



Kevin J. English

Partner

Buffalo

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KEVIN J. ENGLISH

Mr. English focuses on trial and appellate practice in both state and federal courts. He has significant experience litigating all aspects of personal injury matters, including products liability, workplace accidents and premises liability. Mr. English also has extensive commercial litigation experience, including corporate and contract disputes, as well as business torts.

PRACTICE AREAS

Appellate

Class Action

Commercial Litigation

- Breach of Contract

- Trade Practices/Antitrust

- Workplace Fraud/Unfair Competition

Construction Litigation

Government Contracts

Insurance Coverage

Manufacturing

Personal Injury Defense Litigation

- Premises Liability

- Vehicle Accidents

- Workplace Accidents

- Wrongful Death

Product Liability and Mass Tort Litigation

HONORS & AWARDS

- Listed as a Leading Individual in *Chambers USA: America's Leading Lawyers for Business*, 2015-2018
- Recognized as a 2014 *BTI Client Service All-Star*
- Listed in *The Best Lawyers in America*®
- Listed in *Legal Elite of WNY*, *Business First of Buffalo* and *Buffalo Law Journal*, 2013
- Selected for the *Upstate New York Super Lawyers*® list, 2007-2018

EDUCATION

- Southwestern University School of Law, J.D., *cum laude*, 1984
- National Institute of Trial Advocacy, 1989
- Canisius College, B.A., 1981

ADMITTED TO PRACTICE

- 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
- U.S. Court of Appeals, Second Circuit
- U.S. Supreme Court

PROFESSIONAL ASSOCIATIONS

- American Bar Association
 - Law Practice Management Section
 - Litigation Section
- Bar Association of Erie County
- Litigation Counsel of America, Fellow
- New York State Bar Association
 - Commercial and Federal Litigation Section
 - Trial Lawyers Section
- New York State Trial Lawyers Association

PRESENT ACTIVITIES

- United States District Court for the Western District of New York, Mediator Panel, Member
- Phillips Lytle Risk Management Partner
- Wheels With Wings Foundation, Board of Directors, Chairman

PAST ACTIVITIES

- Alzheimer's Association, Western New York Chapter, Former Board Member, Former Vice-President
- West Seneca Youth Hockey Association, Former Coach; Former Board Member
- Taste of Buffalo, Former Board Member
- Co-Editor, New York Litigation Forms, Lawyers Cooperative Publishing, 1995

TRIAL EXPERIENCE

Mr. English has tried various matters in New York State, Federal, City and Justice Courts.

- Barnhard v. Cybex International, Inc., Index No.: 2368/2005, New York State Supreme Court, Erie County; obtained \$65.99 million verdict (2010).
- Vengurlekar v. HSBC Bank USA, Case No. 03-Civil-0243, Hon. Laura T. Swain, United States District Court, Southern District of New York, obtained jury verdict/bench decision (2008) in class action alleging fraudulent transfer and ERISA claims.

REPRESENTATIVE CASES

Commercial Litigation – Antitrust

- *Discon, Inc. v. NYNEX Corp.*, 93F.3d 1055 (2d Cir. 1996)

- *Discon, Inc. v NYNEX Corp.*, No. I-1995-9479, 2000 WL 33312196 (Sup. Ct. N.Y. Dec. 29, 2000)

Commercial Litigation – Corporate Dissolution Matters

- *DiMino v. DeVeaux Services, Inc.*, 238 A.D.2d 943, 661 N.Y.S.2d 550 (4th Dep’t 1997)
- *In re Can Plant Maintenance, Inc.*, 270 A.D.2d 829, 705 N.Y.S.2d 454 (4th Dep’t 2000)

Commercial Litigation – Noncompete Employee Disloyalty

- *Buffalo-Niagara Gastroenterology, Pllc v. Gupta*, No. 0801679/2015 (Sup. Ct. Erie Cty. Mar. 6, 2015)
- *IDG USA, LLC v Schupp*, No. 10-CV-76S, 2010 WL 3260046 (W.D.N.Y. Aug. 18, 2010)
- *Tremco v. Turk*, 170 A.D.2d 987, 566 N.Y.S.2d 145 (4th Dep’t 1991)
- *NYSARC, Inc. v Syed*, 192 Misc. 2d 772, 747 N.Y.S.2d 327 (Sup. Ct. Chautauqua Cty. 2002)

Contract Litigation

- *Long v. Liberty Mut. Ins. Co.*, 56 A.D.3d 837, 866 N.Y.S.2d 433 (3d Dep’t 2008)
- *Niagara Falls Water Board v. City of Niagara Falls*, 48 A.D.2d 1039, 850 N.Y.S.2d 753 (4th Dep’t 2008)
- *Dowcraft v. Selective Way Ins. Co.*, 11 A.D.3d 994, 782 N.Y.S.2d 207 (4th Dep’t 2004)

Contract Litigation – Construction and Insurance Matters

- *American Motorists Ins. Co. v. Louis P. Ciminelli Constr. Co.*, 50 A.D.3d 1564, 855 N.Y.S.2d 400 (4th Dep’t 2008)
- *Zito v. Occidental Chemical Corp.*, 259 A.D.2d 1015, 688 N.Y.S.2d 307 (4th Dep’t 1999)

Tort and Products Liability

- *Barnhard v. Cybex International, Inc.*, 55 A.D.3d 1348, 864 N.Y.S.2d 378 (4th Dep’t 2008)
- *Jackson v. Lehigh Constr. Group, Inc.*, 299 A.D.2d 836, 750 N.Y.S.2d 679 (4th Dep’t 2002)

Other

- *Stevens v. Calspan Corp.*, 292 A.D.2d 809, 739 N.Y.S.2d 792 (4th Dep’t 2002)

ADDITIONAL AREAS OF FOCUS

Aviation; Recreational and Sports Injury