



EMILY J. FLORCZAK

Associate

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Emily is an associate in the firm's Business Litigation Practice. She focuses her practice on complex torts, employment and non-competition matters, intellectual property, and municipal law. Emily also has substantial experience defending school districts in Child Victims Act litigation.

Emily is a member of the firm's Antitrust, Trade Regulation & Anticorruption Practice. She assists clients with Hart-Scott-Rodino ("HSR") filings before the Federal Trade Commission and the Antitrust Division of the Department of Justice, government investigations, and antitrust compliance.

In addition, Emily advises on U.S. Department of Agriculture and Food and Drug Administration regulations, assisting with advertising, labeling, and product compliance.

Honors

- Listed, *Upstate New York Super Lawyers Rising Stars (Antitrust Litigation) 2023*
- Robert J. Connelly Award for Excellence in Trial Advocacy
- Teaching Fellow, Civil Procedure: University at Buffalo School of Law

Experience

A Hodgson Russ team led by Patrick Hines, Ryan Lucinski, and Emily Florczak secured victory for a publicly-traded company in a lengthy jury trial in New York state court. The case arose out of a love triangle among current and former company employees, where an employee was accused of harassing and stalking an ex-girlfriend and her boyfriend-turned-husband at work and off hours with the use of company equipment. The plaintiffs sued our client under a number of tort theories, all but one of which were dismissed on summary judgment and on appeal. Plaintiffs' negligent retention claim remained for trial. In short, plaintiffs claimed that our employer acted negligently in supervising and retaining the allegedly-offending

The Guaranty Building
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Practices & Industries

Antitrust, Trade Regulation & Anticorruption

Business Litigation

Employment Litigation

Food & Beverage

Intellectual Property Litigation

Municipal

Product Liability & Complex Tort

Real Property Tax Assessment & Eminent Domain

Bar Associations

New York State Bar Association

Bar Association of Erie County

Women's Bar Association of New York, Western New York Chapter

Admissions

New York

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

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employee, and that it failed to adequately investigate plaintiffs' complaints of harassment, all of which caused them harm. Plaintiffs sought compensatory damages for emotional distress and punitive damages. After four weeks of proof, which included testimony from 15 lay and expert witnesses, the jury took 45 minutes to return a unanimous verdict in favor of our client. The jury did find that the allegedly harassing employee (now deceased) acted negligently, but his estate is judgment proof.

In the News

Cadence Bank Announces Agreement to Sell the Insurance Operations of Cadence Insurance to Arthur J. Gallagher & Co.

Cadence Bank (Press Release), October 24, 2023

New York Court Sides with Masons in Property Exemption Suit

Tax Notes State, May 8, 2023

Hodgson Russ Team Wins Dismissal of Patent Case

April 2023

People's United Bank Agrees to Sell People's United Insurance Agency to AssuredPartners

Yahoo! Finance, September 22, 2020

Press Releases

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

August 23, 2023

Hodgson Russ Announces Three Newly Elected Partners, Six Attorneys Promoted to Senior Associate

Hodgson Russ Press Release, January 17, 2020

Publications

2024 Assessment Model Finalized for Solar and Wind Projects in New York: Will Project Tentative Assessments on May 1 be Accurate?

Hodgson Russ Renewable Energy Alert, May 2, 2024

The Battle After *Warhol*: Tattoos as Artwork or Infringement?

Hodgson Russ Intellectual Property Litigation Alert, April 24, 2024

Education

University at Buffalo, B.A., cum laude

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

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AI Lawsuit May Eclipse Claims of Fair Use

Hodgson Russ Intellectual Property Litigation Alert, April 5, 2024

Diamonds Are Forever, But New York Tax Exemptions Are Not

Hodgson Russ Real Property Tax Assessment & Eminent Domain Alert, January 29, 2024

Music Copyrights on a Roll – Read and Listen to Hear the Latest

Hodgson Russ Intellectual Property Litigation Alert, October 6, 2023

Taco Bell Throws Its Hat in the Ring to Free “Taco Tuesday” from Trademark Protection

Hodgson Russ Intellectual Property Litigation Alert, May 30, 2023

What’s in Your “Secret Sauce?” The FTC’s Proposed Rule to Ban Noncompetes and Considerations for Food and Beverage Businesses

Hodgson Russ Food & Beverage Alert, May 3, 2023

Copyright Claims of Cosmetic Company Continue to Trial

Hodgson Russ Intellectual Property Litigation Alert, March 23, 2023

Chick-fil-A Confirms Data Breach

Hodgson Russ Food & Beverage Alert, March 20, 2023

Luxury Fashion Designer Earns Its Stripes In Trademark Victory Against adidas

Hodgson Russ Intellectual Property Litigation Alert, January 27, 2023

Presentations & Events

U.S. Legal Issues for European Companies Webinar Series

February 24, 2023

Virtual Bridge Market Entry Program – Introduction to Software Licensing in the U.S.

Finnish American Chamber of Commerce, March 14, 2022

A Primer on Pricing: Before, During, and After COVID-19

December 9, 2020

Professional Affiliations

- New York State Bar Association
 - Antitrust Law Section
 - Trial Lawyers Section
 - Young Lawyers Section
- Bar Association of Erie County

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- Women's Bar Association of New York, Western New York Chapter

Community & Pro Bono

- Board Member, (Frank Lloyd Wright) Graycliff Conservancy, Inc. Board of Directors, September 2023 to Present
- Board Member, Neglia Conservatory of Ballet Board of Directors, August 2021 - August 2023