





# Collaboration achieves the strongest BOND.

## Areas of Practice Icon Key

-  Business and Transactions
-  Business Restructuring, Creditors' Rights and Bankruptcy
-  Cybersecurity and Data Privacy
-  Environmental and Energy
-  Health Care
-  Higher Education
-  Intellectual Property
-  Labor and Employment
-  Litigation
-  Long Term Care
-  Mergers and Acquisitions
-  Municipalities
-  Property
-  Public Finance
-  Real Estate, Development and Construction
-  Tax

## Fast Food On the Move



*Bond attorneys helped Hospitality Restaurant Group expand into Tennessee with the acquisition of 38 Taco Bell restaurants in the Memphis area.* This expansion, through purchases from a private seller and Taco Bell Corp., increased Hospitality's market penetration from nearly 75 restaurants to more than 110 throughout New York state and Tennessee. Bond's team handled all aspects of the transactions including business, real estate, franchise and financing matters.

*Kevin M. Pole, Jeffrey B. Scheer, Kate Chmielowiec, Amy G. Rhinehardt and Therese Vanetti handled this work.*



## Multimillion-Dollar Verdict



*After more than two years of significant motion practice and intensive discovery, Bond represented an upstate New York consulting firm in a jury trial.* The case was tried in the U.S. District Court for the Northern District of New York, where Bond's client alleged trade-secret misappropriation, breach of contract and unfair competition against two defendants.

After the two-week trial, jurors rendered a verdict in favor of Bond's client on all three causes of action and awarded punitive damages against one of the defendants.

*Brian J. Butler, Suzanne M. Messer and Liza R. Magley handled this case.*



## Refreshing a Brand Portfolio



*Headquartered in Rochester, New York, Monro is a leading independently owned and operated auto service and tire provider.*

The company operates nearly 1,200 stores in 29 states.

Monro asked Bond to help it refresh its brand, which included updating their stores across the country. Bond assisted by:

- Negotiating American Institute of Architects contracts;
- Developing construction-related requests for proposals;
- Reviewing construction contracts;
- Selecting project managers;
- Dealing with on-site environmental issues; and
- Tailoring all actions and terms to the requirements of each state.

*Edward P. Hourihan, David L. Pieterse and Gregory J. McDonald handled this work.*



## Sunny Days Ahead



*The town of Skaneateles approved a 5.9-megawatt solar photovoltaic electric generating facility to be constructed on the site of a former municipal landfill.*

Bond represented the town in the State Environmental Quality Review Act (SEQRA) process and in negotiations with the developer.

Skaneateles and its residents will benefit from lower electricity costs through the issuance of credits under a Community Distributed Generation (CDG) Subscriber Agreement. More than 1,000 households are expected to see significantly lower electricity bills.

The town board also determined that the project would be immune from local land-use regulations, which will greatly expedite its completion.

Bond is optimistic that the approaches established for this project—regarding environmental review, immunity from land-use regulations and securing credits for private residents—can serve as a template for additional solar projects in the near future.

*Brody D. Smith and Kevin R. MacLeod handled this matter.*



# Reaching Agreement and Achieving Savings in Critical Municipal Services



*Bond spearheaded the efforts of the Village of Garden City, in Nassau County, to abolish the paid component of its fire department.*

The Garden City Fire Department had been a combination department of both paid employee firefighters and volunteer firefighters for approximately 90 years.

Recently, years of collective-bargaining impasses and litigation between the village and the Professional Fire Fighters Association (PFFA) union representing the paid firefighters had resulted in operational restrictions and work rules that the village deemed financially unsustainable and not in the best interests of its residents, businesses or the fire service.

The village sought Bond's assistance because of the ever-increasing costs associated with the paid firefighters, and because the village objected to work rules demanded by PFFA that challenged the ability of the volunteers to function on a daily basis. The union sought work rules that required volunteer firefighters to stand down on responding to calls until a paid firefighter could respond first. This was unacceptable to the village Board of Trustees.



Bond and the village initially acted to abolish the paid firefighting component and paid employees through a municipal resolution under New York Village Law. Following that action, and with the support of more than 100 village volunteer firefighters and the volunteer fire chiefs, Bond and the village utilized a comprehensive public relations approach to avoid a successful permissive referendum petitioning attempt by the union.

Ultimately, the village, PFFA and each of the individual paid firefighters reached a global settlement that resulted in: immediate full operational control of the fire service going to the fire chiefs, with all firefighting services performed by volunteer members; the resignations/retirements of all paid firefighters; withdrawal and settlement of all litigation against the village; and a disclaimer of union representation by PFFA at the New York State Public Employment Relations Board (PERB).

In reaching this global settlement, the village anticipates future budget-related savings of at least \$2.5 million to \$3 million per year plus improved delivery of fire services from its all-volunteer fire department.

*Christopher T. Kurtz handled this matter.*

## Furthering the Growth of an Industry Leader



*The Gerry Homes, a New York nonprofit corporation affiliated with the Heritage Ministries Charitable Care Network, is an industry-leading provider of residential health care, assisted living and senior housing. It is the second largest single adult living/nursing home organization among 38 listed in Buffalo Business First's 2018 Million Dollar Nonprofits in Western New York.*

The Gerry Homes turned to Bond for legal representation when purchasing a Pennsylvania nursing home and continuing care retirement community. Bond had previously represented Heritage Ministries in acquiring nursing home and retirement communities in the states of Illinois and Washington. Bond handled all aspects of the Pennsylvania deal including financing, transactional and, with the assistance of local counsel, regulatory.

