



## Brian S. Gitnik

### PARTNER

New York

212.269.5500

bgitnik@grsm.com

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### RELATED SERVICES

- Commercial Litigation
- Professional Liability Defense
- Product Liability
- Employment
- Insurance
- Environmental & Toxic Tort

### OFFICES

- New York

### OVERVIEW

Brian is a trial attorney with 25 years of experience defending clients against executive financial, legal and other professional malpractice claims, as well as handling contracts, coverage and general liability cases in state and federal courts. He often handles labor and employment, defamation claims and premises cases as part of his practice. Brian is an experienced litigator and is personally involved in all aspects of his cases from inception, including motion practice and discovery, all the way through trial. He also offers advisory opinions through alternative dispute resolution (ADR) or privately negotiated settlement.

In addition to his full-time litigation practice, Brian offers continuing legal education sessions focusing on multiple facets of New York law to provide his clients CE credits in New York, Florida, Georgia and Texas.

## REPRESENTATIVE EXPERIENCE

- Obtained defense verdict for credit union client after a relative, joint account and beneficiary of a deceased credit union member claimed she was misinformed during a meeting with our client's employee that allegedly led her to mistakenly issue a check to another family member who refused to return the check; the jury unanimously returned a defense verdict, ruling in favor of our client.
- Prevailed on appeal after we led a motion seeking enforcement of a settlement agreement for our credit union client, and the lower court agreed with our position that a settlement agreement had been confirmed prior to a change in Plaintiff's counsel; Plaintiff's new counsel led an appeal and the appellate court upheld the lower court's decision, ruling in favor of our client.
- Obtained defense verdict on behalf of our client, a federally insured credit union, against Plaintiff who disputed fees and asserted Breach of Contract or Warranty, Breach of Fiduciary Duty, Unfair Deceptive Trade Practices, Violation of New York General Business Law Section 349, and Conversion; the jury found that Plaintiff could not prove breach of contract or any quantifiable measure of damages.
- Prevailed on defense verdict in a highly contested action against Plaintiff who alleged our truck driver client that specialized in collecting and disposing regulated substances sideswiped their motor vehicle; photographic evidence revealed it was Plaintiff's vehicle that crossed the traffic line.

## CREDENTIALS

### Admissions

- New York
- U.S. District Court, Northern, Southern, Eastern, and Western Districts of New York
- U.S. Court of Appeals, Second Circuit

### Memberships

- New York State Bar Association

### Education

- J.D., St. John's University School of Law, 2000  
- *St. John's University of Legal Commentary*, Notes and Comments Editor
- B.A., Political Science, State University of New York at Albany, 1997