

Lippes Mathias Attorneys Secure Victory in Article 78 Proceeding



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Lippes Mathias LLP is pleased to announce that litigation team members [Brian C. Mahoney](#), [John J. Flynn](#), and [Christopher M. Fisher](#) successfully defended a municipal client in an Article 78 proceeding in New York state court.

Article 78 proceedings are special proceedings used to review actions and determinations of administrative agencies and bodies in New York. In this specific instance, Lippes Mathias successfully argued that the municipality did not act arbitrarily or capriciously in requiring a commercial property owner to comply with local laws governing building permits. Lippes Mathias further successfully argued that the petitioner was not entitled to an emergency exception to compliance with local law.

About Brian C. Mahoney

Brian C. Mahoney advises clients on matters related to corporate compliance and government investigations as well as federal and New York state regulatory actions. He represents individuals, businesses, and institutions in both civil and white-collar criminal matters, and has tried more than 85 civil and criminal jury trials to verdict. In addition, he advises clients with NCAA matters, including compliance and student-athlete eligibility issues.

Prior to entering private practice, Mahoney served as Chief of the Felony Trial Bureau for the Erie County District Attorney, the largest upstate prosecutor's office north of Westchester County. In that position, he supervised all felony trial lawyers and oversaw investigations and trials. He successfully tried the first criminal case in Erie County, where the only source of identification consisted of DNA evidence. In another trial, he obtained a conviction, which at the time resulted in the longest sentence ever handed down in Erie County history for a non-homicide criminal conviction.

Mahoney has served as a faculty advisor at the National District Attorneys' Advocacy Center in Columbia, S.C., where he instructed attorneys throughout the nation on numerous aspects of trial practice.

About John J. Flynn

John J. Flynn, leader of Lippes Mathias' Lobbying & Public Policy and Municipal Law Practice Teams, leverages decades of experience in elective office to help clients in New York and throughout the country advance their goals. Before joining Lippes Mathias, Flynn served nearly two terms as Erie County District Attorney, prosecuting virtually every crime committed in Erie County and managing a \$30 million budget, leading a team of more than 200 attorneys and support staff. Prior to being elected Erie County District Attorney, Flynn served as an assistant district attorney, acting Buffalo City Court judge, Town Justice in the Town of Tonawanda, Tonawanda town attorney, and as a member of the Tonawanda Town Board.

Flynn, a decorated U.S. Navy veteran, is a graduate of Naval Officer Candidate School, Naval Justice School, and Navy Supply Corps School. His initial assignment in the Navy was on the USS CLEVELAND (LPD-7), stationed in San Diego, where he served as assistant supply officer, deploying overseas to the Western Pacific and serving during the Gulf War. After fulfilling his naval commitment, Flynn attended the University at Buffalo School of Law while continuing to serve in the Naval Reserve. Upon graduation from law school in 1995, he served in the Navy Judge Advocate General's Corps at Pensacola Naval Air Station, where he was appointed a Special Assistant United States Attorney. He then served his final two years on active duty at the U.S. Naval Academy as Officer-in-Charge of the Office of Legal Counsel and as an instructor. Flynn reaffiliated in the Naval Reserves, serving in numerous assignments at the Washington Navy Yard and the Pentagon until he retired as a commander in 2017. He was awarded the Navy and Marine Corps Achievement Medal and six Navy and Marine Corps Commendation Medals during his time on active duty and in the reserves.

As Erie County District Attorney, Flynn served as president of the District Attorneys Association of the State of New York, as president of the National District Attorneys Association, and is a lifetime member of the Council on Criminal Justice.

Flynn earned his Bachelor of Arts degree from Bowling Green State University and his J.D. from the University at Buffalo School of Law.

About Christopher M. Fisher

Christopher M. Fisher is a member of the firm's Litigation Practice Team, where he focuses his practice in bankruptcy, commercial, and municipal litigation, as well as issues surrounding land disposition and real property tax enforcement. He has successfully represented various municipalities in an array of different disputes.

Fisher was a participant in the firm's summer associate program. While in law school, he was a member of the Buffalo Law Review, later serving as an executive publication editor on the journal.

About Lippes Mathias LLP

Lippes Mathias is a full-service law firm with 230 attorneys serving clients regionally, nationally, and internationally. With offices in Buffalo, Clarence, Albany, Long Island, New York, Rochester, Syracuse, and Saratoga Springs, N.Y.; Greater Toronto Area; Chicago, Ill.; Jacksonville, Tampa Bay, and West Palm Beach, Fla.; Cleveland, Ohio; San Antonio, Texas; Oklahoma City, Okla.; and Washington, D.C., the firm represents publicly and privately owned companies, private equity and venture capital firms, independent sponsors, family offices, real estate developers, financial institutions, municipalities, governmental entities, and individuals.

Related Team



**Christopher M.
Fisher**
Associate

John J. Flynn
Partner | Team
Leader - Municipal
Law | Team Co-
Leader - Lobbying &
Public Policy

Brian C. Mahoney
Partner