With the Pennsylvania acquisition, Heritage Ministries' charitable mission now extends into the states of New York, Pennsylvania, Illinois and Washington.

*Jennifer M. Boll, David A. Ruffo and Jennifer L. Tsyn handled this matter.*

## Collaborating with Client Team to Close Deal



*Bond represented Allied Motion Technologies of Amherst, New York in a \$64.1 million deal to acquire TCI, which designs and manufactures equipment that resolves power-quality and harmonic issues associated with industrial power conversion.*



The acquisition of Wisconsin-based TCI broadened and strengthened Allied Motion's position as a leading global diversified-solutions provider in the controlled motion market.

A team of Bond attorneys collaborated with Allied Motion and its other advisers, including Allied Motion's representations and warranties insurer, to close the deal. Together, they investigated, negotiated and closed the transaction on an accelerated basis in December.

*Joseph P. Kubarek and Nicholas J. Hoffman handled this matter.*

# Revitalization

## Surrounding Buffalo Medical Campus



*Working with the City of Buffalo and other entities, Bond has helped clear the way for a new, mixed-use building by D&S Capital Real Estate, which will be located close to the Buffalo Niagara Medical Campus.*

The transit-oriented development named 1155 Main Street—on the same block as the Summer-Best Metro Rail station—will encompass 215 apartments, three first-floor commercial spaces, a rooftop deck and ample bicycle storage. The project will create new, high-quality residential options for students and others working in the area, and will further the new Metro Rail Corridor concept established under the city’s recently enacted Green Code. The building design incorporates innovative architectural features including dynamic lighting effects that will echo the city’s radial street design and transit system.

Bond represented the D&S Capital team in public hearings before the City of Buffalo Planning Board and Zoning Board of Appeals to expeditiously secure the necessary site plan, subdivision and variance approvals.

Bond also assisted D&S Capital in a brownfield cleanup agreement with the New York State Department of Environmental Conservation to excavate and properly dispose of contaminated soils from past site activities.

*Steven J. Ricca handled these matters.*



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# Grant Initiatives

## for Long Term Care Organizations



*Among Bond's proudest accomplishments has been its work with provider organizations to finance a variety of unique and innovative projects.* The providers—including Performing Provider Systems (PPS) lead organizations, and long term care and other health care entities—had applied for Capital Restructuring Financing Program (CRFP) and Statewide Health Facility Transformation Program grants. Bond helped its clients obtain grants to fund highly impactful projects because of their lawyers' experience working through the complicated state health care regulatory system.

Bond also provided depth of knowledge in Certificate of Need (CON) requirements, construction and American Institute of Architects contracting, fraud/abuse and compliance counseling, and development of collaborative agreements with aligned partners.

### *These projects included:*

- A step-down unit in a long term care facility to allow more complex hospital discharges with higher-quality outcomes to avoid rehospitalizations.
- On-site dialysis capabilities for both long term care inpatients and chronic care outpatients that dramatically enhance the quality of life for residents by avoiding ambulance transportation to obtain transfusions.
- Post-hospitalization therapy programs that focus on cardiac patients and patients with extensive co-morbidities, leveraging state-of-the-art equipment and coordination with rehabilitative medicine specialists.
- Telehealth projects that serve specialty populations such as individuals in the Office for People with Developmental Disabilities (OPWDD) programs.
- Streamlined resident hospital admissions providing optimal care for ventilator-dependent residents, and improved quality outcomes on discharge to the community—made possible through a Vital Access Provider (VAP) grant of \$4 million to a long term care facility.

*Bond's long term care practice handled these matters.*





## New Hospital in Downtown Utica



*Mohawk Valley Health System (MVHS) is planning a new, 373-bed, 672,000 square-foot health care campus in downtown Utica.*

The \$480 million project will be funded with a \$300 million grant approved by New York State in 2017, plus \$180 million in outside financing, fundraising and MVHS' own capital.

Bond represented MVHS in a financing from London-based Barclays Bank. Completion of this financing was an important milestone, satisfying one of the contingencies that the New York State Department of Health (DOH) had placed on its Certificate of Need (CON) approval for the hospital.

Bond also helped MVHS secure the \$300 million state grant, and is working on property acquisition and environmental matters for the project.

*Paul W. Reichel and Matthew N. Wells handled the financing work. Raymond A. Meier handled Bond's work on the New York State grant, and Kathleen M. Bennett and Kevin M. Pole handled the real estate and environmental work.*

## A Bronx Lobster Tale



*The Lobster Place is a wholesale seafood distributor in the Bronx, and the largest seafood market on the East Coast as an original tenant of Chelsea Market.*

They retained Bond shortly after losing an election in a vote of 14-12 to determine whether drivers would be represented by the International Association of Machinists and Aerospace Workers (IAM). A dispute arose over the polling place opening seven minutes late, possibly resulting in four voters not casting ballots.



Bond advocated that there was sufficient basis for a new election because the number of voters potentially disenfranchised was enough to affect the election outcome. The National Labor Relations Board (NLRB) voted 2-1 to depart from a long-standing precedent and agreed with Bond's assessment and ordered a new election. In the subsequent election, the Bronx drivers voted 22-3 to remain union free, and the people of the five boroughs are able to continue to enjoy "union-free" lobster.

