



## James P. Youngs

*Partner*



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James P. Youngs is a partner in the Litigation Practice. He represents companies, organizations and individuals in a broad range of matters, including business and contract disputes, unfair competition and trade secrets claims, and environmental, construction, employment and products liability litigation.

Mr. Youngs is a member of the Intellectual Property Practice, defending and prosecuting trademark and copyright infringement cases, and helps clients develop, prosecute and monitor trademark and copyright portfolios before the United States Patent and Trademark Office and the United States Copyright Office.

Mr. Youngs also assists entrepreneurs, startup companies and emerging businesses in identifying, assessing and protecting their intellectual property assets and rights. He helps emerging companies that are in all stages of maturity develop and implement IP management and enforcement strategies, including registration, licensing and, when necessary, litigation. Mr. Youngs regularly advises new and existing businesses seeking to obtain Minority- and Women-owned Business Enterprise (MWBE) Certification with New York State and the federal government.

Prior to joining the Firm, Mr. Youngs was a law clerk at the United States Department of Justice, Office of Legal Policy, where he assisted with federal judicial nominations, including the nomination and confirmation of two United States Supreme Court Justices.

## PRACTICE AREAS

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- Appellate
- Litigation
- Commercial Litigation
- Insurance Litigation
- Products Liability Litigation
- Intellectual Property
- Startup & Emerging Business
- Construction
- Environmental
- Zoning & Land Use
- Family Business Succession Planning

## REPRESENTATIVE MATTERS

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- Obtained approximately \$500,000 for a client in compensatory and punitive damages arising from a party's interference with the client's railway easement.

- Successfully defended a hospital in a breach of contract lawsuit by a party seeking \$650,000, by obtaining summary judgment in the client's favor.
- Obtained a ruling from the federal district court for the Northern District of New York, effectively reducing a prejudgment interest award against a municipal client by approximately \$3 million.
- Removed a New York Attorney General's enforcement proceeding against a client to a federal court and thereafter obtained a favorable settlement after bringing a motion for partial summary judgment.
- Obtained partial summary judgment as part of team defending a client from an antitrust suit and assisted in the preparation of a no-cause verdict in a jury trial of claim for an interference with a contract.
- Defended a local business against trademark infringement, unfair competition and other Lanham Act claims brought by a national company in federal court, obtaining dismissal of the suit and favorable resolution by way of a coexistence agreement.
- Represented a client in an administrative appeal of a New York State Minority and Women-Owned Business Certification denial and assisted in obtaining recertification.
- Obtained summary judgment in favor of a client seeking contractual indemnification from a seller for costs associated with New York Department of Environmental Conservation remediation activities and directive.
- Obtained dismissal of landowner's federal civil rights complaint alleging inverse condemnation and other constitutional torts against an environmental remediation company acting as a contractor to New York State.
- Obtained summary judgement for approximately \$200,000 on behalf of a manufacturer in a breach of contract dispute.
- Obtained favorable settlement on behalf of a client after suing for breach of contract arising from the defective construction of a manufacturing facility.
- Successfully moved to dismiss Article 78 petition asserting land use and other claims challenging the construction of a client's multi-million dollar residential project.
- Obtained dismissal of Article 78 challenge to a multi-million dollar theater project based on the State Environmental Quality Review Act.
- Successfully moved to dismiss a §1983 lawsuit asserting First and Fourth Amendment claims against a judge, which involved novel issues of official immunity and Fourth Amendment jurisprudence.
- Won summary judgment on behalf of a client in a breach of contract case arising from a bid to perform environmental remediation and asbestos abatement work.
- Recovered a favorable settlement on behalf of a client who sustained serious and permanent personal injuries after being struck by a vehicle.
- Successfully moved for summary judgment in favor of a municipal client and law enforcement officers in a suit arising from an inmate's allegation of constitutional violations, which involved questions of first impression in the Second Circuit.
- Obtained the dismissal of a products liability suit against an out-of-state client based on the lack of New York court jurisdiction.
- Defended a trucking company in a Carmack Amendment case brought in federal court, obtaining a favorable settlement.

