



MICHAEL E. MAXWELL

Partner

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Mike practices in the areas of high-exposure personal injury litigation and business litigation. He has been lead trial and appellate counsel on behalf of corporations and insurance companies in major injury and wrongful death cases involving claims of negligence, product liability, and labor law violations. He has extensive experience in state and Federal courts throughout the country. He has handled numerous lawsuits arising out of product recalls and provides advice to businesses on mitigating recall risk. He also counsels corporations on a variety of product liability issues, including adequacy of warnings and labels.

Mike has broad experience in business litigation matters, including contract actions, shareholder disputes, and business tort cases. He was previously the Litigation Practice Area Leader.

Much of Mike's work in both business litigation and personal injury involves cross-border issues. He has been called as an expert witness in Ontario arbitration regarding New York State/Ontario conflicts of law.

Mike exclusively practices U.S. law and is admitted to practice in New York.

Honors

- Listed, *Best Lawyers in America* "Lawyer of the Year" (Personal Injury Litigation - Defendants, Product Liability Litigation - Defendants) 2023
- Listed, *Best Lawyers in America* (Commercial Litigation; Product Liability Litigation - Defendants; Personal Injury Litigation - Defendants) 2013 - 2024
- Listed, *Upstate New York Super Lawyers* (Business Litigation) 2010 - 2023
- *Chambers USA: America's Leading Lawyers for Business*, 2017 - 2018
- *Business First/Buffalo Law Journal Who's Who in Law*, 2008

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Practices & Industries

Product Liability & Complex Tort
Business Litigation
Canada-U.S. Cross-Border
International-U.S. Cross-Border
Education
Food & Beverage
Franchise & Distribution
Hotel, Hospitality & Lodging
Manufacturing
Trusts & Estates Controversies

Admissions

New York
U.S. District Courts for the Western
District of New York, District of
Colorado, and Central District of
Illinois

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Experience

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 client, a manufacturer of electronic security systems, was sued by a plaintiff who claimed to have suffered serious personal injuries after being shocked while exiting a security door controlled by one of our client's systems. Before discovery, we were successful in having the action dismissed on summary judgment based on expert affidavits.

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.

PJ Hines, Mike Maxwell and Christa Dines won summary judgment dismissing all of the plaintiff's claims against a longtime manufacturing client of Hodgson Russ. The case involved a forklift collision at the manufacturing plant, which caused catastrophic injuries to a worker. Plaintiff sued the plant on a theory that the design and layout of the facility caused or contributed to the accident. Our team used a comprehensive analysis of illuminance differentials to defeat the theory that "blinding light" from an open door prevented the plaintiff from seeing the forklift coming.

In the News

You can't sue Pfizer or Moderna if you have severe Covid vaccine side effects. The government likely won't compensate you for damages either
CNBC, December 23, 2020

Buffalo Business First - Thought Leaders: Food for Thought
Buffalo Business First, September 29, 2017

Education

Middlebury College, B.A.

University at Buffalo School of Law,
J.D.



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Fifty-Five Hodgson Russ Attorneys Named to *Best Lawyers* 2014
August 28, 2013

Fifty-Four Hodgson Russ Attorneys Named to *Best Lawyers* 2013
August 30, 2012

Hodgson Russ Announces New Practice Group Leaders
April 12, 2012

Hodgson Russ Number One in Buffalo Who's Who in Law
September 12, 2008

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 Among 55 U.S.-Based Firms Recognized for Strong Commitment to Diversity, Equity, and Inclusion (DEI)
July 27, 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

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Publications

U.S. Department of Education Announces Long-Awaited Final Title IX Regulations

Hodgson Russ Education Alert, April 25, 2024

Alternative Instruction for Suspended Students

Hodgson Russ Education Alert, October 20, 2023

NYSED to Begin Monitoring School District Websites for Compliance with Privacy Laws

Hodgson Russ Education Alert, July 21, 2023

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

Orthodox Jewish Parent Group Challenges New York State Education Department Substantial Equivalency Regulations in State Court

Hodgson Russ Education Alert, April 18, 2023

Chick-fil-A Confirms Data Breach

Hodgson Russ Food & Beverage Alert, March 20, 2023

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

Hodgson Russ Food & Beverage Alert, January 4, 2023

Educational Employee Health Care Worker Bonus Payments

Hodgson Russ Education Alert, October 18, 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

Alyssa's Law Signed by Governor: Encouraging Schools to Install Silent Panic Alarm Systems

Hodgson Russ Education Alert, June 24, 2022

Presentations & Events

Doing Business in the U.S.: Accelerate your Food Processing Business

Invest Buffalo Niagara, October 21, 2021

Canada Practice Webinar Series

November 17, December 1 & 15, January 5 & 19

U.S. Legal Considerations for Cross-Border Businesses and Individuals

Hodgson Russ, Montreal, QC, March 14, 2013

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How the U.S. Election May Affect Cross-Border Business in 2013 and Beyond
Toronto, ON, November 15, 2012

How the U.S. Election May Affect Cross-Border Business in 2013 and Beyond
Hodgson Russ, Calgary, AB, November 13, 2012

NYSBA/OBA Ontario-New York Legal Summit
Buffalo, NY, March 29, 2012

Professional Affiliations

- Defense Research Institute
- Western New York Trial Lawyers' Association board of directors
- Bar Association of Erie County
- Ontario Bar Association

Community & Pro Bono

- Chair, Health Management Group, Ltd. board of directors
- Member and former chair, Horizon Health Services, Inc. board of directors
- Member and former chair, Horizon Village, Inc. board of directors
- Member, Buffalo Seminary board of trustees
- Former chair, Suicide Prevention and Crisis Service, Inc. board of directors