



RYAN K. CUMMINGS

Partner, Litigation Practice Area Leader

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Ryan is an experienced trial attorney and partner in the firm's Litigation Practice. He has been lead trial counsel in jury and bench trials in both federal and state courts throughout the country. He has also arbitrated numerous matters before the American Arbitration Association and JAMS.

Ryan represents clients in complex, high-stakes litigation regarding, among other things, shareholder/member interest valuation, construction disputes, products liability claims, manufacturing disputes, allegations of false advertising, enforcement of limitation of liability and force majeure clauses, First Amendment, and insurance disputes.

In addition to his courtroom experience, Ryan devotes significant time to counseling clients on risk mitigation strategies when they enter a new market, release a new product, or enter into contracts for a new project. He works with construction clients before, during, and after their project to identify risks associated with the project, to ensure parties are meeting their contractual and legal obligations, and to enforce post-completion warranties. He has almost two decades of experience representing developers, general contractors, construction managers, and EPC contractors in the negotiation and enforcement of their project contracts.

Manufacturing clients come to Ryan for pre-sale review of their packaging, advertising, care and use manuals, and warranty language. They also seek out Ryan to review the limitation of liability and force majeure clauses in their potential contracts, and to ensure they, and their customers, are meeting their contractual insurance requirements.

Additionally, Ryan is the leader of the firm's Litigation Practice Area, as well as the Media and First Amendment practice group. He regularly writes and speaks about Media and First Amendment issues. Constitutional issues around freedom of speech, freedom of religion, and freedom of assembly routinely come up in the context of governmental and educational actions.

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

Practices & Industries

Business Litigation
Product Liability & Complex Tort
Accountant Professional
E-Discovery
Manufacturing
Media & First Amendment
Non-Compete, Non-Solicit & Trade Secrets

Admissions

New York
U.S. District Court, Eastern District of New York
U.S. District Court, Northern District of New York
U.S. District Court, Southern District of New York
U.S. District Court, Western District of New York
Pro hac vice admissions: Connecticut, Maryland, Pennsylvania, Texas, District of Columbia

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Ryan was the firm's Hiring Partner for six years and remains a member of the Recruiting Committee.

Honors

- Listed, *Best Lawyers in America* (Commercial Litigation, Litigation - Insurance, and Product Liability Litigation - Defendants) 2023 - 2024
- Listed, *Upstate New York Super Lawyers* (Business Litigation), 2013 - 2019, 2022 - 2023
- Former editor, *Iowa Journal of Gender, Race & Justice*

Experience

Hodgson Russ represented a leading Greek yogurt manufacturer in defense of breach of contract and Consumer Protection Act claims and in support of counterclaims for trade secret misappropriation. We obtained summary judgment for our client, dismissing the Consumer Protection Act claim, and we defeated the plaintiff's summary judgment motion seeking dismissal of trade secret claims.

Hodgson Russ defended an insurance broker against an errors and omissions claim. As a former insurance customer, the plaintiff sued the insurance broker, claiming that the insurance broker failed to procure an insurance policy that had been requested. The plaintiff then suffered a loss that would have been covered by the allegedly requested policy. Although the plaintiff sought \$1.6 million dollars, it was awarded only \$430,000 because the jury did not believe the plaintiff's expert and it found the plaintiff to be 55% at fault for the alleged loss.

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.

For two years, Hodgson Russ attorneys Ryan K. Cummings and Hugh M. Russ, III pursued an appeal that sought to narrow the application of New York Labor Law § 240(1) across the state. The New York State Court of Appeals issued its decision in *Holly v. County of Chautauqua and E.E. Austin & Son, Inc.* In its decision, the court returned to the true intent of New York Labor Law § 240(1) and, by doing so, began to limit the statute's far-ranging impact on owners of construction projects and their

Education

Bucknell University, B.A.

University of Iowa College of Law,
J.D.

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contractors throughout New York State.

