



Kirstie A. Means | Partner

Buffalo - Downtown

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Ms. Means focuses her practice on general and commercial litigation. She has litigated cases in New York state and federal courts, including appeals up to the Appellate Division, Fourth Department. Her experience includes matters that involve contract disputes, disputes over ownership interests in closely held businesses, disputes involving life settlements, anti-compete clauses, challenges under New York State Environmental Quality Review Act (SEQRA), challenges to administrative agency decisions, insurance coverage disputes, partnership disputes, and employment disputes. She has litigated matters alleging liability under New York's Scaffold Law, motor vehicle negligence, and medical malpractice. Ms. Means also assists our education clients with litigation matters, including those related to the Child Victims Act.

Before joining private practice, Kirstie served as a judicial extern to the Hon. Julio M. Fuentes of the United States Court of Appeals for the Third Circuit and to the Hon. Jonathan Feldman of the United States District Court for the Western District of New York.

REPRESENTATIVE MATTERS

- As counsel for school district, obtained damages award following a bench trial, for breach of contract and faulty workmanship relative to the installation of a running track.
- Successfully defended annexation proceeding, commenced pursuant to Article 17 of the General Municipal Law, upon demonstrating that petitioner failed to commence an original proceeding within the applicable statute of limitations. In connection with obtaining that ruling, facilitated a joint public hearing, presented testimony and evidence to a panel of referees, and briefed arguments in favor of dismissal to the Appellate Division, Fourth Department.
- Defense counsel to utility companies in claim alleging liability under New York's Scaffold Law. Obtained summary judgment in Supreme Court, Monroe County, dismissing all causes of action on the grounds that the defendants, as owners of the utility pole, were not liable as a

CAPABILITIES

Litigation

- Appellate
- Business & Commercial Litigation
- Construction Litigation
- Personal Injury

K-12 Education

matter of law.

- Counsel to licensed life settlement investor in connection with a dispute over rights to a purchased \$10 million life insurance policy. In addition to the competing claims to the policy proceeds, the parties asserted various cross-claims, including fraud, RICO conspiracy, unjust enrichment and disgorgement. Conducted extensive e-discovery, drafted multiple successful motions to compel and for sanctions, and litigated claims of attorney-client privilege and attorney work product. Successfully obtained summary judgment against both competing claimants to the policy proceeds.
- As counsel for title insurance company, successfully moved for default judgment and for partial summary judgment in Supreme Court, Ontario County, to set aside a conveyance of real property as fraudulent pursuant to New York's Debtor and Creditor Law.
- Defense counsel to car dealership owner sued by former partner who claimed rights to ownership interests in two LLCs. Successfully moved Supreme Court, Cortland County, to dismiss the action for failure to state a claim on the basis that the parties' agreement relied upon by the plaintiff had terminated pursuant to its unambiguous terms.
- Counsel for former employee in arbitration proceeding to recover past due commissions, which involved a three-day hearing and extensive post-hearing briefing. Obtained a ruling in client's favor.

EDUCATION

- University at Buffalo School of Law, J.D., *cum laude*, 2013
- Daemen College, B.A., *magna cum laude*, 2009

PROFESSIONAL ASSOCIATIONS

- Erie County Bar Association
- New York State Bar Association

COMMUNITY INVOLVEMENT

- Buffalo Say Yes to Education Legal Clinic, Volunteer Attorney

ADMITTED TO PRACTICE

- New York
- U.S. District Court, Western District of New York