



## CYNTHIA GIGANTI LUDWIG

Partner

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Cynthia focuses her practice on business litigation, with a particular emphasis on intellectual property litigation. She has worked on cases for prominent local and national corporations involving patent, trade secret, and trademark disputes and has particular knowledge and experience in assessing damages claims within the intellectual property context. Cynthia is also experienced in health care litigation, employment and non-competition litigation, class-action litigation, securities fraud litigation, and general business disputes.

### Honors

- Buffalo Niagara 360 Spotlight Professional, 2014 - 2015
- Phi Beta Kappa
- Golden Key National Honor Society
- Former executive editor and associate editor, *Buffalo Law Review*

### Experience

Hodgson Russ represented a commercial bank in litigation charging a global investment bank and certain of its affiliates with securities fraud in connection with the sale of mortgage-backed CDO notes. Our client asserted that the global investment bank knew that the notes, which were largely backed by subprime mortgage securities, were about to fail when it sold them, but failed to disclose that information. The suit resulted in a \$55 million publicly reported settlement.

A victory in federal court by a team of Hodgson Russ attorneys put an end to a seven-year lawsuit and extinguished the risk of our client paying millions in damages and other costs arising from claims of federal and state environmental law violations. The matter involved a facility owned and operated by our client, a manufacturer. Over the course of decades of operation, our client's facility became heavily contaminated with chemical residues. Some of those residues migrated off site into

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### Practices & Industries

Administrative & Regulatory  
Business Litigation  
Class Action Litigation  
Financial Services  
Franchise & Distribution  
Professional Services  
Retail Sector

### Admissions

New York  
U.S. District Courts for the Western and Northern Districts of New York  
U.S. Court of Appeals for the Second Circuit

### Education

University at Buffalo, B.A., magna cum laude  
University at Buffalo School of Law, J.D., magna cum laude

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the surrounding community. Hodgson Russ represented this manufacturer in connection with an administrative order on consent entered into with the U.S. Environmental Protection Agency (EPA) and the State Department of Environmental Conservation under the Resource Conservation and Recovery Act (RCRA). Our client is performing the work required by the administrative order and is making extensive efforts to benefit the community. Despite our client's efforts, four families from the surrounding community sued the manufacturer in federal court under the citizen suit provisions of several federal statutes, claiming that our client was not complying with the requirements of various environmental statutes and that EPA was not effectively enforcing them. The families asked the federal court to intervene and to order our client to do more remediation faster. They also asserted claims for personal injury and property damage. The Hodgson Russ team successfully defeated the plaintiffs' claims in court. In his decision, the presiding judge granted our motion to disqualify the plaintiffs' expert and for summary judgment. The case was dismissed entirely — freeing our client to focus on completing the corrective action program without judicial intervention and to remove a substantial liability reserve from its books. Subsequent efforts by the plaintiffs to revive the suit have also been defeated.

## **Press Releases**

Hodgson Russ LLP Honored with 2023 New York State Bar Association President's Pro Bono Service Award  
April 17, 2023

Cynthia Giganti Ludwig Named 2014-2015 Buffalo Niagara 360 Spotlight Professional  
*Press Release*, September 8, 2014

Hodgson Russ Announces Five Newly Elected Partners: Four Additional Attorneys Promoted to Senior Associate  
*Press Release*, January 3, 2014

## **Publications**

Early COVID-19 Court Decisions Supporting Executive Orders Suggest How the Courts May View Their Impact On Business Relationships

*Hodgson Russ Business Litigation Alert*, June 23, 2020

Securing Payment or Forbearance in the Time of COVID-19

*Hodgson Russ Business Litigation and Bankruptcy & Restructuring Alert*, June 22, 2020

Uptick in Investor Class Action Lawsuits Expected Due to COVID-19

*Hodgson Russ Class Action Litigation Alert*, May 29, 2020

SEC Discusses COVID-19 Pandemic-Related Enforcement Priorities

*Hodgson Russ Business Litigation Alert*, May 22, 2020

Preparing Your Required COVID-19 Health and Safety Plan for Business Reopening in New York State

*Hodgson Russ OSHA and Business Litigation Alert*, May 13, 2020

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Failing to Protect Against COVID-19: Can My Business Be Sued?

*Hodgson Russ Business Litigation Alert*, April 22, 2020

Authorities Are on Alert for Insider Trading - Is Your Business at Risk?

*Hodgson Russ Business Litigation and Securities Regulation & Corporate Compliance Alert*, April 22, 2020

Violating Price-Gouging Laws May Subject Businesses to Civil and Criminal Penalties

*Hodgson Russ Business Litigation Alert*, April 15, 2020

Re-tooling Your Business to Respond to the Coronavirus Pandemic? Here's What You Need to Know

*Hodgson Russ Business Litigation Alert*, April 9, 2020

New York and Federal Lawmakers Ease Professional Practice, Licensing, and Documentation Requirements in Response to COVID-19 Pandemic

*Hodgson Russ Healthcare Alert*, April 9, 2020

## **Professional Affiliations**

- New York State Bar Association
- Women's Bar Association of the State of New York
- Bar Association of Erie County

## **Community & Pro Bono**

- Western New York Chapter of the Alzheimer's Association board of directors and Advocacy and Public Policy Committee
- Theatre of Youth Company, Inc. board of directors, Executive Committee (Secretary), Fundraising Committee (Co-Chair), Annual Brew Bash (Event Chair, 2017 and 2018)
- Former summer intern for the Erie County Bar Association Volunteer Lawyers Project