



## RYAN J. LUCINSKI

Partner; Co-Leader of Product Liability & Complex Tort Practice

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Ryan is Co-Chair of the firm's Product Liability & Complex Tort Practice Group. He is an accomplished litigator and trial lawyer who concentrates his practice in three major areas. First, he represents manufacturers and suppliers defending product liability lawsuits in state and federal courts throughout New York and the United States. Ryan has litigated numerous catastrophic injury, wrongful death, and property damage claims through to successful completion involving a variety of products, including agricultural and construction equipment, aerial devices, turf and lawn care products, power tools, medical devices and equipment, industrial equipment, consumer goods, and food products. Ryan also advises these clients on risk mitigation policies and procedures and he has extensive experience guiding clients through product recalls with government agencies, like the CPSC and NHTSA.

Second, Ryan represents a variety of businesses and industries in commercial litigation. He has handled cases involving dealer and supply agreements, license agreements, employment and shareholder agreements, and other forms of contract and business tort claims. He successfully represented a software company in California federal court against an insurance company's claim of a failed system implementation alleging commercial damages in the tens of millions of dollars. Ryan has also developed a particular expertise in litigating indemnity and insurance claims for his business and insurance clients, as they may relate to first or third-party claims for damages.

Third, Ryan defends public and private sector employers in state and federal courts in matters alleging discrimination, harassment, and negligence claims. He also counsels these clients on employment matters involving the use of social media, rights of privacy and publicity, and internal investigations.

### Honors

- Listed, *Best Lawyers in America* (Commercial Litigation) 2024

The Guaranty Building  
140 Pearl Street  
Suite 100  
Buffalo, NY 14202

### Practices & Industries

Business Litigation  
Construction  
Employment Litigation  
Food & Beverage  
Hotel, Hospitality & Lodging  
Life Sciences  
Manufacturing  
Media & First Amendment  
Municipal  
Product Liability & Complex Tort

### Admissions

New York  
U.S. Courts of Appeals for the Second and Tenth Circuits  
U.S. District Courts for the Western and Northern Districts of New York and District of Colorado

### Education

University at Buffalo, B.A.  
University at Buffalo School of Law, J.D., magna cum laude

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- Listed, *Best Lawyers in America* (Personal Injury Litigation - Defendants) 2023-2024
- Listed, *Best Lawyers in America* (Product Liability Litigation - Defendants) 2018 - 2024
- Listed, *Upstate New York Super Lawyers*, (Personal Injury - Products: Defense) 2013 - 2023
- Former Publications Editor, *Buffalo Law Review*

## Experience

On behalf of a major construction company, Hodgson Russ attorneys successfully argued an appeal that expanded case law interpreting a key Industrial Code regulation that often underpins Labor Law § 241(6) claims. The ruling helped limit liability for the client and will do so for other construction companies going forward.

One of our clients, an industrial manufacturer, was sued for breach of contract and breach of fiduciary duty after terminating a distributor agreement. Following discovery, Hodgson Russ attorneys were successful in having the case dismissed on motion for summary judgment despite the fact that the plaintiff had gone out of business after the termination.

A Hodgson Russ team led by Patrick Hines, Ryan Lucinski, and Emily Florczak secured victory for a publicly-traded company in a lengthy jury trial in New York state court. The case arose out of a love triangle among current and former company employees, where an employee was accused of harassing and stalking an ex-girlfriend and her boyfriend-turned-husband at work and off hours with the use of company equipment. The plaintiffs sued our client under a number of tort theories, all but one of which were dismissed on summary judgment and on appeal. Plaintiffs' negligent retention claim remained for trial. In short, plaintiffs claimed that our employer client acted negligently in supervising and retaining the allegedly-offending employee, and that it failed to adequately investigate plaintiffs' complaints of harassment, all of which caused them harm. Plaintiffs sought compensatory damages for emotional distress and punitive damages. After four weeks of proof, which included testimony from 15 lay and expert witnesses, the jury took 45 minutes to return a unanimous verdict in favor of our client. The jury did find that the allegedly harassing employee (now deceased) acted negligently, but his estate is judgment proof.

