



Richard L. Weber

Member

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Profile

Rick resolves toxic situations, whether they be interpersonal or environmental. Trust and estate conflicts, rocky transitions in family businesses, injuries from exposure to toxic chemicals, breaches of contractual relationships and creditor debt recovery are all examples of the complex situations that Rick guides clients through on a regular basis.

As chair of the firm's toxic tort and environmental litigation practice, Rick represents clients facing potential liability for discharges or releases of toxic substances, such as discharges of petroleum products and exposure to industrial chemicals, and for the failure to abate or remediate such substances. By guiding his clients expediently through their options to determine how they can resolve an issue before trial, Rick reduces stress and works to achieve prompt resolution that reduces litigation costs.

A trial attorney, Rick regularly addresses toxic relationships in areas such as commercial disputes, will contests, estate accountings, libel law and premises liability (including defense of lead paint exposure and Labor Law § 240 "Scaffold Law" claims.) Rick has extensive experience in securing pre- and post-judgment remedies for clients, including temporary restraining orders, specific enforcement of contract remedies (including non-compete and non-solicitation clauses) and disclosure of judgment debtor assets. Rick has also advised and defended organizations that face lawsuits concerning alleged child sexual abuse by individual organization members, employees or volunteers, including claims that are "revived" under the recent New York State Child Victims Act.

Honors & Affiliations

- Listed in:
 - *New York Super Lawyers*®
 - Business Litigation, 2022
 - Environmental, 2020
- New York State Bar Association, Torts, Insurance and Compensation Law Section, Chair, Toxic Tort Committee
- Onondaga County Bar Association
- Onondaga County Bar Foundation, Past President
- Oswego County Bar Association

Education

- College of William and Mary School of Law (J.D. 1999)
- State University of New York at Buffalo (B.A., *magna cum laude*, 1994)

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

Practices

- Higher Education
- Toxic Tort and Environmental Litigation
- Litigation
- Environmental and Energy
- Business Restructuring, Creditors' Rights and Bankruptcy
- Essential Resources for Business
- Cybersecurity and Data Privacy

- Board Member, Operation Oswego County
- Articles Editor, 1998-1999, *William and Mary Law Review*

Representative Matters

- Representing a college beneficiary to a trust, argued that due to the prior closure of a Catholic school that was also named as a trust beneficiary, the share designated for the defunct school must pass instead to the other designated beneficiaries under application of New York's anti-lapse statute. *Matter of Gurney*, 152 AD3d 1122 (3d Dept. 2017).
- Successfully defended client who had no actual or constructive notice of hazardous lead paint conditions at his rental property. Summary judgment awarded to client and affirmed on appeal. *Kimball v. Normandeau*, 132 AD3d 1340 (4th Dept. 2015).
- Represented client in a partition action where the ownership shares of the parties in the underlying real property derived from a Will – the case concerned allegations of ouster, adverse possession and liability to cotenants for rent. The court found that client was not liable for rent to cotenants. *Cooney, et al v. Shepard*, 18 AD3d 1376 (4th Dept. 2014).
- Partial summary judgment was granted on client's Objections to interim accounting of the Estate fiduciary; the decision was modified and reversed in part on appeal. *Matter of Carano*, 96 AD3d 1556 (4th Dept. 2012).
- Represented residential landlords in multiple lead-paint exposure cases, including securing dismissal of claims by motion for summary judgment.
- Secured a temporary restraining order and other relief related to the dissolution of a business partnership.
- Secured a guardian for an incapacitated elderly woman pursuant to Article 81 of the Mental Hygiene Law.
- Represented office supply wholesaler in action against software developer for defective software development and installation.
- Settled multiple actions related to trust and estate accountings.
- Defended a manufacturer of commercial kitchen equipment in a product liability lawsuit.
- Foreclosed on a commercial shopping center, with appointment of a receiver to manage the property during pendency of the action.
- Enforced a restrictive covenant with preliminary injunction, to bar competition by a disloyal former employee.
- Defended a scaffold law claim related to the collapse of an incomplete building addition.

Representative Presentations

- Libel Law, New York Press Association Annual Conference, March 31, 2023
- Environmental Contaminants: 'Forever' Chemicals and the Law, Nature Science Seminar Series, Le Moyne College, March 24, 2023
- Cybersecurity + Law Practice Management, Oswego County Bar Association, January 13, 2023

- What's New in New York Civil Practice – CPLR and Uniform Rules Update, Oswego County Bar Association Annual Meeting CLE, June 30, 2022
- An Interview with Richard Weber, Litigation and the VagaBONDS, Legally Bond Podcast, November 1, 2021
- COVID-19: Updates on Labor and Employment & Product Liability Considerations, MACNY, April 28, 2020
- Going Beyond Lead: Lessons Learned from Lead Litigation and Trending Substances, HB Litigation Conferences, 2015 National Lead Litigation Conference 2015, November 6, 2015
- Libel: Say it Safely, New York Press Association Convention, 2012, 2013
- Advanced Insurance Coverage: Exclusions in Personal Lines Insurance,' New York State Bar Association Continuing Legal Education Program, 2012
- Estate Litigation, New York State Bar Association Continuing Legal Education Program, 2011
- Basic Tort and Insurance Law Practice: Automobile Insurance Sources of Coverage, New York State Bar Association Continuing Legal Education Program, 2008, 2010
- Defamation, Disparagement and Language: Avoiding Libel Issues', New York Press Association Convention, 2010
- Collections and the Enforcement of Money Judgments: The Negotiated Settlement, New York State Bar Association Continuing Legal Education Program, 2005, 2007

Representative Publications

- Richard L. Weber, "The Child Victim's Act: What It Means for Your Business," *Oswego County Business News*, February 2020
- Richard L. Weber and Thomas R. Smith, "Regulatory Corner," *NYS Chemistry Council Newsletter*, March 2017
- "No Greater Rights: The Limits of Pro Se Litigation in New York Courts," *NYSBA Journal*, July/August 2007, at 10
- "Stipulators Beware: The Perils of CPLR 2104," *NYSBA Perspective*, Fall/Winter 2006, at 14
- "State v. Speonk Fuel: The Untold Story Behind the Court of Appeals Decision," *The New York Environmental Lawyer*, Spring/Summer 2005, Vol. 25 No. 2, pgs. 16-20
- "Playground Personal Injury Law - A Primer," *NYSBA Perspective*, Spring/Summer 2004, at 12
- "Riding on a Diamond in the Sky: The DBS Set Aside Provisions of the 1992 Cable Act," *40 Wm & Mary L. Rev.* 1795, 1999

Other Activities

- Board Member and Secretary, Baltimore Woods Board
- Board Member, Redhouse Arts Center
- Board Member, Operation Oswego County