



## Jonathan B. Fellows

### Member

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### Profile

**Jonathan has a diverse litigation practice including commercial disputes, complex products liability, employment litigation, white collar criminal defense, civil rights, media law and insurance.**

He has tried numerous jury cases to verdict in both state and federal courts. Jonathan has handled over one hundred appeals, and has argued in the First, Third and Fourth Departments, the New York Court of Appeals, and in the United States Court of Appeals for the Second, Sixth and Eighth Circuits. In 2009, he obtained one of the largest arbitration awards in the history of FINRA, a \$40 million award against Merrill Lynch. Jonathan has been involved in several multi-district litigation matters and class and collective actions.

Jonathan's clients include higher education institutions, pharmaceutical and medical device companies, media companies, school districts and religious institutions.

Prior to joining the firm, Jonathan served as Law Clerk to the Honorable Phyllis A. Kravitch, U.S. Court of Appeals, Eleventh Circuit.

### Class and Collective Actions

Jonathan has served as lead counsel to defendants in numerous class actions. He has handled all aspects of class action litigation, including discovery, motions for class certification, settlement negotiations and fairness hearings. He has handled class actions under ERISA, the New York Labor Law and the FLSA, shareholders rights, consumer rights and civil rights. He has also represented defendants in Multi-District litigation.

### Representative Cases:

Kelly v. Community Bank N.A. (N.D.N.Y. 2019) (representing national bank in consumer class action challenging overdraft fees, case still pending).

V.W. v. Conway (N.D.N.Y. 2017) (represented Syracuse City School District in class action brought on behalf of minor inmates in Onondaga County Justice Center, challenging alleged failure of school district to provide education to minors while the Sheriff had placed them in solitary confinement; opposed class certification, negotiated settlement and represented district at fairness hearing).

Brennan v. Community Bank N.A. (M.D.Pa. 2016) (represented national bank in consumer class action challenging automobile repossession practices; negotiated class settlement, and represented bank at contested fairness hearing).

### Education

- Cornell Law School (J.D., *magna cum laude*, 1985)
- Hamilton College (A.B., *cum laude*, 1980)

### Bar/Court Admissions

- New York
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Second Circuit
- 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
- U.S. District Court for the Eastern District of New York

### Practices

- School Law
- Municipalities
- Higher Education
- Toxic Tort and Environmental Litigation
- Litigation
- Intellectual Property
- Business Restructuring, Creditors' Rights and Bankruptcy
- Class and Collective Action Litigation

Johnson v. Community Bank, N.A. (M.D.Pa. 2014) (represented national bank in consumer class action challenging overdraft fees; negotiated class settlement and represented bank at fairness hearing).

Litwin v. Anaren Corporation (N.Y. Supreme Court Onondaga County 2014) (represented acquired company in shareholder class action challenging merger terms; opposed motion to enjoin shareholders vote, negotiated settlement allowing merger to proceed following additional disclosures to shareholders).

Parshall v. Oneida Financial Corp. (N.Y. Supreme Court, Oneida County 2014) (represented acquiring bank in shareholder class action challenging merger terms; opposed motion to enjoin shareholder vote, negotiated class settlement allowing merger to proceed following additional disclosures).

Hamelin v. Faxton-St. Luke's (N.D.N.Y. 2013) (represented employer in class action under New York Labor Law and collective action under FLSA; negotiated class settlement).

Becker v. The Wilber National Bank (N.Y. Supreme Court, Otsego County 2011) (represented acquiring bank in shareholder class action challenging bank merger; successfully opposed motion to enjoin shareholders meeting and obtained dismissal of action).

Thompson v. Conmed (N.D.N.Y. 2010) (represented employer in ERISA class action challenging denial of severance after medical device company separated its entire sales force; opposed class certification, represented company through discovery, obtained class decertification and dismissal following the completion of discovery).

Wyeth (Hormone Replacement Therapy Multi-District Litigation). Represented Wyeth in actions brought across Upstate New York alleging personal injury as a result of allegedly defective prescription drug. Obtained summary judgment in favor of Wyeth on grounds that warnings of drug were adequate under New York law. See Browning v. Wyeth, 38 A.D.3d 1177, 831 N.Y.S.2d 804 (4th Dept. 2007).

Bayer Corp. (Baycol Multi-District Litigation 2003-2007). Represented Bayer in hundreds of actions brought throughout Upstate New York alleging personal injury due to defect in prescription cholesterol medication. Led team that completed discovery in over 50 cases in a 60-day period, including depositions of plaintiffs, treating physicians and experts.

## Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*®, Bet-the-Company Litigation; Commercial Litigation; Litigation - Banking and Finance; Litigation - Labor and Employment; Litigation and Controversy - Tax, 2011-2025 (listed for more than 10 years)
  - Lawyer of the Year (Syracuse), Litigation - Banking and Finance, 2016
  - *New York Super Lawyers*®, General Litigation, 2024 (listed for more than 10 years)
  - *Chambers USA* 2024, Litigation – Upstate New York
  - *Martindale-Hubbell*®, AV Preeminent Rated

- New York State Bar Association, Trial Lawyers, Commercial and Federal Litigation Sections
- Onondaga County Bar Association
- Order of the Coif
- Editor-in-Chief, *Cornell Law Review*
- Mediator, ADR Mandatory Mediation Program, Northern District of New York

### Representative Publications

- Quoted in 5 Tips for Avoiding Awkward Video-Conferencing Malfunctions in Courts, Depositions, *Law.com*, November 20, 2020
- Review: Commercial Litigation in New York State Courts, 4th Edition, *Onondaga County Bar Reporter*, June 2016

### Representative Presentations

- Moderator, Restrictive Covenants: The Good, the Bad and What the Future Holds, NYSBA Webinar, June 17, 2020
- Class Action Refund Lawsuits Against Higher Educational Institutions, CICU Webinar, May 14, 2020

### Other Activities

- Chancellor, Episcopal Diocese of Central New York
- Vestry Warden, St. Peter's Episcopal Church