



## Edward P. Hourihan, Jr.

### Member

ehourihan@bsk.com  
350 Linden Oaks  
Third Floor  
Rochester, NY 14625-2825  
(585) 362-4712  
(585) 362-4701 fax

600 Third Avenue, 22nd Fl  
New York, NY 10016-1915  
(646) 253-2359

### Profile

**Edward is a litigation attorney and managing member of the firm's Rochester office. He handles a broad array of business and commercial disputes at the trial and appellate levels in both state and federal courts in Rochester, New York and several other jurisdictions.**

Edward represents Fortune 500 companies; large corporations; service, manufacturing, technology companies; insurance carriers; municipalities; and public and private institutions. His practice is dedicated to litigating complex corporate business disputes, intellectual property disputes, government investigations, construction disputes, contractual breaches, insurance defense claims, land use/planning and zoning actions. Edward has and is representing parties in complex trust and estates litigation.

Edward has represented over 50 owners in all aspects of construction law, including contract negotiation, claims consulting, and litigation and arbitration. In the last 10 years, he has counseled clients, including colleges, school districts, hospitals and other public and private entities, in connection with numerous construction projects the value of which collectively exceeds \$1 billion. Edward has lectured and published on a variety of topics, including trial practice, business law, construction law and subrogation law.

### Representative Matters

- *Eastman Kodak Company v. LSW Industries, Inc. (Supreme Court and Appellate Division)*: Summary judgment in favor of Eastman Kodak Company in litigation arising out of a multi-million dollar contract dispute.
- *LSW v. Kodak (United States District Court, Western District of New York)*: Summary judgment in favor of Kodak in discrimination claim.
- *HH Warner v. Rochester Genesee Regional Transportation Authority (Supreme Court and Appellate Division)*: Successful defense of Transportation Authority at trial court, appellate court and Court of Appeals in claims brought to prevent construction of transportation facility.
- *Polny v. Greyhound (Superior Court, Waterbury, CT)*: Jury defense verdict in favor of transportation company following jury trial in defense of multi-million dollar personal injury claim.

### Education

- Western New England University School of Law (J.D. 1990)
- Siena College (B.A. 1987)

### Bar/Court Admissions

- New York
- Connecticut
- U.S. Court of Appeals for the Second Circuit
- 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
- U.S. District Court for the District of Connecticut

### Practices

- School Law
- Health Care
- Litigation
- Tax Assessment, Condemnation & Property Valuation
- Agribusiness
- Higher Education
- Manufacturing
- Municipalities
- Real Estate and Construction
- Business and Transactions
- Class and Collective Action Litigation

