



## BENJAMIN M. ZUFFRANIERI JR.

Managing Partner, Business Litigation and  
Construction Practices Leader

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Benjamin M. Zuffranieri, Jr. was named Managing Partner on February 1, 2022, continuing the firm's focus on strengthening client relationships, growing the firm's client base, enhancing collegiality, and serving our communities. Prior to becoming Managing Partner, he served as leader of the firm's Business Litigation and Construction practices.

Mr. Zuffranieri has extensive experience in commercial, construction and international law matters. His engagements include trials, appeals, arbitrations and mediations, both domestic and international. His cases generally involved complex matters with substantial sums in dispute, including bet-the-company litigations. For many years, he served as Chair of the Hodgson Russ Litigation Practice, and gained substantial experience in alternative dispute resolution processes. Mr. Zuffranieri is an arbitrator for the American Arbitration Association, National Roster of Neutrals, Commercial Panel. He has also been appointed to the federal court mediation panel for the United States District Court, Western District of New York. Additionally, he has participated as counsel and as a mediator in numerous arbitrations and mediations involving commercial, international, and construction disputes.

Mr. Zuffranieri was a lecturer at the University at Buffalo Law School from 1987 - 89 and at the State University of New York College at Buffalo from 1984 - 86. Prior to that he served as a Confidential Law Clerk to Honorable Reid S. Moule, Justice of the New York State Supreme Court, Appellate Division, Fourth Judicial Department.

### Honors

- Listed, *Upstate New York Super Lawyers* Top 50 (Business Litigation) 2023
- Listed, *Buffalo Business First Power 250*, 2023
- Listed, *Best Lawyers in America* (Commercial Litigation, Bet-the-Company Litigation, Litigation - Construction, and Personal Injury Litigation - Defendants) 2007 - 2024

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Suite 100  
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22 Adelaide Street West, Suite 2050  
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### Practices & Industries

Alternative Dispute Resolution  
Business Litigation  
Construction  
International-U.S. Cross-Border  
Canada-U.S. Cross-Border  
Life Sciences  
Professional Services  
Public Authority  
Retail Sector  
Securities Regulation & Corporate Compliance

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- Listed, *Best Lawyers in America: Lawyer of the Year (Bet-the-Company Litigation)* Buffalo 2016, 2022, 2024
- Listed, *Upstate New York Super Lawyers (Business Litigation)* 2007 - 2023
- Listed, *Best Lawyers in America: Lawyer of the Year (Litigation - Construction)* 2019, 2020
- Construction Lawyers Society of America, Fellow, 2018
- *Buffalo Business First/Buffalo Law Journal's* Legal Elite of Western New York, 2014
- Fellow, Litigation Counsel of America, 2013-present
- *Buffalo Business First/Buffalo Law Journal Who's Who in Law*, 2008
- Buffalo State College President's Distinguished Service Award
- SUNY Buffalo Law School Moot Court Board
- Winner, Charles S. Desmond Moot Court Competition (Best Speaker Award)
- Winner, Albert R. Mugel National Tax Competition (Best Brief Award)
- Matthew J. Jasen Appellate Practice Award for academic achievement and appellate advocacy

## Experience

Lead counsel for public authority in complex environmental and construction litigation involving multiple contractors and insurers, successfully achieved multi-million dollar settlement in mediation.

Lead counsel for employer in a discrimination and retaliation case brought under the Americans With Disability Act, where the plaintiff alleged that her height was a disability, that her employer failed to accommodate the disability and that her employment was terminated for requesting an accommodation. Case ended when the Court of Appeals for the Second Circuit confirmed dismissal of the plaintiff's claims.

Lead counsel for employer in ERISA arbitration challenging multiemployer pension fund assessment of withdrawal liability in excess of \$180 million, including representation at multiple mediations and at over 30 days of hearings;

Lead counsel in litigation for general contractor in connection with substantial breach of contract and fiduciary duty litigations involving a public works project exceeding one billion dollars. Ben successfully achieved a multi-million dollar settlement for the general contractor.

## Admissions

New York

U.S. Supreme Court

U.S. District Courts for the Western, Southern, Eastern, and Northern Districts of New York

U.S. Court of Appeals for the Second, Ninth, and District of Columbia Circuits

### **Pro Hac Vice admissions:**

U.S. District Courts for the Northern and Central Districts of California

U.S. District Court for the District of Utah

U.S. District Courts for the Northern and Middle Districts of Tennessee

U.S. District Court for the District of New Jersey

## Clerkships

Justice Reid S. Moule, New York State Supreme Court, Appellate Division, Fourth Judicial Department, 1983-85

## Education

State University College at Buffalo, B.A., magna cum laude

University at Buffalo School Law School, J.D., cum laude

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Lead counsel in commercial arbitration involving asset purchase and employment agreements executed in connection with the sale of medical practice.

Lead counsel in corporate dissolution proceeding involving shareholder disputes and valuation issues involving several closely held businesses.

Lead counsel in mediation and arbitration on behalf of project sponsor against contractor involving reconstruction of steam turbine used in cogeneration power plant.

Lead counsel in multi-million dollar construction arbitration involving differing site condition claims in connection with the construction of a warehouse distribution center.

Lead negotiator for private developer of sports and entertainment complex, successfully resolved through negotiation a high seven-figure dispute involving construction delays, inclement weather, and interference claims.

Lead counsel for a publicly-traded medical products manufacturer in state and federal court litigation across the U.S., arising out of a Class I FDA recall of implantable medical devices. Ben obtained a successful resolution of claims through motion practice and mediations.

