

**William H. Grae** has a breadth of litigation defense experience, with a primary focus on personal injury liability defense. He has a broad range of trial and appellate experience in this area and has worked on behalf of insurers and self-insured entities, principally involving cases of construction-site accidents, commercial and residential premises liability, defense of interstate motor-carriers in catastrophic truck accidents, and litigation of related coverage issues, in state and federal courts throughout New York and New Jersey.

In the field of mass torts, Mr. Grae has protected the interests of clients in the pharmaceutical, asbestos, firearm and aviation-related fields, offering risk-management, investigation, and litigation services by means of trial and appellate representation in State and federal courts. He has also served as coordinating counsel as well as local counsel on behalf of air carriers and their codeshare partners, drug manufacturers, and automobile manufacturers facing product-liability claims.

In addition to his work in personal injury defense, Mr. Grae also has more than two decades of experience defending and counseling financial and other commercial entities. This includes assisting financial entities to overcome CFPB compliance challenges, as well as defending consumer-credit, FDCPA, FCRA, Lanham Act, consumer fraud, usury, and related liability claims in state and federal courts.

Mr. Grae's appellate experience includes the preparation of briefs and arguments before the Second Circuit Court of Appeals, New York State Court of Appeals and the New York Appellate Division. His active alternate dispute resolution practice includes multi-party mediations and arbitrations before the American Arbitration Association, federal mediators and independent arbitrators. Mr. Grae's coverage opinions have been relied on by insurers and reinsurers of catastrophic personal, as well as property losses in the United States, Europe and Australia.

For more than twenty years, Mr. Grae has also served as legal counsel for a broad range of members of the trucking industry, including interstate motor carriers, owner-operators, and private carriers. His work has included defense of catastrophic personal-injury claims as well as risk management involving compliance issues, particularly hours of operation and electronic data preservation in the transportation field.

On a pro bono basis, Mr. Grae has served as a special assistant district attorney with the Appeals Bureau of the Office of the Kings County District Attorney in New York. In 2004, he was certified by



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the State of New Jersey as an Animal Cruelty Investigator and was later commissioned as a Humane Enforcement Officer with the Bergen County Prosecutor's Animal Cruelty Task Force/Bergen County Chapter of the New Jersey SPCA (Law Enforcement Division). Although he no longer serves as an investigator, he retains an active interest in the field and provides volunteer services to animal shelters and rescue organizations in New York and New Jersey.

An infrequent but dynamic speaker, Grae lectures on construction-accident liability under New York's Labor Law, professional malpractice risk management, and other litigation-related subjects at national conferences and for in-house client seminars. He also sporadically serves as an arbitrator in the City of New York Small Claims Court.

Mr. Grae graduated law school as a ranking scholar and Dean's List honoree. While in law school, he earned an internship at the John Jay Legal Services Health Law Clinic, funded through a Root-Tilden-Kern grant, and was a member of the *Pace Environmental Law Review*.

Mr. Grae has also developed and taught law-related programs for middle- and secondary-school students in addition to serving as a volunteer instructor at an English-as-a-Second Language program in New York City's Chinatown. As a professional photographer, Grae has been a frequent contributor to newspapers in New Jersey.

## **Representative Matters**

*Wilson v. Yemen Realty Corp.*, 74 A.D.3d 544 (1st Dep't 2010) (affirming denial of summary judgment to worker who fell from a ladder and sustaining defendant's argument that blood toxicology and related evidence obtained through investigation established trial issues of fact in construction accident case)

*Ambulatory Surgery Ctr. Of Brooklyn v. Helpers of God's Precious Infants, Inc.*, 283 A.D.2d 528 (2d Dep't 2001) (affirming partial denial of dismissal motion by so-called activists infringing access of patients to reproductive health clinic based, in part, on evidence offered by volunteer escort)

*Allen v. Gotham Construction* (Reported verdict, 6/3/1998) (denying plaintiff, a mason tender injured at a construction site, damages for future pain and suffering, future medical expenses, and/or future cost of medical care, based on evidence at trial)

*Sims v. 3349 Hull Ave. Realty Co., LLC*, 106 A.D.3d 466 (1st Dep't 2013) (affirming grant of summary judgment to premises owner based on argument that plaintiff failed to satisfy minimum threshold to establish question of fact as to existence of an actionably dangerous and defective premises condition)

*People v. Williams*, 227 A.D.2d 422 (2d Dep't 1996) (affirming conviction of defendant for 2nd degree murder)

*Lewis v. Nissan N. Am., Inc.*, 2005 U.S. Dist. LEXIS 14037 (SDNY 7/14/2005), *aff'd*, 186 Fed. Appx. 98 (2d Cir. 6/20/2016) (dismissing claims against auto financier based on alternate grounds of substance of TILA, Magnuson-Moss, FCRA and Consumer Fraud claims, and as sanction for conduct during course of litigation)

*Dorcant v. Infiniti Fin. Serv's.*, 2013 U.S. Dist. LEXIS 10694 (DNJ 9/30/2013) (dismissing complaint against financing entity in part as sanction for claimant's conduct).

*Billings v. Am. Express Co.*, 2011 U.S. Dist. LEXIS 132185 (DNJ 11/16/2011) (dismissing tort claims against charge card issuer based on forum selection clause, application of TILA/FCRA statutes and implementing regulations, and analysis of NJ Consumer Fraud Act provisions)

### **Practice Area**

- Personal Injury and Property Damage Defense
- Construction Accidents/Litigation
- Product Liability
- Trucking/Transportation Casualty
- Creditors' Rights/Defense
- Civil Rights Litigation
- Federal Court Litigation
- Appellate Litigation
- Commercial Litigation
- Hospitality Industry Litigation
- Construction Defense
- Mediation and Arbitration

### **Bar Admissions**

- New York
- New Jersey
- United States District Court, Eastern, Southern and Western Districts of New York
- United States District Court, District of New Jersey
- Second Circuit of the United States Court of Appeals
- Third Circuit Court of the United States Court of Appeals

### **Education**

- Pace University School of Law
- J.D., 1994
- Cornell University
- B.A., 1991