

Andrew M. Goldsmith

Partner



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Andrew Goldsmith, a member of Pryor Cashman's Litigation Group, focuses his practice on commercial litigation, entertainment + intellectual property litigation, and real estate litigation.

Entertainment + Intellectual Property

Andrew has extensive experience successfully defending copyright infringement actions, regularly representing major record companies and music publishers, as well as chart-topping recording artists and songwriters. He also has successfully represented plaintiffs seeking to vindicate their common law and federal trademark rights in federal court. Additionally, Andrew litigates breach of contract and tort matters on behalf of clients operating in the entertainment industry. Representative matters include:

- Ed Sheeran, Atlantic Records, and Sony Music Publishing in a landmark copyright jury trial victory, defeating the claim that the hit song “Thinking Out Loud” infringed “Let’s Get It On,” written by Ed Townsend and Marvin Gaye.
- Bruno Mars, Mark Ronson, Jeff Bhasker, Philip Lawrence, and others in defense of a copyright infringement lawsuit regarding the chart-topping song “Uptown Funk.”
- Ed Sheeran, Benny Blanco, Khalid, Halsey, and Happy Perez in connection with the successful defense of a copyright infringement claim regarding their hit song “Eastside.”
- Hip-hop star Future, Sony Music Entertainment, and others in connection with the successful defense of a copyright infringement claim regarding Future’s song “When I Think About It.”
- Ricky Martin in connection with the successful defense of a claim for copyright infringement regarding the “SuperSong Contest” for the 2014 FIFA World Cup.
- A global entertainment and education company in its defense of a copyright and trademark infringement lawsuit regarding one of the most popular children’s songs of the last 20 years.
- A record label and publishing company in connection with their prosecution of a claim for copyright infringement.
- A business consultant and author in connection with securing a preliminary and permanent injunction under the Lanham Act, enjoining the unauthorized use of the client's trademarks.
- Don Buchwald & Associates, a major talent agency, in connection with the successful defense against invasion of privacy claims arising from the alleged unlawful publication of the “Hulk Hogan” *Gawker* sex-tape.
- A major record label in connection with obtaining an appellate victory that dismissed a claim for breach of contract regarding a claim for digital download income.

Commercial Litigation

Andrew has prosecuted and defended dozens of complex commercial lawsuits in federal and state courts as well as arbitration proceedings involving allegations of breach of contract, breach of fiduciary duty, and fraud. His recent representations include:

- Various private lenders in connection with disputes arising under commercial loan agreements.
- A publicly traded bank in connection with allegations of fraud and civil RICO liability.
- Various purchasers of bankruptcy claims filed against FTX Trading Ltd. and related entities.
- A leading apparel and accessories company in connection with its prosecution of claims sounding in breach of contract.
- A private investment firm in connection with its successful prosecution of an arbitration for breach of contract.
- A publicly traded bank in connection with obtaining a dismissal of all claims asserted against it in a federal action seeking more than \$15 million in damages.
- An investment firm in connection with its successful, precedent-setting appeal to the Court of Appeals for the Seventh Circuit.
- A private investment fund in connection with trial-court proceedings and an appeal, obtaining a pleadings-based dismissal of all claims asserted against it, together with an award of attorney's fees.
- Devon Aoki and Steven Aoki in connection with winning a precedent-setting appeal heard by the Court of Appeals, the highest court in New York, concerning a dispute regarding the disposition of Benihana assets.
- A business executive in the successful defense of a defamation claim.
- A nationwide publisher in the successful defense of false advertising claims.
- An art investor in connection with the successful defense against claims of theft and related wrongdoing.

Real Estate Litigation

Andrew regularly litigates matters on behalf of real estate investors, co-op and condo boards, cooperative shareholders, and condo owners. Recent matters include:

- A property manager in connection with the successful prosecution of breach of contract, fraud, and breach of fiduciary duty claims.
- Numerous real estate investors in connection with multiple litigations regarding allegations of bad faith, fraud, and breach of contract.
- An investment fund in connection with its efforts to foreclose upon a commercial mortgage loan secured by prime Manhattan real estate.
- A cooperative board in connection with obtaining a complete appellate victory in a breach of contract matter regarding the co-op's enforcement of its governing rules.
- Cooperative shareholders in connection with achieving an appellate victory on all claims, including claims for breach of contract, breach of fiduciary duty and violation of the New York Business Corporation Law ("NYBCL").

Services

- Litigation
- M+E Litigation
- Music Litigation
- Media + Entertainment
- Music
- Real Estate Litigation

Education

- Fordham University School of Law (J.D., 2012)
- University of Pennsylvania (B.A., *summa cum laude*, 2008)

Recognition

- Named to *Lawdragon's* list of 500 Leading Global Entertainment, Sports & Media Lawyers – Copyright Litigation, Music (2026)
- Named a "Rising Star" in Media & Entertainment by *Law360* (2024)
- Named a "Litigator of the Week" runner-up by *The Litigation Daily* (2023)
- Named a "General Litigation Trailblazer" by *The National Law Journal* (2023)
- Named "One to Watch" in Commercial Litigation (2021-2025) and Litigation: Intellectual Property (2023-25) by *Best Lawyers in America*
- Named a "Rising Star" in the *Super Lawyers - New York Metro* list in Business Litigation (2016-25)

Admissions

- New York, 2013
- U.S. District Courts for the Southern and Eastern Districts of New York, 2013
- U.S. District Court for the Northern District of New York, 2024
- U.S. District Court for the Northern District of Illinois, 2022
- U.S. Court of Appeals for the Second Circuit, 2023
- U.S. Court of Appeals for the Seventh Circuit, 2020
- U.S. Supreme Court, 2025

Publications

March 8, 2024

Extraneous? Collateral? Is It Time to Simplify the Standard for When Fraud Claims Improperly Duplicate Breach of Contract Claims?

New York Law Journal