*Louis P. DiLorenzo and Tyler H. Hendry handled this matter.*

## Recapitalizing a Company with Private Equity



*Bond provided counsel to the Milot and Tao families, co-founders of Protective Industrial Products Global Holdings (PIP Global), to recapitalize the company, a leading global supplier of hand protection products and other consumable personal protective equipment (PPE) by partnering with a private equity firm, Audax Private Equity.*



Both the Milot and Tao families retained significant ownership interests as well.

*The deal was led by Jennifer M. Boll and involved an inter-office team consisting of Kate Chmielowiec, Michael C. Donlon, Joseph P. Kubarek, David L. Nocilly, Raymond P. Reichert, Amy G. Rhinehardt, Jennifer L. Tsyn and Robert R. Tyson.*



## Addressing a University's Data Privacy Compliance



*Bond assisted the University of Central Florida (UCF) with data privacy and cybersecurity compliance projects, including protocols for the European Union's new sweeping data privacy legislation, the General Data Protection Regulation (GDPR). Bond helped UCF document the collection, processing, security, storage and transfer of data. These efforts included updating the university's policies; developing data privacy notices; auditing data collection; reviewing data privacy addenda and data privacy provisions for vendor contracts; and advising UCF regarding general data privacy oversight.*

In addition, Bond conducted on-site GDPR training for approximately 80 key university stakeholders, and continues to assist in ongoing data privacy activities.

*Fred J. M. Price, Amber L. Lawyer, Sara C. Temes, Pamela C. Lundborg and Kristin Warner handled this matter.*

# Supporting Employees' Right to be Union Free



*After five years of litigation, employees at Novelis in Oswego, New York were freed from the government-imposed labor union they had rejected.* In 2013, the United Steelworkers attempted to organize employees at the plant, but lost the secret-ballot vote among the employees. Then the Steelworkers challenged the failed election, alleging that Novelis engaged in actions that tainted the outcome.



Significantly, the Steelworkers requested the extraordinary, and rarely issued, bargaining order: a remedy that invalidates

the results of the election and imposes a union as the employees' representative. In 2016, the National Labor Relations Board (NLRB) granted this extraordinary remedy and ordered Novelis to recognize and bargain with the Steelworkers.

However, on appeal led by Bond, the Second Circuit Court of Appeals vacated the bargaining order and remanded the decision back to the NLRB for further consideration. In 2018, on remand, the NLRB adhered to the guidance from the Second Circuit Court of Appeals and ruled that the bargaining order was improper, thus allowing employees to remain union free.

*The matter was led by Thomas G. Eron and Kerry W. Langan. Also assisting in the litigation were Peter A. Jones, Louis P. DiLorenzo and Tyler T. Hendry.*



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## Bond Tackles Seminal Data Privacy Law



*Bond attorneys across offices collaborated to tackle legal issues surrounding a pivotal European Union (EU) data privacy law.*

Effective May 25, 2018, the EU's General Data Protection Regulation (GDPR) imposed new data privacy and cybersecurity obligations on both Bond's U.S. and non-U.S. clients.

Bond's comprehensive understanding of GDPR allowed its attorneys to draft compliance manuals for more than 70 firm clients served by practices such as trust and estates, business and transactions, mergers and acquisitions, litigation, labor and employment, immigration and intellectual property and technology, in industries including health care, higher education and school districts.

*Bond's GDPR compliance efforts included:*

- Drafting compliance manuals and procedures;
- Drafting privacy policies;
- Reviewing service agreements;
- Reviewing vendor contracts;
- Drafting data protection addenda and data processing agreements;
- Negotiating contracts;
- Providing data breach procedures and assistance;
- Drafting privacy notices;
- Drafting cookie policies;
- Conducting data audits;
- Conducting employee and staff data privacy training;
- Reviewing individual rights requests and assisting with procedural review;
- Assisting data protection officers;
- Providing general GDPR compliance review; and
- GDPR compliance efforts related to HIPAA, FERPA, PIPEDA, CAN-SPAM and other data privacy laws.

*Bond's cybersecurity and data privacy practice handled these matters.*



## Putting Out a Firestorm



*The Village of Port Chester was facing budgetary constraints and, after conducting a cost-benefit analysis, determined that it did not need paid firefighters.* Bond helped the village defend its decision to abolish those positions, and successfully defended or settled the following actions, saving the village about \$1 million a year:

- The firefighter union’s application for injunction;
- Improper-practice charges at the Public Employment Relations Board (PERB), alleging anti-union animus, retaliation and transfer of bargaining-unit work;
- The Village of Rye Brook’s attempt to enforce an intermunicipal agreement requiring Port Chester to provide a paid firefighter each night;
- A complaint filed with the Public Employee Safety and Health Bureau (PESH) alleging that Port Chester’s decision to eliminate the paid positions constituted retaliation for a recent safety complaint filed with PESH; and
- The firefighter union’s attempt to force a vote on the abolishment decision, which would have delayed the action and allowed the union to campaign against it.



*Terry O’Neil, Emily E. Iannucci, Richard S. Finkel and Howard M. Miller handled this matter.*



## Selling a Family-Owned Business



*Petr-All Petroleum Consulting opened the first Express Mart convenience store in 1989, eventually expanding to encompass 78 stores and a petroleum marketing business.* The family-owned chain primarily served the Syracuse, Binghamton, Rochester and Buffalo markets.