- *Excellus Blue Cross Blue Shield v. Federal Express (Supreme Court and Appellate Division)*: Successful defense of Excellus Blue Cross Blue Shield in an action to extinguish significant subrogation claim.
- *Daniele v. Clover Lanes, Inc. (Supreme Court Commercial Part)*: Successful enforcement of right of first refusal in commercial real estate development dispute.
- *Upstate Telecommunications Corp. (UTC) and Monroe Security and Safety Systems (M3S) (Attorney General Investigation)*: Representation of UTC LDC concerning New York State Attorney General investigation and impaneled grand jury concerning LDC's contracts.
- *ADCO Electrical Corp. v. Automated Logic Division of United Technologies (Federal District Court, Southern District of New York)*: Successful representation of multimillion dollar construction claim surrounding the construction of Goldman Sachs' corporate offices in Manhattan.
- *East Coast Electric v. Livonia Central School District (Supreme Court, Livingston County)*: Successful defense settlement after jury trial. Plaintiff withdrew claim at conclusion of expert trial testimony.
- *Parker v. Genesee Hospital (Supreme Court, Monroe County)*: Article 78 Trial: Successful settlement on behalf of hospital after jury trial of personal injury claim.
- *Ecogen v. Town of Prattsburgh (Supreme Court)*: Successful defense of municipality in connection with wind energy project.
- *Finger Lakes Racing Association v. New York Racing Association (Supreme Court, Albany County and Supreme Court, Ontario County and Appellate Division, 3rd Department)*: Successful judgment in favor of New York Racing Association in multi-million dollar parimutuel revenue dispute.
- *D'erredita v. Village of Waterloo (Supreme Court, Seneca County)*: Nuisance value tort settlement after jury trial of claims against municipal client.
- *Picotte v. Community Child Care Center (Fed. District Court WDNY)*: Jury verdict in favor of employer in reverse discrimination lawsuit.
- *Estate of Davis v. City of Rochester*: Successful jury verdict in wrongful death claim.
- *Alexander Central School District v. Sear Brown Inc.*: Successful settlement after litigation in claim against design professional for professional malpractice.
- *Clarke v. Town of Penfield and YMCA*: Represented YMCA in successfully defeating challenge to Penfield Planning Board's decision to permit construction of new YMCA facility.
- *Giorgi v. Diocese of Rochester*: Favorable decision on behalf of the Diocese of Rochester permitting reconstruction of Diocesan Cathedral.
- *Allied Builders, Inc. v. Greece Central School District*: Summary judgment in favor of the Greece Central School District arising out of \$14 million dollar school construction contracts.
- *Babcock v. Rezak, State University of New York (United States District Court, Northern District of New York)*: Successful jury verdict in employment retaliation claim.

- Listed in:
  - *The Best Lawyers in America*®, Commercial Litigation; Construction Law; Litigation - Construction, 2010-2024 (listed for 15 years)
    - Lawyer of the Year (Rochester), Litigation - Construction, 2014, 2023
    - Lawyer of the Year (Rochester), Construction Law, 2013, 2017
  - *Chambers USA* 2024, Litigation – Upstate New York
  - *Martindale-Hubbell*®, AV Preeminent Rated
  - *New York Super Lawyers*®, Business Litigation, 2023 (listed for more than 10 years)
- New York State Bar Association
- Monroe County Bar Association
- New York Academy of Trial Lawyers
- *The Daily Record*, Power 20 - Litigation, 2022
- *The Daily Record*, Power 50 - Law, 2021, 2022, 2023
- *Rochester Business Journal*, Power 100, 2021, 2022, 2023, 2024
- *Rochester Business Journal*, Forty Under 40, 2004
- *The Daily Record*, Leaders in the Law Award, 2014
- Irish American Cultural Institute, Rochester Chapter's, Eoin McKiernan Achievement Award, 2014

## Representative Publications

- Featured in "Hope for Haiti Amid Disaster," *Rochester Beacon*, August 24, 2021
- "You Can Do It All: Deliver sophisticated services while creating a culture the market demands," *New York Law Journal*, May 9, 2016
- Co-Authored "The Prognosis for Recovery Health Insurance Subrogation," *New York State Bar Journal*, May 2008

## Representative Presentations

- An Interview with Edward Hourihan, Litigation, Legally Bond Podcast, February 7, 2022

## Other Activities

- Chair, Monroe County Bar Association, Judiciary Committee
- Past President, Seton Catholic School Foundation
- Past President, Board of Directors, Literacy Volunteers of Rochester
- Past President, Board of Directors, Norman Howard School
- Trustee, Max and Marian Farash Foundation
- Board of Directors, Chapin Manufacturing, Batavia, NY
- Past Director, Community Child Care Center
- Board of Directors, Education Success Foundation
- Board of Directors, Education Success Network
- Board of Directors, Haitian Health Foundation, Norwich, Conn., Jeremie, Haiti

- Board of Directors, Our Lady of Mercy School for Young Women
- President, Board of Directors, House of Mercy
- President, Board of Directors, JustCause
- Past Director, YMCA of Greater Rochester
- Certified Mediator, Federal District Court, WDNY
- Past Chair, United Way Tocqueville Society