

KARIM A. ABDULLA
Finnerty Osterreicher & Abdulla
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SUMMARY

Experienced civil litigation attorney with a proven track record of successful client representation from Buffalo City Court through to the Second Circuit Court of Appeals. Representative clients include large corporate entities, including media organizations and utility providers, and government agencies. Experienced in a wide range of matters including: media law (defamation defense, prepublication review, FOIL/FOIA issues, and access matters); employment law (defense of wrongful termination and alleged civil rights violations claims); creditor's rights (FDCPA claims and bankruptcy matters); intellectual property law (trademark and copyright); professional liability defense (legal and medical malpractice); environmental law (CERCLA, RCRA, Clean Air Act and New York State Navigation Law); toxic tort and products liability law; whistle-blower litigation; and insurance coverage analysis. Highly adept in research and analysis concerning complex statutory and regulatory schemes. Committed to fostering a diverse workplace, giving back to the community, and actively involved in pro bono activities.

Duties, responsibilities and experience include: preparation of initial pleadings, discovery demands and responses; expert and lay witness interviews, witness preparation, and taking and defending depositions; factual investigation and document review and analysis; advocacy appearances before New York's state and federal courts including prosecuting and defending motion practice, and prosecuting and defending appeals; negotiating with opposing counsel and administrative (governmental) agencies to achieve desired results; and advising clients with regard to litigation holds, document retention policies and ESI management.

LEGAL EXPERIENCE

September 2019 – Present
Founding Member, Finnerty Osterreicher & Abdulla
Buffalo, New York

Responsible for all aspects of litigation (from initial pleadings through appeals), client counseling, and law firm operations (including contracts, legal billing, etc.)

October 2007-September 2019:
Special Counsel, Barclay Damon LLP (formerly Hiscock & Barclay, LLP)
Buffalo, New York

Member of firm's Diversity and Inclusion Team and co-author of firm's Diversity and Inclusion Policy Statement, 2011 Recipient of Hiscock & Barclay's *Pro Bono Attorney of the Year* Award, and 2014, 2015 and 2016 Empire State Counsel® designee.

July 2000-October 2007:

Associate Attorney, Stenger & Finnerty

Buffalo, New York

- Preparation of initial pleadings, discovery demands and responses; document review; FOIL demands; factual investigations; and prosecuting and defending motion practice.
- Extensive research (including LEXIS and Westlaw), analysis and writing skills.
- Primary author of numerous legal briefs and memoranda both in support of successful dispositive motions as well as in defense and prosecution of appeals.
- Assisted and advised firm concerning technology integration and rollout.

United States District Court, Western District of New York (1999)

Volunteer Law Clerk

- Volunteer Law Clerk for Hon. John T. Elfvin.
- Review outstanding habeas corpus writs and pending motions, extensively research issues and prepare draft opinions for judicial review and approval.

ELFVIN & BESSER, Cleveland, Ohio (1997-1999)

Law Clerk

- Law Clerk for boutique firm specializing in labor and employment law.
- Responsibilities included extensive legal research, drafting of briefs and legal memoranda on complex legal issues, preparation of discovery demands and responses, and trial preparation.
- Assisted and advised firm concerning technology upgrades and maintenance.

EDUCATION

Case Western Reserve University Franklin Thomas Backus School of Law, Cleveland Ohio

Juris Doctor, May 1999

- Graduated in top third of class, overall GPA of 3.33.
- Dean's Honor List 06/28/1998 and 02/15/1999.
- Recipient of CALI Excellence for the Future Award for Outstanding Pretrial Practice Skills.
- Gained practical experience through participation in Criminal Defense Clinic.
- Assisted with organization of class activities.

University of South Florida, New College (Sarasota) Campus

Post Graduate Studies, 1995-1996

- Successfully completed, while employed full-time, several investigatory and substantive law classes in anticipation of attending law school.
- 4.0 GPA.