A Hodgson Russ team led by Ryan Lucinski successfully defended a major construction company, a municipality, and a school district in a lawsuit filed by a union carpenter who fell on "black ice" on a construction site and allegedly sustained career-ending injuries. The plaintiff contended that the defendants were negligent and violated Labor Law § 241(6). At trial, Ryan was able to exclude the testimony of plaintiff's meteorologist and counter with evidence of weather reports that refuted the alleged icy condition at the time of incident. After two weeks of proof, the jury returned a unanimous no-cause verdict in favor of our clients.

Hodgson Russ was appointed by the U.S. District Court for the Western District of New York to be lead counsel in an aviation wrongful death action involving the death of 50 people. The firm also represented seven of the victims' families. Cases were started all over the country, but were consolidated in a multidistrict litigation proceeding in Western New York, where Hugh M. Russ, III, the lead attorney for the Hodgson Russ team, has his primary office. The case has resulted in seven-figure settlements for each of the seven families we represented.

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A Hodgson Russ client sold an industrial byproduct that was ultimately used as a mineral supplement in feed. Due to dioxin contamination – which was ultimately traced to our client’s plant – the feed was recalled by the FDA. Our client was sued by numerous feed manufacturers for recall expenses. Those claims sounded in breach of contract, breach of warranty, negligence, and product liability. We were successful in having several of the causes of action dismissed and ultimately were able to settle the actions for far less than the damages claimed.

A Hodgson Russ team led by Ryan Lucinski and Matthew Parker won summary judgment for a Fortune 100 client that manufactures turf and lawn care equipment. The plaintiff was cleaning a compact utility tractor, with a grass dethatcher attachment, when he slipped and got his foot caught in the running thatcher blades, suffering significant injuries that resulted in a below the knee amputation of his leg. During discovery, we adduced evidence that the tractor’s seat switch had been bypassed by the plaintiff’s employer, which allowed the attachment to remain under power without an operator in the seat. To counter our client’s subsequent-modification defense, the plaintiff alleged that the tractor’s seat switch was too easy to bypass, but we were able to show that such mechanism was state of the art and a common design among competitor model tractors. The plaintiff sought in excess of \$20,000,000 in damages. The Court granted summary judgment to our client and disposed of the case entirely. No appeal was taken.

Hodgson Russ attorneys Ryan Lucinski and Patrick Hines successfully handled an appeal that strengthened the requirement that an alleged violation of Labor Law § 240(1) must cause a plaintiff’s alleged injury. The plaintiff sued our client, which owned a construction site, and claimed that while working on a raised concrete slab, he tripped over demolition debris and sustained significant injuries to his ankle. He then fell off the slab, suffering other, minor injuries. After discovery, the trial court granted summary judgment to our client dismissing all claims related to the alleged ankle injury, finding no causal relationship between it and the 240 claim. The Appellate Division, Fourth Department, unanimously affirmed.

Hodgson Russ attorneys Ryan Lucinski and Patrick Hines successfully defended a manufacturer of industrial instrumentation in a products liability action venued in Missouri federal court. A farmer sued the manufacturer of an anhydrous ammonia applicator system that failed and exposed him to the noxious gas, causing severe chemical burns and a permanent neurological condition. The applicator manufacturer impleaded our client, alleging that its component pressure gauges caused or contributed to the accident. Hodgson Russ developed evidence in discovery that there were no defects in the client’s product; that the gauges had been severely damaged and long required replacement; and that the applicator manufacturer was solely responsible for the selection and assembly of all components that comprised its system. During mediation, the case settled for seven figures, with our client contributing nuisance value.

