Financial Institutions Litigation
and Arbitration

Loan Workouts and
Restructuring

Real Estate

Senior & Vulnerable Investor
Group

EDUCATION

- Seton Hall University School of Law, J.D., 2003
- University of Delaware, B.A., 1999

Nik is also a member of Bressler's Senior and Vulnerable Investor Group. The lawyers in this group have a shared interest in providing counsel to corporate clients who confront issues affecting seniors.

In addition to his practice, Nik is active in numerous legal industry organizations. He is a member of the New York State Bar Association, New Jersey State Bar Association and its Cannabis Law Committee.

Awards & Accolades

- Selected to the list of *Super Lawyers* "Rising Stars," 2009-2017

No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. A description of the award methodologies can be found here.

Experience

- In a recent matter, Nik represented a creditor and party to a debtor's bankruptcy proceeding in Florida. The debtor breached a settlement agreement with approximately \$270,000 in payments remaining and despite having \$1.5 million in assets, which he argued were shielded from collection. The Trustee agreed with the Debtor and attempted to settle the claims for a *de minimus* amount with the Debtor. Nik challenged the settlement. At trial, Nik successfully argued that the assets were shielded essentially through fraud and the Judge agreed, finding that the settlement was not in the best interest of the creditors and that there was an indicia of fraud. This led to the client receiving a much larger settlement of \$520,000.
- A New Jersey corporate client recently relied on Nik to represent them in a case involving internet defamation. Nik successfully argued that New Jersey had jurisdiction over California residents who defamed our client via the internet. He convinced the court that electronic messages specifically targeting our client and attacking the client's IP address were contacts with New Jersey significant enough for the court to have personal jurisdiction over the defendants. This matter was thereafter favorably resolved for the client with permanent restraints against the defendants.
- Nik also successfully argued an Order to Show Cause against a company that was breaching its contractual obligations to issue stock to a client. As part of the equitable relief received, the Judge ordered that the company could not issue stock to anyone until it issued stock to the client (in accordance with its contractual obligations). This order essentially stopped the company's ability to operate, causing the

ADMISSIONS

New Jersey

New York

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

U.S. District Court, Western District of New York

U.S. District Court, Northern District of New York

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Ninth Circuit

company to immediately capitulate and issue the requisite stock to the client.

News & Alerts

Private Placements Coming Under Increased Scrutiny
Alert, *Financial Institutions Law Alert*, 03.31.2021

Speaking Engagements & Events

Nikolas Komyati to Co-Present Celesq Podcast on Cannabis in New Jersey
Podcast, 09.17.2021

NJ - From Dream to Reality: Getting Your Cannabis Business Ready for Operation
Webinar, 09.15.2021

Nikolas Komyati and Brian Ellis to Speak at Cannabis Education Virtual Event
Speaking Engagement, 05.04.2021

2021 Cannabis Update
Webinar, 03.17.2021

Articles & Publications

Nikolas Komyati Interviewed in Best Lawyers Article about Regulatory Risks in the Growing Cannabis Industry
Firm News, *All Rise, the Newsletter by Best Lawyers*, 06.28.2021

Comparing Cannabis Laws of Neighboring States: NY and NJ
Publication, *The Legal Intelligencer*, 06.08.2021

Professional Affiliations

- New Jersey State Bar Association
- New York State Bar Association
- Morris County Bar Association