



## Melinda G. Disare

### Member

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### Profile

**Melinda brings deep knowledge of labor and employment law and a practical and creative problem-solving approach to every matter.**

She prides herself on her ability to respond quickly to a wide variety of employment related issues for businesses, not-for-profits and municipalities, and provides effective, strategic advice, while always keeping her client's goals in mind.

Melinda concentrates her practice in the representation of public and private employers in connection with labor relations and employment issues, including:

- labor arbitrations
- collective bargaining negotiations
- wage and hour matters
- employment discrimination matters

Melinda also advises clients with respect to federal and state employment law and has experience in lawsuits involving:

- Anti-Discrimination Laws
- Americans with Disabilities Act
- National Labor Relations Act
- Fair Labor Standards Act
- Age Discrimination in Employment Act
- Taylor Law
- Title VII of the Civil Rights Act
- State Employment Relations Act
- Family and Medical Leave Act

### Honors & Affiliations

- Listed in:
  - Best Lawyers in America® 2019, Employment Law - Management; Labor Law - Management; Litigation - Labor and Employment (listed for 10 years)
  - Legal Elite of Western New York 2017, Legal Elite Leader
  - New York Super Lawyers 2018®, Employment and Labor (listed for more than 10 years)
- New York State Bar Association, House of Delegates
- Women's Bar Association
- Bar Association of Erie County: former President, Vice President and Director; former Chair, Labor and Employment Law Committee

### Education

- Cornell Law School (J.D., *cum laude*, 1980)
- West Virginia University (B.A., *magna cum laude*, 1977)

### Bar/Court Admissions

- New York
- 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 Western District of New York

### Practices

- School Districts
- Municipalities
- Higher Education
- Exempt Organizations
- Labor and Employment
- Health Care

- Bar Association of Erie County, 2019 Lawyer of the Year

## Representative Matters

- Following a trial before a USDC Judge, successfully obtained a dismissal of plaintiff's claims alleging plaintiff was terminated in retaliation for filing a complaint with the Equal Employment Opportunity Commission. *French v. Erie County Board of Election* (WDNY 12/12/2018).
- *Campbell v. National Fuel Gas Distribution Corporation*, (2d Cir. 6/15/18) Affirmed decision of WDNY granting dismissal of Title VII claims for gender discrimination and hostile work environment.
- *Taddeo v. County of Niagara*, Niagara County Sheriff and Niagara County Sheriff's Department, (2d Cir. 4/5/11)
- Affirmed, as modified, decision of WDNY granting summary judgment dismissing complaint with claims pursuant to 42 USC §1983 and NYS Labor Law §201-d.
- *Mineweaser v. City of North Tonawanda*, (WDNY 6/15/16; Docket No. 14-cv-00144)
- Decision adopting Report and Recommendation of Magistrate Judge granting summary judgment and dismissing complaint with claims of discrimination and failure to accommodate under the ADA and the NYS Human Rights Law.
- *Webb v. Niagara County, Department of Public Health*, (WDNY 11/12/12; Docket No. 11-cv-00192)
- Summary judgment granted dismissing complaint with claims of retaliation under Title VII and the Age Discrimination in Employment Act (ADEA).
- *Ryan v. Best Buy, Inc.*, (WDNY 9/27/09; Docket No. 06-cv-00157)
- Summary judgment granted dismissing complaint with claims of discrimination in violation of ADEA, Title VII, Americans and Disabilities Act and NYS Human Rights Law.
- *Cunningham v. St. Bonaventure University*, (WDNY 4/8/11; Docket No. 07-cv-00823)
- Discrimination case dismissed on the merits after Plaintiff failed to comply with discovery court order in case.

## Other Activities

- Former Board of Trustees, D'Youville College
- Former Board of Directors, CCRC of Orchard Park, Inc. (Fox Run)
- Former Legislative Liaison, Board of Directors, Buffalo Niagara Human Resources Association
- Former Member, Board of Directors, Volunteer Lawyers Project of Western New York, 2007-2013; Vice President, 2010-2013