Bond assisted in Petr-All’s growth, and when it was time for the family to sell, Bond handled the deal. Speedway, the retail arm of Marathon Petroleum, acquired the stores in a very large transaction. Bond provided full-service merger and acquisition advisory services, which included tax and valuation advice; marketing the business through a confidential, structured sale process; and negotiating, documenting and closing the transaction.

*Roderick C. McDonald led the team handling this matter.*

## Recipe for Success



*Bond's property and public finance practices worked together to assist a new client, Gerharz Equipment, in acquiring a large property in Syracuse to house its headquarters, showroom and warehouse.*

Bond attorneys worked with the Syracuse Industrial Development Agency to obtain nearly \$500,000 in tax breaks for the family-owned restaurant equipment supply company's relocation from the suburbs to the city.

Gerharz, founded in 1969, designs foodservice operations and sells restaurant equipment, supplies and parts to restaurants, schools, hospitals, grocery stores, churches and other food service facilities. The company acquired Central Restaurant Supply in 2017, a dealership that had been in business since 1946. It had outgrown its facility in DeWitt, and needed more space for its expanding operations.

Bond helped the company with all aspects of the property acquisition and financing.



This new facility will house the core Gerharz business that was previously operating on East Molloy Road, as well as the new Central Restaurant Supply division. Gerharz plans to invest nearly \$5 million in the new facility.

*Kevin M. Pole and Paul W. Reichel handled this matter.*



## Bond Prevails for Client in Sexual Harassment Case



*Bond represented Syracuse-based American Food & Vending in a five-day jury trial in Missouri state court.* The case involved allegations that American Food & Vending denied a female customer access to one of its facilities in Kansas City because she was subjected to sexually harassing behavior by a company employee. At trial, the jury voted 12-0 against the plaintiff and returned a verdict in 90 minutes.

*Patrick V. Melfi handled this case.*

# Breathing New Life into 128-Year-Old Paper Mill



*Struggling to compete in a challenging industry and hampered by a debt-laden balance sheet, Carthage Specialty Paperboard found itself without sufficient cash to continue operations and was forced to furlough its workforce.*

Bond worked with management to seek bankruptcy protection and develop a plan to restart manufacturing. To secure critical operating funds, Bond helped negotiate and obtain bankruptcy court approval of a new line of credit and an innovative three-party transaction in which the Jefferson County mill recovered a large trade debt by liquidating a piece of unrelated real property.

With production back online, Bond provided guidance in addressing the mill's obligations to creditors—including more than \$21 million in secured debt; approximately \$7 million in asserted obligations to municipal and taxing authorities (much of it contested); and just under \$8 million in unsecured debt. Bond worked with an investment bank to market the mill, resulting in the execution of a sale agreement with a “stalking horse” purchaser to serve as the opening bid in a court-supervised auction process. The auction, conducted by Bond,

achieved a sale price more than \$1 million above the opening bid. Bond then worked with the winning bidder's counsel to facilitate an expedited closing less than seven days following the auction.

The successful revival and sale of the mill as a going concern in less than eight months generated significant value for creditors and preserved 80 jobs in New York's North Country.



*Stephen A. Donato and Grayson T. Walter provided restructuring services; labor and employment assistance was provided by Thomas G. Eron and Colin M. Leonard; and corporate transactional support was provided by Kate Chmielowiec.*

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to ensure the  
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# Chairman's Message

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## 2018 Management Committee

*Front row (L-R): Laura H. Harshbarger; Larry P. Malfitano;  
Jennifer M. Boll; Peter C. Lutz*

*Back row (L-R): David Otte; John H. Callahan;  
Kevin M. Bernstein; Tim C. Loftis*

# oration!

## Better Together

*Great legal work doesn't happen in a vacuum — it's the result of working closely with our clients and assembling the best team of attorneys to bring about positive results. That kind of collaboration is a proven strategy that compels us to listen to our clients and colleagues knowing we are better together.*

*As you read through the descriptions of winning work from 2018, you will see collaboration in action. In most of these examples it required the efforts of attorneys and practices working together to achieve each of our client's outcome.*

*With collaboration built into our culture, Bond continued to grow in the past year with new attorneys, practice areas and industries served, and to service new clients across the country and in the communities in which we live.*



## 2018 Highlights

- We opened a Boston office, first to serve our growing intellectual property clients there, and now for a wide variety of clients.
- We added our financial institutions regulatory practice to work more closely with financial clients in an ever-changing and highly regulated industry.
- Our hospitality and tourism practice, launched in 2017, continues to grow and find new niche markets across the state of New York.
- With the new General Data Protection Regulation (GDPR) mandates, our cybersecurity and data privacy practice worked closely with our higher education clients on compliance and training.
- As legislation in New York moves forward on the legalization of marijuana, Bond is at the forefront working with medical dispensary and non-medical cannabis clients in this emerging industry. Related to this, our labor and employment attorneys are working with their clients on how legalization might potentially impact them.
- Finally, with heightened focus on the #MeToo movement, our labor and employment practice provided seminars and training to help clients update policies and implement new training requirements on sexual harassment.

This report is the culmination of the work we do for our valued clients. Without you, we would not exist. Thank you for your continued confidence and loyalty and for the many friendships that we have forged with you.

A handwritten signature in white ink that reads "Kevin Bernstein".

