



MARISSA A. COHELEY

Partner

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Marissa represents clients in complex litigation in both federal and state courts. Her experience includes commercial contract disputes, Employee Retirement Income Security Act (ERISA) matters, employment and non-competition matters and estate litigations. She has defended employers and ERISA plan fiduciaries against claims brought by plan participants and pension fund trustees, either individually or as a class action. Marissa has also represented parties in construction litigation and estates and trusts litigation.

Prior to joining Hodgson Russ, Marissa was an associate at a Buffalo-based law firm. Before becoming a lawyer, she held a number of positions, including program manager at the Vietnam Veterans of America Foundation in Washington, D.C. and coordinator of the U.S. arm of the 1997 Nobel Peace Prize- winning International Campaign to Ban Landmines.

Honors

- Listed, *Upstate New York Super Lawyers* Rising Stars, 2015 - 2019
- Former publications editor, *Buffalo Law Review*
- Secretary, Buffalo Moot Court Board
- Overall winner, 2006 Charles S. Desmond Moot Court Competition
- Regional competitor, American Bar Association National Appellate Advocacy Competition
- Judge Matthew J. Jasen Appellate Practice Award
- Order of the Barristers

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

Practices & Industries

Art
Business Litigation
Class Action Litigation
Securities/Directors & Officers
Litigation
Trusts & Estates

Admissions

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

Clerkships

U.S. District Judge John T. Curtin,
Western District of New York

Education

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

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Experience

Hodgson Russ closed a merger transaction on behalf of a long-time, NASDAQ-listed defense and aerospace products manufacturing client. As a result of the merger, the client became a wholly owned subsidiary in a deal valued at approximately \$275 million. The closing completed a four-month project in which attorneys from many of our practices contributed in significant ways under intense time pressures and opposite some of the largest firms in the country. Our work included advising our client's board in connection with its fiduciary duties; negotiating the merger agreement; preparing a proxy statement for the special meeting of shareholders and dealings with the SEC and FINRA; defending the company and the board in two shareholder lawsuits alleging, among other things, breach of fiduciary duty by the board; appearing in federal and state court and ultimately settling the lawsuits; advising management on directors and officers insurance matters; advising the board and management on certain options and other benefit matters; handling HSR filings; and assisting on financing related to the transaction.

Hodgson Russ is defending a large healthcare organization in a multi-million dollar ERISA class action related to administration of defined benefit plans and claims of excessive administration and investment fees. Our work includes defending the organization, the Board of Directors' and its committees' actions, decision-making, and execution of their fiduciary duties related to the plans' recordkeeping fees and investment fees.

Hodgson Russ successfully defended a public housing authority in a \$5 million lawsuit arising from the termination of a contractor on a hazardous material abatement and demolition project. Our work included pursuing counterclaims for damages arising from the conduct of the contractors on the same project and achieving a multi-million dollar settlement for the authority in mediation.

Hodgson Russ successfully represented an employer in an ERISA arbitration challenging a multiemployer pension fund assessment of withdrawal liability in excess of \$180 million, including representation at multiple mediations and at over 30 days of arbitration hearings, resulting in a favorable settlement and resolution for the employer.

In the News

Three New Attorneys Join Hodgson Russ's Buffalo Office
December 20, 2010

Press Releases

Hodgson Russ LLP Honored with 2023 New York State Bar Association President's Pro Bono Service Award
April 17, 2023

Hodgson Russ Announces New Partners
Hodgson Russ Press Release, December 16, 2021

Sixty Hodgson Russ Attorneys Named to 2019 Upstate New York Super Lawyers
Press Release, August 12, 2019

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Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers
Press Release, August 20, 2018

Seventy Hodgson Russ Attorneys Named to 2017 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, September 6, 2017

Sixty-three Hodgson Russ Attorneys Named to 2016 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 31, 2016

Sixty-Four Hodgson Russ Attorneys Named to 2015 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 19, 2015

Hodgson Russ Attorneys Acknowledged in NYSBA Newsletter For Pro Bono Service
Press Release, August 14, 2014

Hodgson Russ Announces Five Newly Elected Partners: Four Additional Attorneys Promoted to Senior Associate
Press Release, January 3, 2014

Publications

Robinhood Trading App in SEC and State Regulator Crosshairs
Hodgson Russ Securities/Directors & Officers Litigation Alert, December 18, 2020

Early COVID-19 Court Decisions Supporting Executive Orders Suggest How the Courts May View Their Impact On Business Relationships
Hodgson Russ Business Litigation Alert, June 23, 2020

Securing Payment or Forbearance in the Time of COVID-19
Hodgson Russ Business Litigation and Bankruptcy & Restructuring Alert, June 22, 2020

Zooming Into Court: New Complaint filed Against Zoom Related to COVID-19
Hodgson Russ Securities/Directors & Officers Litigation Alert, June 16, 2020

SEC Discusses COVID-19 Pandemic-Related Enforcement Priorities
Hodgson Russ Business Litigation Alert, May 22, 2020

Preparing Your Required COVID-19 Health and Safety Plan for Business Reopening in New York State
Hodgson Russ OSHA and Business Litigation Alert, May 13, 2020

Authorities Are on Alert for Insider Trading - Is Your Business at Risk?
Hodgson Russ Business Litigation and Securities Regulation & Corporate Compliance Alert, April 22, 2020

Failing to Protect Against COVID-19: Can My Business Be Sued?
Hodgson Russ Business Litigation Alert, April 22, 2020

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Violating Price-Gouging Laws May Subject Businesses to Civil and Criminal Penalties

Hodgson Russ Business Litigation Alert, April 15, 2020

Re-tooling Your Business to Respond to the Coronavirus Pandemic? Here's What You Need to Know

Hodgson Russ Business Litigation Alert, April 9, 2020

Professional Affiliations

- New York State Bar Association
- Bar Association of Erie County

Community & Pro Bono

- Co-Chair, Board of Directors: Hope for Two
- Former Member, Board of Directors: Compass House