Our firm serves as key outside counsel to a California-based energy company regarding their solar development projects. The Hodgson Russ team including Elizabeth Holden, Andrea Gervais, Betsy Mills and Jennifer Anthony provide advice, review and guidance on real-estate based development issues in a time-sensitive and consistent manner for the client's development team across four states. Dan Spitzer, Ryan Cummings, Chuck Malcomb, Mila Buckner and Jennifer Schlumberger provide permitting, PILOT Agreement, contract assistance and litigation support, including a successful Public Service Commission petition on their behalf.

In the News

Analysis-Sarah Palin Defamation Case a Long Shot for U.S. Supreme Court -Experts
Reuters, February 16, 2022

Conservative news outlets, accused of election falsehoods, air disclaimers
Reuters, March 26, 2021

Thought Leaders - Current State of the Media
Buffalo Business First, September 25, 2020

A un congresista no le gusta una cuenta de Twitter, la demanda y ayuda a que se haga viral: el caso de 'La vaca de Devin Nunes'
Univision, March 23, 2019

High Court's Public TV Case Spotlights Social Media Free Speech
Bloomberg Law, February 25, 2019

Hodgson Russ LLP Announces New Partners
February 2010

Press Releases

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List
August 23, 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

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

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing
Press Release, August 14, 2014

Seventy Hodgson Russ Attorneys Named to *Super Lawyers* Listing
August 2013

Publications

FTC Adopts Rule Banning Most Non-Competes and the Legal Slugfest Begins
Hodgson Russ Non-Compete, Non-Solicit, and Trade Secrets Alert, April 24, 2024

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

FTC Takes Direct Aim at Employee Non-Compete Agreements
Hodgson Russ Non-Compete, Non-Solicit, and Trade Secrets Alert, January 6, 2023

New York Passes the Adult Survivors Act – Every Organization Should Prepare Now
Hodgson Russ Business Litigation Alert, May 25, 2022

New York Court of Appeals Reverses Multimillion Dollar Verdict
Hodgson Russ Product Liability & Complex Tort Alert, May 10, 2022

Trends in Product Liability Litigation & Legislation in New York - May 2022
Hodgson Russ Product Liability Litigation & Legislation Quarterly Update, May 2022

New York State Legislature Amends Open Meetings Law to Allow for Videoconferencing
Hodgson Russ Municipal and Education Alert, April 19, 2022

Trends in Product Liability Litigation & Legislation in New York - January 2022
Hodgson Russ Product Liability Litigation & Legislation Quarterly Update, January/February 2022

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New York Appellate Court Stymies Upstate Axe Murderer's Efforts to Sue Cable Network over TV-Movie Based on His Crimes

Hodgson Russ Media & First Amendment Alert, July 22, 2021

Supreme Court Sides with Student in First Amendment Case

Hodgson Russ Education and Media & First Amendment Alert, June 23, 2021

Presentations & Events

35th Annual School Client Conference

Millennium Hotel, 2040 Walden Avenue, Buffalo NY 14225, January 17, 2020

Introduction to U.S. Commercial Contracts for European Companies

November 19, 2019

Hodgson Russ Buffalo Broadcasters Association Annual Media Roundtable

The Offices of Hodgson Russ, 140 Pearl Street, Buffalo, NY 14202, October 23, 2019

Emerging Free Speech and Legal Issues for the Media Industry

May 14, 2019

Business Solutions Series: Media Law and First Amendment Seminar

Hodgson Russ, Offices of Hodgson Russ, June 28, 2018

Dissecting the Budget Bill and What it Means for LHCSAs

605 Third Avenue, Suite 2300, New York, NY 10158, May 23, 2018

New York State Bar Association Seminar: Intro to Civil Practice Skills - Torts, Personal Injury, and Insurance Law

Buffalo, NY, October 30, 2015

Accountants Liability Seminar

The Offices of Hodgson Russ LLP, 1540 Broadway, 24th Floor, New York, NY, September 17, 2015

Professional Affiliations

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

Community & Pro Bono

- Past member, Board of Directors: Bucknell Bison Club