Kevin Bernstein, Chairman  
Management Committee

## Combining Artistic Neighbors in Upstate New York



*MacKenzie-Childs, the home furnishings company in Aurora, New York acquired the business of Skaneateles-based ornament designer Patience Brewster, and Bond tied the bow on the deal.*

Brewster, an artist and former children's book illustrator, designs colorful Christmas and other seasonal ornaments that are made by hand. She has become a member of the MacKenzie-Childs creative team, supporting the design and development of products for what will be called the Patience Brewster by MacKenzie-Childs collection.

About 18 months after an initial lunch meeting that revealed creative synergies, the combination was completed. Bond attorneys were instrumental in structuring and documenting the transaction, and assisted with intellectual property, tax and general business issues.

*Roderick C. McDonald led a team of Bond attorneys who handled this matter, assisted by David L. Nocilly, Erika D. Wood and Kate Chmielowiec.*



*Designer Patience Brewster, left, and Rebecca Proctor, creative director and chief brand officer of MacKenzie-Childs.*

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# Vindication

## of Federal Rights Under the U.S. Constitution’s Impairment of Contracts Clause



*In a court-ordered settlement, Bond obtained an \$11 million resolution in an action against the New York State Department of Health (DOH) involving Medicaid rate reimbursement for five skilled nursing facilities.*

The nursing homes—Bridge View Nursing Home, Fulton Commons Care Center, Mayfair Care Center, Midway Nursing Home and River Valley Care Center—were contesting DOH restrictions on the processing of rate appeals.



Bond argued that the DOH’s failure to consider the appeals, based on statutory annual budget caps, violated federal regulations and the U.S. Constitution’s prohibition of laws impairing contractual obligations owing to them by the State of New York.

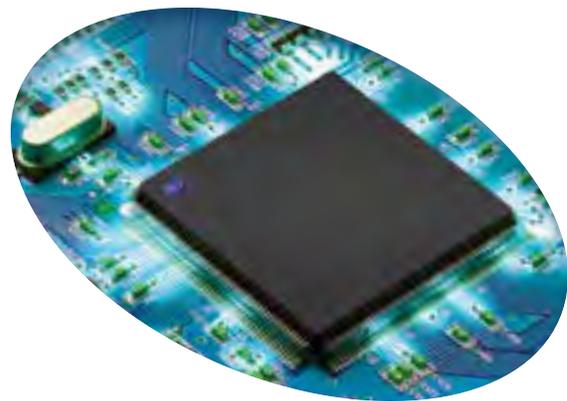
Sparking the settlement, Bond had obtained a significant victory wherein the court ruled that a declaratory judgment action was justified and refused to transfer the case for administrative consideration.

*Raul A. Tabora Jr., John F. Darling and Justin C. Tan handled this matter.*

# Facilitating a \$455 Million Worldwide Transaction



*Bond represented British manufacturer Cobham in selling its worldwide wireless test and measurement business to Viavi Solutions in a transaction valued at \$455 million.* The wireless test and measurement business included U.S. and international operations.



Bond attorneys coordinated the legal aspects of the transaction across the globe, working with local counsel in multiple jurisdictions. A multidisciplinary team of Bond attorneys led the negotiation, legal due diligence and related processes to close the transaction expeditiously.

*Joseph P. Kubarek and Michael C. Donlon led a team that handled this matter.*

## Transforming the Health System



*A lead Performing Provider System (PPS) under New York's Delivery System Reform Incentive Payment (NYDSRIP) program requested Bond's assistance in building population health and care management platforms for data analytics to support transformation of the health system.*

The PPS will use the platforms to coordinate and improve care for 100,000 - 200,000 Medicaid beneficiaries across multiple counties in upstate New York. Bond provided the legal work to support the successful application for a \$15 million grant from the State of New York for capital and related costs to establish the data platforms. Bond's work on the project also included:

- Contract drafting and negotiation with platform vendors on issues ranging from intellectual property to data use, data security, indemnification and an innovative fee structure;
- Cybersecurity analysis and provisions to address the risk of a data breach between the vendors, the client, and various provider and social service organizations that will participate in the platforms and receive data analytics;
- Advice about data privacy to permit data exchange among providers consistent with federal and state privacy laws, including HIPAA and New York's statutes on HIV and mental health information; and
- Data use agreements with participating providers and social service organizations.

*Bond's health care and cybersecurity and data privacy practices handled this matter.*



## Maintaining Their Roots



*Bond represented the shareholders of Schneider Packaging Equipment in all aspects of a stock sale to its executive management team.* The Cicero, New York-based company, founded in 1970, is an industry-leading designer and manufacturer of robotic packaging equipment.

Bond attorneys started by negotiating the letter of intent, and continued through negotiating the stock purchase agreement and closing the transaction.

Schneider was a second generation business that had been transferred from the founding shareholder to his son through a multiyear succession plan implemented through the recommendations and planning of Bond attorneys. After the successful succession plan within the family, the current owner felt it was important to sell the business to a buyer who would keep the company local and maintain the local job force.

*Jeffrey B. Scheer, Kate Chmielowiec and Sarah M. Harvey handled this matter.*

# McDonald's: They're Lovin' It



*Bond represented six McDonald's franchisees in Chicago, in the largest consolidated case ever held before the National Labor Relations Board (NLRB).* The litigation involved select franchisees in New York City, Chicago and Los Angeles and sought to hold them and McDonald's Corp., the franchisor, liable as a joint employer with its franchisees, which could upend the franchisor-franchisee model in the United States.

