



Mark A. Costello

Of Counsel

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Profile

Mark is an experienced litigation attorney. He has tried cases and argued appeals in state and federal court, including federal tax court and has arbitrated numerous cases. Mark has more than 40 years of experience handling a variety of civil litigation matters including matters involving easements and other land disputes, public and private contracts, construction, ERISA and over 38 years of experience representing national and regional lenders in commercial banking disputes.

For the past 11 years Mark has handled municipal tax foreclosures and continues to represent municipalities in prosecuting tax foreclosures and defending municipalities in defending claims arising out of those foreclosures. Mark has extensive experience representing landowners in handling real property disputes regarding a variety of issues, including easement-right-of-way disputes and land conveyance disputes and has lectured many times locally and nationally regarding commercial foreclosures and workouts.

Two cases Mark has handled for national banks have resulted in favorable appellate decisions that are now standard-setting cases. In *Lyeth v. Chrysler Corporation*, Mark successfully defended the constitutionality of the mandatory arbitration program of the New York State Lemon Law before the Second Circuit Court of Appeals and received what at that time was the largest attorney's fee award ever granted under that law.

Mark also maintains a commendable entertainment law practice. Since the late 1980s, Mark has represented musicians, authors and filmmakers and many others in the entertainment industry, handling a variety of intellectual property and contract issues. Along the way, Mark has negotiated long-term performance contracts with some of the largest hotel-casinos in Las Vegas, represented filmmakers whose works are distributed throughout the world and negotiated the rights to a deceased Spanish author's work for clients commissioned to compose an opera.

Mark co-wrote and co-produced a feature-length motion picture that has been distributed and broadcast in many countries around the world and, in 2014, 2017 and 2018, was nominated for a Daytime Emmy Award® as a consulting producer on a television/new media soap opera.

Prior to joining Bond, Mark was a partner and the head of Rochester area law firm Boylan Code's litigation practice group and entertainment law practice group for over 38 years.

Education

- Syracuse University College of Law (J.D., *magna cum laude*, 1979)
- Syracuse University (B.A., *cum laude*, 1976)

Bar/Court Admissions

- New York
- Texas

Practices

- Litigation

Honors & Affiliations

- Member, Monroe County Bar Association
- Board Chairman, Rochester Fringe Festival
- Chair, Filmmakers Round Table
- Listed in *The Best Lawyers in America*® for Entertainment Law - Music (2017-2025)
- Selected to the New York State Super Lawyers in Entertainment Law (2019-2024)
- Achieved the Highest Professional Rating (AV) from Martindale Hubbell
- Three-time Daytime Emmy Award® Nominee