Hodgson Russ LLP ATTORNEYS

JULIA M. HILLIKER

Partner

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Julia focuses her practice on trial work and complex litigation. Her areas of focus include business disputes and resulting litigation, environmental litigation, products liability, school district litigation, and employment litigation. She regularly counsels businesses in resolving disputes among management and has litigated various business dissolution matters.

In 2016, she successfully represented minority shareholders who were oppressed in petitioning for dissolution of the corporations. In the environmental context, she has successfully challenged the New York State Department of Environmental Conservation in Article 78 proceedings. She has represented an agricultural chemical company in litigation over selection of RCRA corrective action for arsenic in soils. She also recently secured summary judgment on behalf of a Fortune 1000 company after it was sued by numerous local residents alleging that toxic exposure to the company's operations caused personal injury and property damage claims. She also frequently handles appeals and recently successfully argued an issue of first impression regarding the labor law to New York's highest court, the Court of Appeals. In addition, Julia advises international clients on product liability and insurance issues for manufacturers and distributors wishing to enter the U.S. market.

Julia regularly speaks at CLEs on various topics, including the firm's annual school conference and labor law matters. Julia's past experiences include an internship at the U.S. Attorney's Office for the Western District of New York as well as employment at Housing Opportunities Made Equal, an organization dedicated to the enforcement of federal and state laws prohibiting housing discrimination. Julia was also previously awarded a two-year research fellowship with the Department of Human Resources for the City of Buffalo, where she assisted in disciplinary hearings, general grievances, and contract negotiations.

The Guaranty Building
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Practices & Industries

Business Litigation

Environmental

Product Liability & Complex Tort

Class Action Litigation

Employment Litigation

Corporate Governance & Compliance

Education

Manufacturing

Oil & Gas

Admissions

New York

U.S. Court of Appeals, Second Circuit

U.S. District Court, Northern District of New York

U. S. District Court, Western District of New York

U.S. District Court, Western District of Michigan

Pro hac vice admissions, California and Pennsylvania

Attorney advertising. Prior results do not guarantee a similar outcome. Practice restricted to U.S.

Honors

- Listed, *Best Lawyers in America* (Commercial Litigation, Product Liability Litigation - Defendants) 2023 - 2024
- Listed, *Upstate New York Super Lawyers* (Business Litigation) 2022 - 2023
- Listed, *Upstate New York Super Lawyers* Rising Stars, (Business Litigation) 2013 - 2021
- *Listed, Business First/Buffalo Law Journal*'s Legal Elite of Western New York, 2013 - 2014, 2019 - 2020
- *Buffalo Business First's* 40 Under 40, 2018
- *Buffalo Business First*'s Who's Who in Law 2012
- Former symposium editor, *Notre Dame Law Review*
- Member, Notre Dame trial team
- Moot-Court First Speaker Award
- Full fellowship recipient, University of Notre Dame Law School
- Phi Alpha Delta law fraternity
- Canisius Raichle Scholar
- Canisius Dillon Scholar
- Pi Sigma Alpha National Political Science Honor Society
- Alpha Phi Sigma National Criminal Justice Honor Society
- Alpha Sigma Nu National Jesuit Honor Society

Education

Canisius College, B.A., summa cum laude

University of Notre Dame, J.D., magna cum laude

Experience

In a favorable decision obtained by Hodgson Russ attorney Julia M. Hilliker for defendant-appellees Warner and Shirley Martin, New York State's highest court, the Court of Appeals, affirmed earlier summary judgment decisions issued by the Supreme Court and Fourth Department dismissing the plaintiff-appellant's claim that Mr. and Ms. Martin, as owners of the manufacturing facility leased to plaintiff's employer, were liable for the plaintiff-appellant's injuries. The plaintiff-appellant alleged that the Martins (among others) were liable for injuries he sustained when the ladder he was working on while cleaning a wall module manufactured by his employer broke, causing him to fall to the ground. The plaintiff's claim was based on the argument that his activity of cleaning a structure was protected by Labor Law § 240 (1), which states in part: *All contractors and owners and their agents, except owners of one- and two-family dwellings, who contract for but do not direct or control the*

work in the erection, demolition, repairing, altering, painting, cleaning, or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes, and other devices which shall be so constructed, placed, and operated as to give proper protection to a person so employed. The court disagreed with the plaintiff's argument, holding that the plaintiff was not engaged in an activity protected by the statute. The court opined that Labor Law § 240 (1) is chiefly concerned with the safety of workers in the construction industry, not workers cleaning products in the course of a manufacturing process. Adopting the argument advanced by the Martins, the court found that to uphold the plaintiff's argument "would lead to an expansion of section 240 (1) liability that our cases do not support and that we are convinced the Legislature never intended." The decision is a significant victory for manufacturers and the owners of manufacturing facilities across New York State. For more information, please consult the court's official opinion.

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 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.

Hodgson Russ was appointed by the U.S. District Court for the Western District of New York to be lead counsel in an aviation wrongful death action involving the death of 50 people. The firm also represented seven of the victims' families. Cases were started all over the country, but were consolidated in a multidistrict litigation proceeding in Western New York, where Hugh M. Russ, III, the lead attorney for the Hodgson Russ team, has his primary office. The case has resulted in seven-figure settlements for each of the seven families we represented.