Franchisees were not able to settle under the Obama administration unless they admitted they were joint employers and liable for each other's employment decisions. All refused, and the cases were sent to trial.

The trial commenced in 2016, generating a transcript exceeding 55,000 pages and 3,000 exhibits. Because of the time, expense and burden of continued litigation, respondents and the general counsel of the Trump NLRB

negotiated a settlement agreement that would end the proceeding and avoid deciding the issue of joint employer.

Although government prosecutors recommended the settlement, the union involved objected, and the administrative law judge (ALJ) sided with the union over the franchisees and McDonald's. McDonald's and the franchisees have appealed the ALJ's order and it is now pending approval before the four-member NLRB in Washington, DC.

This case also created substantial collateral litigation regarding the NLRB's subpoena power, which required appearances by Bond attorneys in federal courts in New York, Illinois and Indiana.

*Louis P. DiLorenzo, Tyler T. Hendry and Patrick V. Melfi handled this matter.*



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## Inclusion and Diversity

*Bond focuses on improving diversity and inclusion, not only within our firm but also within our profession and local communities.*

We continue to recruit more women and minorities in our attorney and staff ranks, and look for meaningful leadership positions for them at Bond.

We hold cultural awareness events that commemorate observances such as Black History Month and LGBT Pride Month. We support community initiatives—financially, and with participation from our lawyers and staff. Through all of this, we understand that by promoting diversity we attract the best and the brightest, and deliver superior work to our clients, many of whom also prioritize inclusion and diversity in their own missions.



**Monica C. Barrett**  
Co-Chair Diversity Committee



**Sanjeeve K. DeSoyza**  
Co-Chair Diversity Committee

*In the past year, we advanced our commitment to inclusion and diversity in numerous ways:*

- For the fifth year in a row, welcomed a women-majority, first-year attorney class that included attorneys from diverse racial and cultural backgrounds;
- Nearly 70 percent of our lateral attorney and first-year associate hires were women;
- Laura H. Harshbarger was named to the firm's compensation committee;
- Continued participating in the Albany County Bar Association's (ACBA) Diversity Internship Program, in which an Albany Law School student interns in our office; we also welcomed an ACBA intern alumnus as a first-year associate;
- Recruited attorneys at diverse job fairs such as the National LGBT Bar Association and Foundation's Lavender Law® Conference and the Black Law Students Job Fair;

More perspectives  
create  
better  
solutions.



- Hosted two networking events for diverse 1L students at the Syracuse University College of Law;
- Continued membership in several local women and minority bar associations;
- Provided all attorneys with an implicit bias/mentoring training program facilitated by a renowned outside consultant;
- Sponsored the YWCA of Syracuse & Onondaga County's Day of Commitment to Eliminate Racism & Promote Diversity luncheon and, for the second year in a row, a Bond attorney received the Champion of Opportunity Award for her commitment to mentoring women attorneys; and
- Provided financial and other support to community, minority bar association and law school student group programs, including:
  - 2018 Racial Justice Awards, InterFaith Works of Central New York;
  - Scholarship Gala, Long Island Hispanic Bar Association (LIHBA);
  - Freedom Fund Dinner, NAACP of Syracuse and Onondaga County;
  - Annual Celebrating Diversity in the Bar reception, New York State Bar Association (NYSBA);
  - 8th Annual Pa'lante VIII Conference, City University of New York (CUNY) School of Law, Metropolitan Latin American Law Students' Association (MetroLALSA);
  - Scholarship Reception and Awards Ceremony, Minority Bar Association of Western New York (MBAWNY);
  - Annual Students of Color Dinner, University at Buffalo School of Law;
  - Thurgood Marshall trial teams, Black Law Students Association (BLSA), Syracuse University College of Law; and
  - Professional Development Boot Camp at Cornell Law School, held by the Latino American (LALSA), Black (BLSA) and Native American (NALSA) law students associations to train 1L students to prepare for their 1L summer clerkship and job fairs in the fall.

## A Letter from the Chair of the Bond Women's Initiative

*Today, women slightly outnumber men in law schools nationwide; at a number of top-ranked institutions, they hold a clear majority.* Bond's latest class of seven new attorneys included five women. Nevertheless, Bond realizes that the number of women partners at many law firms remains far lower than that of male partners.

At Bond, the Women's Initiative is making strides toward gender equality by providing support, encouragement and mentoring to our women attorneys who aspire to partnership and leadership positions in the firm. In 2018, every strategic and key committee at Bond included women who are helping shape our firm's future.



**Camille W. Hill**  
Chair, Women's Initiative

### *Further highlights from 2018:*

- An inaugural retreat in April brought together Bond's women attorneys to network and focus on mentoring, leadership and expanding the Women's Initiative.
- Laura H. Harshbarger and Jennifer M. Boll served as members of the firm's management committee.
- Laura was named to the firm's compensation committee in October, and Suzanne O. Galbato succeeded her on the management committee.
- Kerry W. Langan and Katherine Ritts Schafer were named members of the firm.

We are proud of the progress of women at Bond and look forward to continued collaboration internally, and with our clients, to advance opportunities for women's professional and personal growth.

*Camille W. Hill*

Camille W. Hill  
Chair, Women's Initiative

Leadership  
that  
move us  
forward.