Lead trial counsel defending substantial insurance coverage dispute involving claims exceeding \$100M. Obtained a no-cause jury verdict after seven-week trial, later affirmed on appeal.

Party-appointed arbitrator in substantial international arbitration involving franchise termination and trademark disputes.

Lead counsel in successful mediation of unfair competition and non-compete claims against former corporate officer. Ben was the arbitrator in a multi-million dollar construction dispute including additional renovations to a harmful facility.

Lead counsel in litigations involving fraud and contract claims involving product manufacturer and distributor. Successfully mediated claims to conclusion.

Lead counsel in international arbitration involving dispute over the transfer of restricted shares, successfully obtained preliminary injunctive relief.

Lead counsel for school district, successfully resolving in mediation complex commercial/construction disputes involving both general contractor and architect.

Lead counsel in a significant product liability action venued in Texas State court involving a product explosion causing serious personal injuries and death. The Hodgson Russ team successfully obtained summary judgment dismissing all claims against a component manufacture of drilling equipment. At trial, the jury returned a verdict against the remaining defendants in excess of \$25 million, inclusive of punitive damages claims.

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## **In the News**

Sean Kirst: Forty Years Beyond Guaranty Salvation, A Civic Toast to the Soul of Our City  
*The Buffalo News*, December 6, 2023

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

Hodgson Russ Partner Benjamin M. Zuffranieri, Jr. Inducted Into Litigation Counsel of America  
May 30, 2013

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

Q&A With Hodgson Russ' Ben Zuffranieri  
*Law360*, June 16, 2011

Hodgson Russ Announces New Litigation Practice Area Leader Benjamin M. Zuffranieri, Jr.  
September 15, 2010

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

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

Hodgson Russ LLP Managing Partner Named to *Buffalo Business First* "Power 250"  
March 8, 2023

Hodgson Russ LLP Managing Partner Named to *City & State NY* Upstate Power 100 List  
December 27, 2022

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

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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

## **Publications**

SEC Adopts Final Pay Versus Performance Rules  
*Hodgson Russ Securities Regulation & Corporate Compliance Alert*, September 15, 2022

SBA Issues Interim Final Rule to Implement the American Rescue Plan Act's Modifications to the Paycheck Protection Program  
*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, March 25, 2021

SBA Issues Updated PPP FAQ and Clarifies Interplay between the Necessity Certification and 25% Revenue Reduction Test for Second Draw Loans  
*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, March 11, 2021

SBA Provides Relief to Self-Employed Schedule C Filers and Relaxes PPP Eligibility Restrictions Stemming from Certain Convictions and Student Loan Defaults  
*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, March 10, 2021

Borrower Beware V: Prepare Your PPP Loan Forgiveness Questionnaire Before the SBA Asks For It, and Thoughtfully Identify the "Totality of Circumstances" Supporting Your Necessity Certification  
*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, February 8, 2021

SBA Releases Trio of New Interim Final Rules Addressing Eligibility, Forgiveness, and SBA Review of First Draw and Second Draw PPP Loans  
*COVID-19 Litigation and Employment Action Team Alert*, January 29, 2021

Borrower Beware: False Claims Act Liability in Connection With the PPP is a Trap for the Unwary and the Arrogant  
*Hodgson Russ COVID-19 Litigation & Employment Action Team Alert*, January 21, 2021

Borrower Beware IV: Collect and Preserve Your "Necessity Certification" Evidence Before Submitting a Forgiveness Application  
*Hodgson Russ COVID-19 Litigation & Employment Action Team Alert*, November 4, 2020

SBA Simplifies Forgiveness Application Process for Paycheck Protection Program Borrowers (and Their Lenders) on Loans of \$50,000 or Less  
*Hodgson Russ COVID-19 Litigation & Employment Action Team Alert*, October 15, 2020

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Borrower Beware III: The SBA's New Paycheck Protection Program (PPP) Appeal Process Stacks the Deck against Borrowers Who Challenge Forgiveness Denials

*Hodgson Russ COVID-19 Litigation & Employment Action Team Alert*, October 12, 2020

## **Presentations & Events**

*Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny*  
Lawline, September 28, 2020

*Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny*  
Albany County Bar Association, September 10, 2020

*Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny*  
Korean American CPA Association (KACPA), September 3, 2020

*Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny*  
Buffalo Niagara Partnership, August 20, 2020

*Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny*  
CCH/Wolters Kluwer, August 10, 2020

*Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny*  
New York State Bar Association, August 7, 2020

Hamilton Law Association Emerging Issues in Cross-Border Commercial Litigation Conference  
Hamilton, ON, April 1, 2005

National Association of Railroad Trial Counsel Special Litigation Conference  
Spring 2005

Construction Exchange of Buffalo & WNY, Inc. Construction Claims Conference  
October 1, 2004

U.S. Law Firm Group Construction Law Committee Conference  
January 1, 2003

## **Blog Posts**

- Borrower Beware: Prepare Now to Defend your Company's Paycheck Protection Program (PPP) Loan from SBA Review or a Possible False Claims Act or Criminal Investigation

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*The Whistleblower Blog*, June 15, 2020

### **Professional Affiliations**

- American Arbitration Association, National Roster of Neutrals, Commercial Panel
- Member, Federal Court Mediation Panel, WDNY
- New York State Bar Association
- Bar Association of Erie County

### **Community & Pro Bono**

- Director Emeritus and long-time Chair of the Legal/Audit Committee at the Buffalo State College Foundation, Inc.
- Former Trustee, Burchfield Penney Art Center