



## Curtis A. Johnson

### Member

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### Profile

**As an experienced creditors' rights attorney, Curt has represented creditors and debtors in and out of bankruptcy. Curt regularly pursues and defends fraudulent conveyance and preference claims.**

Curt assists creditors with collection of debts and enforcement of judgments. Curt has also counseled consumer debt collection agencies on matters relating to the Fair Debt Collection Practices Act and Telephone Consumer Practice Act, and defended creditors and against large scale, industry changing, litigation. Representative matters in which Curt has played a significant role include: *In re Cornerstone Homes, Inc.*, *In re Elmira Downtown Arena, LLC* and *PACA Creditors of Lenny Perry's Produce, Inc. v. Genecco Produce, Inc.* Curt frequently represents shareholders and companies in dissolution proceedings and shareholders' rights disputes.

### Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*®, Commerical Litigation, 2024-2025
  - *New York Super Lawyers*®, Business Litigation, 2023-2024
    - Rising Star, Business Litigation, 2018-2022
  - Forty Under 40, *Rochester Business Journal*, 2018
- Albany Law School National Alumni Association Board, 2023
- New York State Bar Association, Outstanding Young Lawyer Award, 2017
- Monroe County Bar Association, Emerging Bar Leader Award, 2016
- *The Daily Record*, Excellence in Law, Up & Coming Attorneys Award, 2016
- New York State Bar Association, Commercial and Federal Litigation Section
- Monroe County Bar Association, Awards Committee; Former Member of Board of Trustees and Executive Committee; Past Chair, Young Lawyers Section
- Senior Editor, *Albany Law Review*

### Representative Publications

- "Setting the Stage for High Court BofA Escrow Interest Case," *Law360*, Feb. 26, 2024

### Education

- Albany Law School (J.D., *magna cum laude*, 2007)
- State University of New York at Albany (B.A. 2004)

### Bar/Court Admissions

- New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York
- United States Court of Appeals for the Second Circuit

### Practices

- Litigation
- Cybersecurity and Data Privacy
- Class and Collective Action Litigation

- "Understanding the Pitfalls of Shareholders' Agreements," *Rochester Business Journal*, March 6, 2020
- "State's SHIELD Act in Effect to Regulate Cybersecurity Protections," *Rochester Business Journal*, October 25, 2019
- "Strife in Business Partnership Sometime Necessitates a Dissolution," *Rochester Business Journal*, December 5, 2018
- "Telling War Stories: Just Because it's on PACER Doesn't Make it Fair Game," *The Daily Record*, October 2, 2017
- Quoted in "Foundations Face Costs with New N.Y. Rules," *Rochester Business Journal*, February 3, 2017
- Quoted in "New Cybersecurity Regulations Need Clarification," *Rochester Business Journal*, November 11, 2016
- "What the Email Privacy Act Means for Firms," *Rochester Business Journal*, June 3, 2016
- "State, U.S. Courts Aim to Reduce Costs of Litigation," *Rochester Business Journal*, October 16, 2015
- "Litigators Beware: Your Email Might Serve as a Binding Settlement Stipulation," *NY Daily Record*, August 11, 2013

## Representative Presentations

- My Firm Got Hacked and Taken Hostage: The Anatomy Cyberhacking, Rochester, New York, 2017
- Risk Management, Buffalo, New York; Rochester, New York, 2017
- Conflicts of Interest – Frequent Issues Faced by the Defense, New York, New York, 2016
- The Dos and Don'ts of Debt Collection – FDCPA, TCPA and NY DFS, Rochester, New York, 2016

## Representative Matters

- DSS v. Ronaldi: Resolved protracted executive compensation dispute pending in two courts
- Whiting v. American Material Processing: Extricated former president and founder from company by seeking dissolution
- Rochester Precision Optics v. Salvo Technologies: Favorably, resolved manufacturing dispute on eve of trial
- Express Gold Cash v. Beyond79, LLC and Express Gold Cash v. CJ Environmental: Dismantled false advertising claims by litigious industry participant against two separate competitors and obtained favorable settlements
- Fiduciary Duties: Represented defendants alleged to have breached fiduciary duties to company, including allegations of self-dealing
- Bankruptcy: Guided debtor through Chapter 11 (Subchapter V) bankruptcy and resolved dispute with former CEO and primary creditor
- Corporate Counsel: Advised startup on issues surrounding by-law compliance and efforts by minority shareholder to take control of company

- Shareholder Agreement Negotiations: Advised minority shareholder of closely held company on terms of shareholder's agreement
- Fiduciary Duties: Represented plaintiff claiming that fellow board members breached fiduciary duties to company
- Manufacturing Dispute: Procured payment in full (nearly \$600,000) for materials purchased by manufacturer after customer defaulted on purchase order without litigation
- Creditor's Rights: Advised regional bank on pursuit of claims against debtor in Chapter 11 and pressed for dismissal of case without substantial cost to client
- Debt Workout: Obtained sale of local hotel by obtaining concessions from creditors necessary to provide clean title to buyer
- Construction Litigation: Advised property owner in matter involving failed construction, pitting contractor against architect
- Construction Litigation: Resolved mechanic's liens on behalf of property owners and contractors
- Fiduciary Duties: Represented beneficiaries of an estate against executor who mismanaged investments and breached prudent investor act duties

## Other Activities

- Villa of Hope, Board Member
- Causewave Community Partners, Former Board Member