



## Richard L. Weber

### Member

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### Profile

**Rick has experience in collections actions, and has secured repayment of consumer and business debts on behalf of a variety of clients, including long term care providers, commercial printers, automobile dealers and other retailers and manufacturers.**

His experience includes actions to recover both real property (through foreclosure) and tangible personal property (through replevin and seizure). Rick frequently represents creditors seeking to collect from debtors in bankruptcy and has experience with adversary proceedings in bankruptcy court.

### Honors & Affiliations

- Listed in:
  - *New York Super Lawyers*®
    - Business Litigation, 2021
    - 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
- 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).

### 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
- COVID-19 Essential Resources for Business
- Business Restructuring, Creditors' Rights and Bankruptcy

- 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

- What's New in New York Civil Practice – CPLR and Uniform Rules Update, Oswego County Bar Association Annual Meeting CLE, June 30, 2022
- 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, Baltimore Woods Board
- Board Member, Redhouse Performing Arts Center