A Hodgson Russ team led by Benjamin Zuffranieri, Jr., Ryan Lucinski, and Patrick Hines won summary judgment in a products liability action venued in Texas state court. The client manufactured high-density lithium thionyl chloride batteries used to power subterranean drilling equipment. The decedent and his employer had misused the product by overheating it, causing catastrophic vent of the battery. The decedent’s estate claimed that the client’s product was defective because it failed to adequately warn of the dangers associated with overheating the product. The Hodgson Russ team successfully argued that the client’s product was a defect-free component of a larger battery assembly designed and built by others, and that the client fulfilled its duty to warn those intermediaries. The estate’s case against our client was dismissed in its entirety. At trial, the jury returned a verdict against the remaining defendants in excess of \$25,000,000.

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## **In the News**

Lawsuits seek to pin blame for costs of opioid epidemic on drugmakers, pharmacies

*The Buffalo News*, May 10, 2021

Company Archive, or Black Hole?

*IndustryWeek*, June 25, 2019

## **Press Releases**

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List

August 23, 2023

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*

August 17, 2023

Hodgson Russ LLP Honored with 2023 New York State Bar Association President's Pro Bono Service Award

April 17, 2023

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of *Upstate New York Super Lawyers*

*Hodgson Russ Press Release*, August 23, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*

*Hodgson Russ Press Release*, August 19, 2022

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of *Upstate New York Super Lawyers*

*Hodgson Russ Press Release*, August 20, 2021

55 Hodgson Russ Attorneys Ranked in 2022 Edition of *Best Lawyers in America*

*Hodgson Russ Press Release*, August 19, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 *Upstate New York Super Lawyers*

*Hodgson Russ Press Release*, September 8, 2020

55 Hodgson Russ Attorneys Ranked in 2021 *Best Lawyers in America*

*Hodgson Russ Press Release*, August 20, 2020

52 Hodgson Russ Attorneys Named to Various *Best Lawyers* Listings

*Hodgson Russ Press Release*, August 20, 2019

## **Publications**

Supreme Court Provides Further Guidance on Public Officials First Amendment Rights on Social Media

*Hodgson Russ Media & First Amendment and Municipal Alert*, March 20, 2024

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What's in Your "Secret Sauce?" The FTC's Proposed Rule to Ban Noncompetes and Considerations for Food and Beverage Businesses

*Hodgson Russ Food & Beverage Alert*, May 3, 2023

Chick-fil-A Confirms Data Breach

*Hodgson Russ Food & Beverage Alert*, March 20, 2023

Governor Hochul Vetoes Grieving Families Act in the 11th Hour

*Hodgson Russ Product Liability & Complex Tort Client Alert*, January 31, 2023

McDonald's Faces Class Action Lawsuit Over Sexual Harassment, Hostile Work Environment Accusations

*Hodgson Russ Food & Beverage Alert*, January 4, 2023

Updates to State Building Codes will Require Local Revisions: Given the Added Workload on Code Enforcement, Municipalities May Wish to Evaluate the Sufficiency of Local Permit Fees

*Hodgson Russ Municipal Alert*, November 28, 2022

Are Your Labels Allergy-Friendly? Major Change Looming for Food and Drink Labels in the United States

*Hodgson Russ Food and Beverage Alert*, September 12, 2022

New York Passes the Adult Survivors Act – Every Organization Should Prepare Now

*Hodgson Russ Business Litigation Alert*, May 25, 2022

Mandating Low Carbon Concrete to Achieve Embodied Carbon Reductions in the Building Sector

*Hodgson Russ Municipal Alert*, May 16, 2022

New York Court of Appeals Reverses Multimillion Dollar Verdict

*Hodgson Russ Product Liability & Complex Tort Alert*, May 10, 2022

## **Presentations & Events**

34th Annual School Client Conference

Millennium Hotel Buffalo, January 18, 2019

## **Professional Affiliations**

- New York State Bar Association
- Bar Association of Erie County
- Defense Research Institute; Marketing Liaison, Manufacturer's Risk SLG
- UB Law Alumni Association, Class of 2005

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### **Community & Pro Bono**

- Pro Se Assistance Program, W.D.N.Y.
- Director/Officer, Horizon Health Services and Horizon Village
- Past Director/Officer, Crisis Services