



## Daniel J. Pautz

### Member

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### Profile

**Daniel is a trial attorney who handles a wide range of litigation matters on behalf of individuals, corporations, insurance companies and public entities. He is well-versed in all phases of civil litigation, including investigations, pretrial discovery and motion practice. Daniel has successfully tried numerous cases to verdict in New York state and federal courts, and has represented clients in the Appellate Division.**

Daniel's practice focuses on litigating business and commercial disputes for clients ranging from large institutions to small businesses. He also has extensive experience in defending toxic tort and other negligence claims in the areas of products liability, premises liability and motor vehicle accidents. Daniel has also represented clients against claims of professional malpractice, and has considerable experience in the areas of criminal defense and collection law.

Daniel has been named to the *Upstate New York Super Lawyers Rising Stars* list every year since 2013.

In addition to his practice, Daniel donates a significant amount of time to the firm's pro bono initiatives, including Syracuse City Court Eviction Defense Clinic.

### Representative Matters

#### Trial / Alternative Dispute Resolution (ADR) Experience

- Conducted jury trial in U.S. District Court for the Northern District of New York involving civil rights action filed by inmate against New York State Department of Corrections.
- Obtained plaintiff's verdict on behalf of non-profit club that accused former director of misappropriating funds following a week-long jury trial in U.S. District Court for the Western District of New York.
- Conducted week-long trial in U.S. District Court for the Southern District of California involving contractual dispute between inventor and manufacturer of machined parts.
- Obtained multiple not guilty verdicts and negotiated favorable plea bargain dispositions on behalf of clients charged with various Misdemeanor and Felony level offenses, including, Driving While Intoxicated (DWI), Criminal Mischief, Criminal Nuisance, Petit Larceny, Possession of a Forged Instrument, and Assault.

### Education

- University at Buffalo School of Law (J.D., *cum laude*, 2008)
- Niagara University (B.S., *summa cum laude*, 2005)

### Bar/Court Admissions

- New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

### Practices

- Toxic Tort and Environmental Litigation
- Litigation
- Financial Institutions Regulatory
- Essential Resources for Business

- Obtained plaintiff's verdict following bench trial in local court in connection with an action brought by an insured against his insurer involving the valuation of a "totaled" vehicle.
- Obtained defense verdict following multi-day bench trial in New York State Supreme Court in connection with an action brought by the owner of a commercial vehicle against a body shop.
- Obtained favorable verdict following bench trial in New York State Supreme Court on the issue of damages in connection with a motor vehicle accident.
- Represented individual accused of conspiring to distribute cocaine in connection with a jury trial in U.S. District Court for the Northern District of New York.
- Represented Section 3 of the New York State Public High School Athletic Association in connection with multi-day arbitration hearing.
- Assisted in conducting FINRA arbitration in connection with a \$900,000 claim for commissions brought by a former broker.

#### **Appellate Division Experience**

- Obtained reversal by the Appellate Division, Fourth Department of a trial court decision denying motion for summary judgment in connection with an action against a broker-dealer involving a failed investment.
- Briefed and argued multiple Unemployment Insurance Benefit cases in the Appellate Division, Third Department on behalf of various purported employers.
- Obtained reversal by the Appellate Division, Third Department of a trial court decision denying motion for summary judgment in connection with a breach of contract action based on an alleged de facto merger.

#### **Trial Court Experience**

- Obtained summary judgment in Federal Bankruptcy Court in Connecticut on behalf of a university client in connection with a fraudulent transfer action brought by trustee seeking to recover tuition payments.
- Obtained summary judgment on behalf of a municipality in connection with a slip and fall action.
- Obtained summary judgment in connection with a defamation action brought by a former employee.
- Obtained summary judgment in action arising from a motor vehicle accident on the basis of a lack of "serious injury" as defined by the New York State Insurance Law.
- Obtained summary judgment on behalf of a property owner in connection with a lead paint exposure action.
- Successfully argued motion to vacate an arbitration award on behalf of the New York State Motor Vehicle Accident Indemnification Corporation (MVAIC).
- Defeated a motion to dismiss filed by the owner of a dinner boat on Keuka Lake in connection with an action involving alleging violations of the New York Navigation Law and other local ordinances.
- Successfully argued a motion to dismiss in connection with a contempt action brought by a judgment-creditor alleging failure to adequately respond to CPLR Article 52 demands.

#### **Negotiated Resolutions**

- Negotiated favorable settlement on behalf of a university in action brought by contractor in connection with a multi-million dollar construction project.
- Negotiated favorable settlements on behalf of property owners in more than fifty lead paint exposure actions seeking multiple millions of dollars in damages.
- Negotiated favorable settlement on behalf of electrical contractor in connection with an ERISA action brought by a union and corresponding employee benefit fund seeking more than \$650,000 in allegedly unpaid fringe benefit contributions.
- Obtained favorable settlement for public school district following mediation in connection with a breach of contract action brought by architect.

#### **Other Experience**

- Represented multiple owners/operators of hotels, restaurants and retail locations in connection with actions brought by disabled individuals alleging violations of the Americans with Disabilities Act based on website accessibility.
- Represented financier of farm equipment and other heavy machinery in courts across New York State in connection with collection and replevin action.
- Represented small business in connection with theft of corporate funds by former employee, including commencing an action against the former employee, coordinating with District Attorney regarding criminal prosecution, and working with insurance carrier to recoup funds.

#### **Honors & Affiliations**

- Listed in:
  - *New York Super Lawyers®*, Business Litigation, 2024
  - *New York Super Lawyers®*, Upstate New York Rising Star, Business Litigation, 2018-2022
- New York State Bar Association
- Onondaga County Bar Association

#### **Representative Presentations**

- An Interview with Daniel Pautz, Bond Elmira, Legally Bond Podcast, July 17, 2023
- Panelist, Workers' Compensation Lien Recovery, Loss Transfer, Third Party Actions, Grave Injury and Settlement of Third-Party Actions, PMA Management Claims Managers, April 7, 2021
- Managing in Year 2 of a Pandemic, Moderator, Chemung Chamber of Commerce, February 16, 2021
- The Long Road to Recovery – Legal Issues Related to COVID-19 Webinar, Chemung Chamber of Commerce, September 16, 2020
- COVID-19 and the Road to Recovery Webinar, Chemung Chamber of Commerce, May 14, 2020

#### **Other Activities**

- Board of Trustees and Past President, Onondaga Free Library

- Member, SUNY Buffalo Law Alumni Association Central New York Chapter Steering Committee
- Coach and Attorney Advisor, Cicero-North Syracuse High School Mock Trial Team
- Volunteer Coach for Geddes Little League