Hodgson Russ LLP successfully represented minority shareholders in a dissolution proceeding of a family of very lucrative closely held corporations. After a disagreement among management, the majority shareholder fired one of the minority shareholders. The parties engaged in negotiations, but were ultimately unable to salvage the relationship. The minority shareholders then petitioned for dissolution and were awarded summary judgment. Thereafter, a trial date was set to value the minority shareholders shares. Ms. Hilliker engaged several experts including but not limited to a geologist, an art appraiser, and a forensic accountant to assist in conducting a full valuation of the corporations at issue. The matter settled favorably at trial.

Hodgson Russ LLP obtained summary judgment dismissing all claims brought by shareholders against a former director and lenders for alleged breaches of fiduciary duty, unjust enrichment, and other claims surrounding the sale of a company.

Attorneys from Hodgson Russ LLP, led by Hugh M. Russ, III and Julia M. Hilliker, secured a victory on behalf of client Portville Central School District at the New York State Court of Appeals. The Court of Appeals is New York State's highest court. The decision, which protects the school district's statutory right to terminate a non-tenured administrator at any point during a statutorily mandated three-year probationary period, constitutes a victory for all districts and school boards statewide.

In the News

Schools Face Millions in Child Victims Act Payments, but Proposed State Relief is Stalled
The Buffalo News, July 30, 2023

Should Courts Keep Secret IDs of Alleged Child Sex Abuse Victims Filing Lawsuits?
Buffalo News, November 16, 2019

Press Releases

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List
August 23, 2023

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*
August 17, 2023

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 23, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2022

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 20, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers
Hodgson Russ Press Release, September 8, 2020

Eight Hodgson Russ Attorneys Named to 2019 Buffalo Business First Legal Elite
Hodgson Russ Press Release, September 23, 2019

Sixty Hodgson Russ Attorneys Named to 2019 Upstate New York Super Lawyers
Press Release, August 12, 2019

Julia Hilliker Named to 2018 Buffalo Business First 40 Under 40
Press Release, October 10, 2018

Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers
Press Release, August 20, 2018

Publications

U.S. Department of Education Announces Long-Awaited Final Title IX Regulations
Hodgson Russ Education Alert, April 25, 2024

NYSDEC Releases New Draft Guidance Related to Discharges of PFOA, PFOS and 1,4-Dioxane for Public Review and Comment
Hodgson Russ Environmental Alert , January 25, 2024

New York Passes the Adult Survivors Act – Every Organization Should Prepare Now
Hodgson Russ Business Litigation Alert, May 25, 2022

New York Court of Appeals Reverses Multimillion Dollar Verdict
Hodgson Russ Product Liability & Complex Tort Alert, May 10, 2022

Trends in Product Liability Litigation & Legislation in New York - May 2022
Hodgson Russ Product Liability Litigation & Legislation Quarterly Update, May 2022

Updated Alert on Revised ASTM Standard
Hodgson Russ Environmental Alert, March 22, 2022

Trends in Product Liability Litigation & Legislation in New York - January 2022
Hodgson Russ Product Liability Litigation & Legislation Quarterly Update, January/February 2022

On the Horizon: A Revised ASTM Standard for Conducting Phase I Environmental Site Assessments
Hodgson Russ Environmental Alert, November 5, 2021

EPA Announces Two Proposed Rulemakings to Regulate PFAS Under RCRA
Hodgson Russ Environmental Alert, November 2, 2021

EPA Announces a Multifaceted Approach to Regulating PFAS
Hodgson Russ Environmental Alert, October 20, 2021

Presentations & Events

Kaleida Ball 2024
"A Night to Remember"
Kaleida Health Foundation, Buffalo Convention Center, March 2, 2024

38th Annual School Client Conference
Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, January 13, 2023

School Client Conference Webinar Series 2021
January 15, 22, and 29

Hodgson Russ Webinar: Child Victims Act and Mandatory Reporting of Child Abuse
October 1, 2019

Mitigating Risk
Community Health Center of Buffalo, April 17, 2019

A Discussion of the Court of Appeals Case Forman v. Henkin
Batavia, New York, September 13, 2018

Professional Affiliations

Julia is a member of the National Institute of Trial Advocacy and a graduate of the organization's intensive training program. She is also a member of the American Bar Association and Bar Association of Erie County.

Community & Pro Bono

Julia, a Hodgson Russ Partner, is a member of the ECMC Lifeline Foundation, Inc. board of directors, a board member of the Roswell Park Alliance Foundation, co-chair of the Notre Dame Attorney Alumni Group for Western New York, co-captain of Hodgson Russ's annual Ride for Roswell team for the past decade, and a member of the Desmond Law Society at Canisius College. She has also served on the committee for the Roswell Park Cancer Institute All Star Galas from 2013 to present. Julia is a former board member of the National Kidney Foundation of Western New York. She is also involved in local recruiting efforts for the University of Notre Dame Law School.