



Amanda L. Nelson

Member

New York

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Amanda concentrates her practice on appellate work, construction and design defect cases, litigation stemming from construction accidents, and products liability and personal injury cases. She also has extensive experience in commercial and residential real estate litigation, including complex regulatory issues and New York City loft law matters, representing primarily building owners and managing agents.

Amanda's clients include construction companies, trucking companies, manufacturers, medical practices, commercial landlords, restaurateurs, building owners, condominium and cooperative boards, among others. She has gained significant trial experience, including first-chair experience, and has helped secure many important wins for her clients. For example, Amanda played an instrumental role in overcoming a plaintiff's effort to secure an injunction that effectively would have shuttered a popular New York City restaurant, which would have put approximately 100 people out of work.

Amanda has been involved in dozens of appellate proceedings, including drafting *amicus curiae* briefs to the Third Circuit Court of Appeals and the New York Court of Appeals. Her appellate experience ranges from cases centering on property damage to defamation and First Amendment rights to complex lease construction claims, among other issues.

Amanda earned her undergraduate degree, *magna cum laude*, from Baruch College of the City University of New York. She earned her law degree, *magna cum laude*, from New York Law School, where she was a John Marshall Harlan Scholar and an associate editor of the *New York Law School Law Review*.

Experience

Represented an anonymous blogger in two separate but related cases arising out of the same operative facts. The judge in both underlying cases required pre-action disclosure of the identity of said blogger, who allegedly defamed a candidate running for office in a local election, holding that because the blogger accused the candidate of, among other things, engaging in actions that were "downright criminal," disclosure that might enable the candidate to bring an action for defamation was required. The Appellate Division reversed and dismissed both actions, holding that no reasonable reader would understand the blog statements as anything other than rhetoric in the heat of a hotly contested election campaign, and, thus, not statements of fact, but protected opinion.

Represented a commercial landlord in a complex rent dispute litigation concerning the method of calculation of annual rent, which resulted in a determination of summary judgment in favor of the landlord, as affirmed by the Appellate Division, First Department.

Successfully represented a medical practice against the Department of Finance in an Article 78 proceeding, resulting in the annulment of the imposition of over \$1,800,000 in real estate taxes.

Represent construction companies in numerous actions brought pursuant to the New York Labor Law for personal injuries incurred on worksites.

Secured dismissal of negligence claims against a large national trucking company in the face of a \$2.5 million settlement demand by a personal injury plaintiff, whose damages claim included lost future

Practice Areas

- Appellate
- Real Estate Litigation
- Products Liability
- Real Estate

Education

- New York Law School, J.D., *magna cum laude*, 2004
- Baruch College The City University of New York, B.A., *magna cum laude*, 2001

Bar Admissions

- New York
- New Jersey
- Pennsylvania

Court Admissions

- U.S. District Court -- Southern District of New York
- U.S. District Court -- New Jersey
- U.S. District Court -- Eastern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Bankruptcy Court -- Eastern District of Pennsylvania
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. Supreme Court

Affiliations

Member, Defense Association of New York Amicus Committee
Member, Defense Association of New York Diversity Initiative

Awards & Honors

- 2015 Super Lawyers New York Metro, Rising Star Top Women - General Litigation

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earnings. After the trial court found that issues of fact precluded summary judgment, we convinced each member of a four-judge appellate panel that when a defendant merely furnishes the occasion for an accident, but the accident itself is caused by a superseding and intervening cause, the defendant is entitled to dismissal as a matter of law.

Obtained a jury verdict in favor of a manufacturer of truck seats in a products liability action in which the client was joined as a third-party defendant. The case centered on career-ending injuries a truck driver claimed to have sustained due to allegedly defective welds in the seat frame, which caused the seat to collapse. The matter went to trial on claims of manufacturing defect and negligence after we won summary judgment before the New York State Supreme Court Appellate Division on claims of breach of warranty and design defect. We convinced the jury that our client bore no fault for the plaintiff's injuries because the seat had been modified by his employer years after its manufacture. The plaintiff sought \$500,000 in lost earnings as well as damages for pain and suffering.

Won summary judgment on behalf of a construction manager as defendant in a breach of contract action centering on allegations that window leaks and improperly installed insulation compelled the plaintiff to give \$1.4 million in rent credits to a tenant and to reconstruct a wall of the 89,000 sq. ft. building at issue. The client repaired the minor leaks, and discovery revealed that the lease did not require that rent credits be given and that the client was not given an opportunity to inspect the allegedly faulty insulation before the wall was reconstructed. Discovery further revealed that the tenant had been in arrears from the inception of its lease, leading us to argue that the plaintiff issued the credits in an effort to recoup the arrearage from the client. In granting summary judgment in the client's favor, the court found that that the lease did not require the rent credits to be given, and thus they were a nonrecoverable voluntary payment; that the insulation claim was made outside of the warranty period of the construction contract; and that the plaintiff spoliated the insulation evidence, thus precluding the claim for replacing the insulation.

Successfully pursued an Article 78 proceeding to obtain an annulment of property taxes on behalf of our health care industry client based on the charitable exemption under New York tax statutes when the Department of Finance revoked the tax-exempt status of the client's property and imposed retroactive property taxes approaching \$1 million. This result was unanimously affirmed on appeal.

Obtained dismissal of an Article 78/declaratory judgment proceeding on behalf of a not-for-profit farming cooperative in a matter centered on competing interpretations of an agricultural easement and restrictive covenant.

Won summary judgment, and then successfully defended the decision on appeal to the Appellate Division, First Department, on behalf of an apartment building managing agent in a personal injury case stemming from injuries that a child allegedly suffered as a result of exposure to lead-based paint. The court, as affirmed, found that our client could not be held liable because it was not on notice that a child resided in the apartment at issue.

Obtained pre-answer dismissal of a complaint filed in New York alleging claims of forgery and fraud in connection with a dispute between citizens of China and Norway over the ownership of real property in China. In granting the motion to dismiss, the court accepted our arguments that the claims against our clients (individual co-defendants) were time-barred and precluded by a 2015 judgment of a Chinese court pursuant to the doctrines of comity and res judicata, and in the alternative should be dismissed on forum non-conveniens grounds.