



## Stephanie M. Campbell

### Member

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### Profile

**Stephanie is a civil and commercial litigation attorney who counsels and represents corporate, municipal and individual clients in litigation matters pending in both state and federal courts.**

She has handled a wide variety of cases, including commercial disputes, class action litigation, breach of contract claims, property rights litigation, easement and boundary line disputes, defense of civil and constitutional rights claims, employment actions, article 78 proceedings and defense of personal injury actions. Stephanie has significant experience defending corporate clients in complex commercial and federal litigation matters, including class action lawsuits and claims brought pursuant to the federal False Claims Act.

Stephanie's practice extends to all phases of civil litigation, including pre-commencement investigation, pleadings, pretrial discovery, motion practice and trial. She is also experienced in appellate practice and has successfully handled appeals in New York's highest court, the New York State Court of Appeals, as well as the Appellate Division of the New York State Supreme Court, and has prevailed on behalf of her clients in federal appellate matters before the United States Court of Appeals for the Second Circuit. In addition, Stephanie has achieved favorable results for her clients in a number of alternative dispute resolution proceedings, including arbitrations and mediations.

### Representative Matters

- *Okudinani v. Rose*, No. 17-2556, 2019 U.S. App. LEXIS 20246 (2d Cir. July 9, 2019), *aff'g Hogan v. County of Lewis*, No. 7:11-CV-754 (BJR), 2017 U.S. Dist. LEXIS 109702 (N.D.N.Y. July 14, 2017) and *Hogan v. County of Lewis, New York*, No. 7:11-CV-754 (LAK/ATB), 2015 U.S. Dist. LEXIS 38103 (N.D.N.Y. March 26, 2015) -- successfully obtained order from the U.S. Court of Appeals for the Second Circuit affirming the judgment secured in favor of defendant following a bench trial before the U.S. District Court for the Northern District of New York, which dismissed plaintiffs' claim for private nuisance, and the district court's pre-trial order granting defendant summary judgment with respect to plaintiffs' claims for interference with easement, intentional infliction of severe emotional distress, negligence, gross negligence, and violations of 42 U.S.C. § 1981, 42 U.S.C. § 1982, 42 U.S.C. § 1985, and New York Civil Rights Law § 40-c.

### Education

- Syracuse University College of Law (J.D., *summa cum laude*, 2009)
- University of Richmond (B.A., *magna cum laude*, 2005)

### Bar/Court Admissions

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

- Litigation
- Class and Collective Action Litigation

- *Hamilton v. Board of Educ.*, 145 A.D. 3d 1622 (4th Dept. 2016) – successfully defended board of education against claims of wrongful termination.
- *Klepanchuk v. County of Monroe*, 129 A.D.3d 1609 (3d Dept. 2015) – obtained order on appeal reversing trial court’s decision and granting motion by County of Monroe and Monroe County Airport Authority to dismiss negligence action brought by plaintiffs who were injured in a 36-vehicle chain-reaction accident that occurred on a highway adjacent to the Greater Rochester International Airport, claiming that the accident was the result of “white-out” conditions caused by snow blowing over a retaining wall constructed near the highway on airport property.
- *City of Fulton v. Town of Granby*, 117 A.D.3d 1529 (4th Dept. 2014) – obtained an order from the New York State Supreme Court, Appellate Division, Fourth Department, finding that the proposed annexation by the City of Fulton of certain lands located in the Town of Granby, on which the City’s wastewater treatment facility was located, was in the overall public interest and approving the City’s petition for annexation.
- *Center State Sec. Consultants, Inc. v. Syracuse Housing Authority*, 104 A.D. 3d 1334 (4th Dept. 2013) – obtained summary judgment dismissing claims against the housing authority for breach of a long-term security agreement.
- *DeHaas v. Kathan*, 100 A.D.3d 1057 (3d Dept. 2012) – successfully moved for summary judgment dismissing negligence claim brought against a cable television company and its employee who allegedly backed a company vehicle into the plaintiff’s vehicle resulting in serious personal injuries to plaintiff and obtained order affirming decision on appeal before the New York State Supreme Court, Appellate Division, Third Department.
- *Smith v. Reilly*, 17 N.Y.3d 895 (2011) – successfully obtained order from New York Court of Appeals reversing decisions of the trial court and the New York State Court, Appellate Division, Fourth Department and granting the defendant’s motion for summary judgment dismissing the plaintiffs’ negligence claim, which alleged that the defendant was liable for injuries one of the plaintiffs allegedly sustained when the defendant’s dog ran out in the road and caused the plaintiff to fall off of his bicycle.
- *People v. Liggins*, 16 N.Y.3d 748 (2011) – represented criminal defendant *pro bono* and obtained order from the New York Court of Appeals dismissing the appeal brought by the People of the State of New York seeking review and reversal of a decision of the Supreme Court, Appellate Division, which had suppressed evidence obtained by police during a warrantless search of the defendant’s apartment.
- Obtained Decision and Order denying plaintiffs’ motion for class action certification and granting cross-motion to dismiss action alleging failure to pay prevailing wages and supplemental benefits on behalf of a large New York City non-profit social services agency that provides vital services to help battered women, homeless families, and the unemployed, among others.
- Brought successful motion for pre-answer dismissal of Complaint brought in United States District Court for the Northern District of New York, alleging breach of contract, unjust enrichment, and negligence against individual defendant and resident of Virginia in connection with an alleged joint venture to breed, raise, show, and sell championship Bernese Mountain Dogs.

