David Fulvio

Counsel

Rochester
P: 585.295.4432
dfulvio@barclaydamon.com

Education

- Boston University School of Law, JD
- Rutgers College, *Cum Laude*, BA

Practices & Industries

- Professional Liability
- Torts & Products Liability Defense

Admitted to Practice

- New York
- New Jersey

Court Admissions

- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

David represents clients at hearings, trials, motions, and conferences in state and federal courts. He also frequently negotiates settlements with opposing counsel and through alternative dispute resolution. In addition, he has extensive experience drafting litigation documents, including pleadings, discovery, motions, and appellate briefs. David also provides general legal counsel to municipalities during their day-to-day operations and at their public board meetings.

Bar Associations

- American Bar Association
- New York State Bar Association

Representative Experience

- Obtained dismissal on summary judgment of negligence claims brought against a landowner.
- Obtained injunctive relief and a favorable settlement of claims on behalf of a municipality through litigation against another municipality involving breach of contract and disputed ownership of a multi-million wastewater-treatment plant.
- Provided legal counsel to a town as it went through the village-dissolution process.
- Obtained a favorable decision on appeal in the Appellate Division, reinstating the defendant's counterclaims against the plaintiff.
- Obtained trial orders of dismissal on behalf of defendants in criminal proceedings.

- Successfully negotiated multi-million contracts involving municipalities and public and private entities, including Fortune 500 companies.
- Drafted appellate briefs for criminal appeals before the Appellate Division of the Superior Court of New Jersey, including one on an issue of first impression that resulted in the Appellate Division and NJ Supreme Court overturning the defendant's conviction.
- Negotiated a settlement on behalf of a reputable law firm and attorney for 3 percent of the originally claimed damages after walking away from a mediation in which the mediator had recommended a settlement for a substantially greater value.
- Won a motion to dismiss on behalf of a franchisee of a prominent fast food chain in defense of a premises liability cause of action.
- Obtained summary judgment in the US District Court for the Northern District of New York on behalf of a corrections care medical provider in defense of a constitutional rights claim brought by an inmate under 42 USC § 1983.
- With a pending motion as leverage, convinced a plaintiff to dismiss with prejudice claims of trademark infringement, dilution, and fraudulent registration alleged against a growing small business client, with only one minor condition required of the client.
- Defended a homeowner against claims he caused serious injuries to the plaintiff while operating his lawn mower. There was an ongoing boundary line dispute between the plaintiff and the defendant. Following a bifurcated jury trial, the jury returned a unanimous verdict in favor of the defendant, finding that he was not negligent.

Prior Experience

- Villani & Grow, Associate
- Wayne County Assigned Counsel Program, Assigned Counsel
- New Jersey Office of the Public Defender, Appellate Section, Legal Intern
- Massachusetts Department of Public Safety, Office of General Counsel, Legal Intern
- Department of Homeland Security: Transportation Security Administration, Office of the Chief Counsel, Legal Intern

Selected Community Activities

- Drumlin Square Lodge No. 1180, Free and Accepted Masons Member
- Palmyra Masonic Temple Association, Board of Trustees Member

Selected Honors

- New York State Bar Association, Empire State Counsel® Honoree, 2023

Selected Alerts & Blog Posts

- Horseback Rider Assumes Risk of "Green Broke" Horse
- Grandparent in the Zone of Danger May Bring Negligent Infliction of Emotional Distress Claim
- NYS COVID-19 Administrative Orders Don't Require Parties to Appear for Remote Depositions