## REPORTED DECISIONS

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- *Scofero v. VNA Homecare Options, LLC*, 2017 WL 3097612 (W.D.N.Y. 2017)
- *Oneida Pub. Library Dist. v. Town Bd. of Town of Verona*, 153 A.D.3d 127 (3d Dep't 2017)
- *Deshotel v. Mandile*, 151 A.D.3d 1811 (4th Dep't 2017)
- *Shephard v. Ray*, 137 A.D.3d 1715 (4th Dep't 2016)
- *JGB Properties, LLC v. Ironwood, LLC*, 2015 WL 1399997 (N.D.N.Y. 2015)
- *Etasam, Inc. v. Syracuse Ass'n of Zeta Psi, Inc.*, 122 A.D.3d 1427 (4th Dep't 2014)
- *Pacherille v. Burns*, 30 F. Supp. 3d 159 (N.D.N.Y. 2014)
- *American Underground Engineering, Inc. v. City of Syracuse*, 2012 WL 3202853 (N.D.N.Y. 2012)

- *Murtaugh v. New York*, 810 F. Supp. 2d 446 (N.D.N.Y. 2011)
- *McGregor v. Jarvis*, 2010 WL 3724133 (N.D.N.Y. 2010)
- *Cuomo v. M&E Technical Services*, 2009 WL 2878451 (N.D.N.Y. 2009)
- *Smith v. New Venture Gear, Inc.*, 319 Fed. Appx. 52 (2d Cir. 2009)
- *Carter v. New Venture Gear, Inc.*, 310 Fed. Appx. 454 (2d Cir. 2009)

## RECOGNITIONS AND HONORS

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- Selected, Upstate New York Super Lawyers - Rising Star (2015 - 2018)

## PROFESSIONAL AND COMMUNITY ACTIVITIES

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- Adjunct Professor, Le Moyne College (Introduction to Business Law, Spring Semester 2011)
- Member, Onondaga County Bar Association
- Member, New York State Bar Association
- Member, American Intellectual Property Law Association
- Member, New York State Academy of Trial Lawyers
- Charter Member and Treasurer, ToastMasters International: Good Morning Syracuse

## SPEAKING ENGAGEMENTS

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- 2nd Annual Minority Business & Economic Empowerment Summit, Syracuse, New York. "Minority- and Woman-Owned Business Certification" (October 2017)
- Hancock Estabrook Fifth Annual Advisors to Small Business Symposium (June 2017)
- Women Igniting the Spirit of Entrepreneurship (WISE), "How to Obtain New York State Minority and Women-Owned Business Enterprise Status" (November 2016)
- Women Igniting the Spirit of Entrepreneurship (WISE), "Protecting Your Company's Trademarks, Copyrights and Trade Secrets" (October 2015)
- Hancock Estabrook's Third Annual Advisors to Small Business Symposium (June 2015)
- National Business Institute, "Quantifying Damages" (May 2014)

## PRESS AND PUBLICATIONS

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- Chapter Author, *Commercial Litigation in New York State Courts*, Vol. 8

## EDUCATION

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- George Washington University Law School, J.D., 2007
  - Semi-finalist, Van Vleck Constitutional Moot Court Competition
  - Best Regional Brief, UCLA Constance Baker Motley National Moot Court Competition
  - Vice President, Federalist Society
- State University of New York at Buffalo, B.A., *magna cum laude*, 2004
  - Phi Beta Kappa National Honor Society
  - Pi Sigma Alpha National Honor Society
  - Golden Key Honor Society

- University Honors Scholar

## ADMISSIONS

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- New York
- United States Court of Appeals (Second Circuit)
- United States District Court (EDNY)
- United States District Court (NDNY)
- United States District Court (SDNY)
- United States District Court (WDNY)