- Brought successful proceeding pursuant to CPLR article 78 and article 78 of the New York General Municipal Law, obtaining Order and Judgment holding that City's petition for annexation of property located in adjoining Town and Village complied in form and content with requirements of New York's municipal annexation law, and vacating and annulling orders of respondent town council and village board as arbitrary, capricious, and affected by errors of law inasmuch as they contained contrary determinations.
- Successfully moved for pre-answer dismissal of New York State Human Rights Law claims brought against a municipality and a hospital owned and operated by the municipality in the U.S. District Court for the Northern District of New York and successfully mediated claims brought pursuant to Family and Medical Leave Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act.
- Obtained order on pretrial motion dismissing the plaintiff's complaint alleging false arrest, malicious prosecution, and defamation against a corporation and two individual employees and defeated plaintiff's cross-motion seeking to amend the complaint to remedy pleading deficiencies and assert a claim for negligent infliction of emotional distress.
- Defeated application to New York State Supreme Court for issuance of judicial subpoenas *duces tecum* compelling rehabilitation and nursing center to produce medical records of certain patients/residents in connection with disciplinary termination arbitration proceedings against former employees of the rehabilitation and nursing center pending before the American Arbitration Association.
- Obtained summary judgment dismissing action against a telecommunications company alleging that it failed to properly maintain an access easement across the plaintiff's property in breach of the easement agreement between the parties and trespassed on the plaintiff's property.
- Represented technology company in action brought by a *qui tam* relator pursuant to the federal False Claims Act and successfully negotiated settlement through mediation.
- Represented not-for-profit corporation in action brought by former independent contractor seeking allegedly unpaid compensation and successfully negotiated favorable settlement before discovery commenced.
- Advised and counseled limited liability companies and their members with respect to compliance with and response to information subpoenas with restraining notices issued by creditors for purposes of enforcing a judgment entered against LLCs by default and aggressively negotiated a favorable settlement by demonstrating to opposing counsel that the default judgment was awarded improperly and was therefore susceptible to a motion to vacate.
- Successfully obtained Order on behalf of the managing member of an LLC dismissing one claim asserted in an action brought by another member for lack of standing and staying the remaining claims pending arbitration before the American Arbitration Association; successfully represented LLC's managing member in subsequent arbitration, resulting in a final decision by arbitrator dismissing claimant's claims for fraud and breach of fiduciary duty and denying claimant's demand for over \$2 million in damages in its entirety; and obtained court Order affirming arbitrator's decision.

- Represented members of two limited liability companies in proceedings before the New York State Division of Tax Appeals seeking reconsideration of notices of deficiency issued to the LLCs' members by the Division of Taxation, which were based on the Division's determination that the members were not entitled to pass-through QEZE tax credits for PILOT payments made by the LLCs to the local Industrial Development Agency and successfully obtained a determination granting the LLC members' motion for summary judgment and cancelling the notices of deficiency by demonstrating that the Division of Taxation's interpretation of the provision of the Tax Law that resulted in the issuance of the notices of deficiency was unreasonable and would render the tax credits provided for in that provision meaningless.

## Honors & Affiliations

- Listed in:
  - Martindale-Hubbell®, AV Preeminent Rated
  - *New York Super Lawyers*®, Upstate New York Rising Star
    - Civil Litigation: Defense, 2020-2021
    - General Litigation, 2015-2019
- Fellow, The Litigation Counsel of America
- New York State Bar Association
- Onondaga County Bar Association
- Northern District of New York Federal Court Bar Association
- Central New York Women's Bar Association
- Justinian Honorary Law Society, Secretary, 2008-2009
- Order of the Coif

## Other Activities

- Leadership Cayuga Class of 2017