# Working Together to Build Stronger Communities

*Bond has long recognized the value—to our attorneys, staff and the communities in which we work—of active participation in and financial support of charitable community-based organizations. By working together with these organizations, we enrich our lives and those whom we help.*



Rochester



New York



Garden City



Syracuse



Albany



Buffalo

*Below is a representative listing of some of the organizations we supported in 2018:*

- ALS Association
- American Heart Association
- Center for Youth
- Equinox Thanksgiving Day Community Dinner
- Friends of Night People
- Gilda's Club
- House of Mercy
- Joyful Rescues
- Learning Links of Fairport
- Legal Aid Society of Northeastern New York
- Naples Optimist Soccer
- Paige's Butterfly Run
- Rochester Small Business Council Thanksgiving Appeal
- Ronald McDonald House
- Salvation Army Lunch Project
- Samaritan Center
- St. Matthew's House
- Villa of Hope
- Willow Center
- Women's Foundation of Genesee Valley

# New Members



**Jeffrey F. Allen**  
*Litigation*  
Rochester



**Dori K. Bailey**  
*Business and Transactions*  
Syracuse



**Michael P. Collins**  
*Labor and Employment*  
New York



**Adam C. Kerlek**  
*Trust and Estate*  
Naples



**Robert F. Manfredo**  
*Labor and Employment*  
Albany



**Katherine Ritts Schafer**  
*Labor and Employment  
Syracuse*



**Jason J. Montgomery**  
*Collegiate Sports  
Kansas City*



**James P. Wright**  
*Litigation  
Syracuse*



**Thomas W. Simcoe**  
*Business and Transactions  
Albany*



**Daniel J. Pautz**  
*Litigation  
Syracuse*

Adding new  
experience makes a  
**strong team  
stronger.**



# New Laterals



**Kulsoom Z. Hasan**  
*Intellectual Property  
and Technology  
Buffalo*



**Gregory B. Reilly**  
*Labor and Employment  
New York*



**Claire G. Bopp**  
*Litigation  
Rochester*



**Aisling M. McAllister**  
*Labor and Employment  
New York*



**Anna W. Richards**  
*Business and Transactions  
Syracuse*



**Nicholas J. Hoffman**  
*Business and Transactions  
Buffalo*



**Melisa E. Gerecci Meyler**  
*Higher Education  
New York*



**Emma L. Christman**  
*Trust and Estate  
Naples*



**Jennifer M. Schwartzott**  
*Litigation  
Rochester*



**Nicholas P. Jacobson**  
*Labor and Employment  
Syracuse*



**TaRonda Randall**  
*Collegiate Sports  
Kansas City*



**Logan C. Geen**  
*Health Care  
Rochester*



**Megan K. Thomas**  
*School Districts  
Syracuse*



**Adam P. Mastroleo**  
*Labor and Employment  
Syracuse*

## New Associates



**Kristen Warner**  
*Property  
Rochester*



**Erika D. Wood**  
*Business and Transactions  
Albany*



**Cory J. Zorsch**  
*Intellectual Property  
and Technology  
Buffalo*



**Mary E. Aldridge**  
*Labor and Employment  
Buffalo*



**Caitlin A. Anderson**  
*Business and Transactions  
Albany*



**Samantha E. Cirillo**  
*Business and Transactions  
Syracuse*



**Justin A. Reyes**  
*Labor and Employment  
Albany*



**Taylor E. Reynolds**  
*Litigation  
Syracuse*



**Andrew S. Rivera**  
*Business Restructuring,  
Creditors' Rights and Bankruptcy  
Syracuse*



**Melissa O. Rothbart**  
*Litigation  
Syracuse*

# Accolades and Honors

## Chambers USA®

Five Bond practice areas were recognized:

- Environmental—New York State
- Labor and Employment—New York State
- Corporate—Upstate New York
- Litigation—Upstate New York
- Real Estate—Upstate New York



The list of Chambers-ranked lawyers included: Kevin M. Bernstein, Michael I. Bernstein, Louis P. DiLorenzo, Vincent O. Hanley, Edward P. Hourihan, Kevin V. Recchia, Virginia C. Robbins and Stephen A. Sharkey.

## Best Lawyers® “Best Law Firms”

Bond was recognized with three National Tier 1 Rankings:

- Employment Law—Management
- Labor Law—Management
- Litigation—Labor and Employment



## Best Lawyers and Super Lawyers®

Ninety-one Bond attorneys were recognized in the *Best Lawyers in America*® 2018. Seventy-nine Bond attorneys were named in the 2018 *New York Super Lawyers* and 28 attorneys were named as *Super Lawyers Rising Stars*.



## Best Lawyers “Lawyers of the Year”

Only one lawyer in any practice area in a city is honored as “Lawyer of the Year.” Thirteen Bond attorneys achieved that recognition:

- Albany: Arthur J. Siegel—Personal Injury Litigation, Defendants
- Buffalo: Charles C. Swanekamp—Civil Rights Law; Vincent O. Hanley—Land Use and Zoning Law
- Long Island: Terry O’Neil—Labor Law, Management
- Kansas City: Richard J. Evrard—Sports Law
- Rochester: James Holahan—Labor Law, Management; Brian Laudadio—Litigation, Municipal
- Syracuse: Kevin M. Bernstein—Environmental Law; John H. Callahan—Litigation, Labor and Employment; Peter A. Jones—Labor Law, Management; Larry P. Malfitano —Employment Law, Management; Subhash Viswanathan—Education Law; Joseph Zagraniczny—Litigation, Bankruptcy

## Buffalo Business First 2018 Legal Elite

Jeremy P. Oczek, Sharon M. Porcellio, James J. Rooney and Heath J. Szymczak were all included in the 2018 Legal Elite of Western New York that recognizes some of the most-respected Western New York lawyers as nominated by their peers.