McMaster University, Hamilton, Ontario, Canada

Bachelor of Arts, June 1994

- Political Science major with minor in Economics, senior year GPA of 3.5.
 - Lead oarsman for Varsity Rowing Crew.
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Admitted to Practice

- New York State
- US District Court for the Western District of New York

Bar Associations

- Bar Association of Erie County
 - New York State Bar Association
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Representative Experience

- Represented a television station and its reporter against defamation claims. The Onondaga County Supreme Court held that the plaintiff was a limited-purpose public figure who failed to establish either “actual malice” or gross irresponsibility in publishing the reports. Summary judgment was granted to the media defendants, and the plaintiff’s claims were dismissed in their entirety. The Fourth Department upheld the dismissal in its entirety.
- Represented a major utility against claims seeking to impose liability for a fire originating in the building’s service entrance. The Erie County Supreme Court awarded summary judgment, and the matter was not appealed.
- Represented a major media client against defamation claims brought against a television station and its reporter. The Erie County Supreme Court granted summary judgment, and the decision was affirmed by the Appellate Division, Fourth Department.
- Represented a major utility in an environmental remediation (PCB clean-up) matter. Obtained summary judgment on the ground that the plaintiff had not proven a sufficient nexus between the client and the site contamination. The decision was affirmed by the US Court of Appeals for the Second Circuit.
- Represented a major newspaper and its reporter against defamation claims. Obtained summary judgment on the basis of a lack of actionable fault by the defendants. The decision was affirmed by a majority of the Appellate Division, Fourth Department and upheld by the Court of Appeals.
- Represented a major newspaper and its reporter against defamation claims. The Erie County Supreme Court held that the plaintiff was a limited-purpose public figure who was required to show “actual malice” in the publication and had failed to do so. Summary judgment was granted to the media defendants, and the plaintiff’s claims were dismissed in their entirety.
- Represented a major newspaper against claims of defamation arising out of a series of articles covering judicial and official proceedings. The Erie County Supreme Court granted summary judgment to the media defendant on the ground that the reports were privileged pursuant to Section 74 of New York’s Civil Rights Law.
- Represented and defended a major utility against claims brought in Supreme Court under CERCLA and RCRA, as well as various state-law claims. The federal claims were dismissed as being improperly brought in the wrong forum, and the state-law claims were dismissed as untimely. The decision was upheld by the Appellate Division, Second Department.
- Represented a major newspaper against defamation claims. The Erie County Supreme Court granted summary judgment to the defendants on the ground that the media defendants did not

act in a grossly irresponsible manner in publishing the complained of article. The decision was upheld by the Appellate Division, Fourth Department.

- Represented a major utility against negligence and breach of contract claims and obtained summary judgment in favor of the utility.
 - Defended area health care providers against negligence claims and negotiated favorable resolutions to the matters.
 - Pre-publication libel review of nonfiction manuscripts for a NY-based publishing house.
 - Successful representation of pro-bono clients in tax- and immigration-related matters.
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Selected Speaking Engagements

- WNYPA April General Membership Meeting, "Defamation Cases and the Communications Decency Act of 1996"
- Lorman Education Services CLE, "What You Need to Know About Public Records and Open Meetings"
- Erie County Bar Association Noonday CLE, "Getting Information From Your Government: Opportunities and Obstacles Under FOIA and FOIL"
- Investigative Reporters and Editors/Society of Professional Journalists Seminar, "Better Watchdog Workshop"
- Investigative Reporters and Editors, Inc., "Notes and Practice Pointers Regarding New York Open Records and Open Meetings Laws"

Selected Publications & Media

- Media Law Resource Center *MediaLawLetter*, "NY Court of Appeals Grounds Air-Freight Libel Plaintiff"
- Media Law Resource Center *MediaLawLetter*, "Rival Vanquished: NY Appellate Court Affirms Dismissal of Defamation Claim"
- Media Law Resource Center *MediaLawLetter*, "Buffalo News Wins Summary Judgment: Strong Headline Makes for Strong Headline Law"