## BTI Consulting Group

Bond was named by BTI in their 2018 *Brand Elite: Client Perceptions of the Best-Branded Law Firms*. The survey recognizes firms scoring the highest in nine key elements that demonstrate those that are the most innovative, secure the most client recommendations and win high-value work.

## Top Rankings

Bond was named in several industry-leading publications for largest law firms. The *Law360* 400 ranked Bond 173; *The American Lawyer's* AmLaw 200 ranked Bond in the top 200 law firms in the nation at 187; *National Law Journal* ranked Bond in the 500 largest law firms in the United States at 165.

## Nation's Most Powerful Employment Attorneys

For the fifth consecutive year in the magazine's exclusive list of the nation's most powerful employment attorneys, *Human Resource Executive*® ranked Louis P. DiLorenzo (New York and Syracuse) among the Top 20 practitioners in Traditional Labor and Employment Law.

Also for the fifth consecutive year, John M. Bagyi (Albany), was one of 40 lawyers recognized as the Nation's Most Powerful Employment Attorneys—Up-and-Comers.

## Community Recognition

- George H. Lowe (Syracuse) was honored by the Hiscock Legal Aid Society with their 2018 "Justice For All" award for "sustained engagements in promoting projects that serve Central New York's most marginalized residents."
- Thomas E. Myers (Syracuse) was honored with the 2018 Onondaga County Bar Association Distinguished Lawyer award presented to an attorney who not only has demonstrated exceptional lawyering skills and ethics beyond reproach, but also has long engaged in activities that reflect an unselfish devotion of time to the betterment of the profession.
- Sharon M. Porcellio (Buffalo) was honored with the Catherine McAuley Distinguished Alumna Award by Mount Mercy Academy at their annual Mercy Honors Dinner for "alumnae who have distinguished themselves as women of faith, knowledge, integrity and compassion."
- Raul A. Tabora (Albany) and the Long Term Care attorneys of Bond, Craig W. Anderson, John F. Darling, Sanjeev K. DeSoyza, Bernard P. Kennedy, Mark A. Mainello, John R. McKay III, David A. Ruffo and Justin C. Tan, were recognized for their decades of work for Ozanam Hall with the Rose of Carmel Award.
- Bond had several attorneys acknowledged in their home cities as "40 Under 40" honorees. Curtis A. Johnson (Rochester), Kerry M. Langan (Syracuse) and Erin S. Torcello (Buffalo) were all recognized for their professional and civic accomplishments and involvements.

## Representative Clients

Acreage Holdings  
 Albany Medical Center  
 Bechtel Corporation  
 Bedford Central School District  
 Brown University  
 City of Mount Vernon  
 City of Naples Airport Authority  
 Clarkson University  
 CNA Insurance  
 Colgate University  
 Concord Nursing and Rehabilitation Center  
 Diamond Packaging Holdings  
 Gannett  
 Gypsum Express  
 Hospitality Restaurant Group  
 Isabella Geriatric Center  
 Kaleida Health  
 Knorr Brake  
 Manhattan College  
 National Grid  
 New Era Cap  
 New York Chiropractic College  
 NYU School of Medicine  
 NOCO Energy  
 Northern Credit Union  
 Pace University  
 Petr-All Petroleum Consulting  
 Plug Power  
 Rochester Joint Schools Construction Board  
 State University of New York  
 Town of Wheatfield  
 Unither Manufacturing  
 Village of Bronxville  
 Village of Garden City  
 Waste Harmonics  
 William Floyd Union Free School District

## Representative Board Affiliations

Alzheimer's Association of Northeastern New York  
 Argus Community  
 Boys & Girls Club of Syracuse  
 Buffalo Philharmonic Orchestra Society  
 Camp Good Days and Special Times  
 Children's Advocacy Center of Collier County  
 Central New York Chapter of Cystic Fibrosis Foundation  
 CNY Arts  
 Community Foundation of Collier County  
 Conservancy of Southwest Florida  
 East Area Branch YMCA  
 Erie Canal Museum  
 Family Autism Center of Rochester  
 Francis House  
 Heart, Love & Soul  
 Hospice of Central New York  
 House of Mercy  
 Huntington Family Centers  
 Junior Achievement of Northeastern New York  
 Legal Aid Society of Northeastern New York  
 Literacy Volunteers of Collier County  
 LiteracyCNY  
 Make-A-Wish Foundation of Central New York  
 March of Dimes/North CNY Chapter  
 Maureen's Hope  
 Memorial Art Gallery of the University of Rochester  
 Milton J. Rubenstein Museum of Science & Technology  
 Mohawk & Hudson River Humane Society  
 National Alliance on Mental Illness  
 Onondaga Historical Association  
 Saratoga County Economic Opportunity Council  
 Seneca Park Zoo Society  
 Senior Citizens Center of Saratoga Springs  
 Vera House  
 Willow Domestic Violence Center  
 YMCA of Greater Rochester

The breadth of our  
 client base stimulates  
 multifaceted  
 thinking.



Collaboration  
achieves the  
**strongest**  
**BOND.**

Albany Buffalo Garden City New York  
Rochester Saratoga Springs Syracuse Utica  
Boston Kansas City Naples, FL