



Eian S. Weiner

Associate

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Eian Weiner represents corporate entities, insurance companies and individual insureds in all aspects of civil litigation. His practice is focused on the defense of claims related to general casualty, labor law, security, mass tort, premises liability, and transportation. Eian has had tremendous success navigating difficult insurance coverage and contractual indemnification issues essential to the transfer of risk, liability, and indemnity from his clients.

In addition to risk management advice and guidance, Eian provides comprehensive litigation and claims management from the claim intake stage to resolution. This process encompasses fact investigation, coverage evaluation and recommendations, reserve recommendations, and development of settlement and resolution strategies. Eian is skilled in handling high-exposure cases and coordinating with experts, investigators, and consultants to build robust defenses for his clients. His practical approach and in-depth understanding of his clients' industries enable him to deliver tailored resolutions that achieve favorable and efficient outcomes.

Eian also has been an active pro bono mediator with the New York Peace Institute since 2018. In recognition of his dedication to innovative conflict resolution, Eian received a Distinction in Solution Generation from the International Chamber of Commerce (ICC) in 2019. Upon graduating from law school, he was awarded a Certificate in Dispute Resolution from the Kukin Program for Conflict Resolution.

Since 2021, Eian has served on the Advisory Board for Blankets of Hope, a registered educational 501(c)(3) nonprofit organization dedicated to fostering kindness and compassion in communities nationwide.

Education

Services

- Alternative Dispute Resolution
- Complex Tort & General Casualty
- Employment & Labor
- Israel

- Benjamin N. Cardozo School of Law, Yeshiva University (J.D., 2020)
 - Senior Editor, Alternative Dispute Resolution Competition Honor Society
- The Ohio State University (B.A., 2016)
 - magna cum laude

Bar Admissions

- New York

Court Admissions

- New York Appellate Division, First Department

Professional Affiliations

- American Bar Association
- New York State Bar Association
- New York Peace Institute, Mediator
- Claims and Litigation Management Alliance (CLM)

Publications

January 31, 2023

Bored Apes, Hermès Suits Foreshadow What Is Coming in NFT Claims

January 30, 2023

Bloomberg Law, Cryptosaurus Networks & Paperblog Feature Cahill, Farmer and Weiner Article on NFT Litigation

Bloomberg Law and Cryptosaurus Networks

Client Wins

Weiner Obtains Complete Dismissal of Case Against Security Firm Client

Eian Weiner (Associate-White Plains, NY) successfully secured dismissal of all claims in a lawsuit involving allegations of excessive force and constitutional violations by private security personnel employed by a firm client. The plaintiff alleged that, while visiting a public services office, he was approached and assaulted by aggressive security guards following a dispute over a pocketknife he had voluntarily surrendered and accusations that he was smoking marijuana on the premises. He claimed that the guards became aggressive and physically restrained him, causing injuries, and further alleged that his constitutional rights were violated under 42 U.S.C. § 1983. Additional claims were asserted for false arrest, false imprisonment, malicious abuse of process, defamation, and negligence. Eian moved to dismiss the complaint under CPLR 3211, arguing that the tort claims were time-barred under the applicable one-year statute of limitations, that the

constitutional claims failed as a matter of law because the private security personnel were not state actors, and that the negligence claim was improper as it was predicated on conduct alleged to be intentional. The Supreme Court, Suffolk County, granted the motion in full, holding that the tort claims were untimely, the § 1983 claims failed as a matter of law, and the negligence and defamation claims were legally and factually unsupported. After also granting the county defendants' motion, the court dismissed the case in its entirety.

White Plains Team Obtains Summary Judgment Against \$2.5 Million Labor Law Claims

Michael Boulhosa (Partner-White Plains) and Eian Weiner (Associate-White Plains) obtained summary judgment in the Supreme Court of the State of New York, New York County, on behalf of a plumbing company. The plaintiff in this matter alleges he was injured while working as an assistant for our client/insured, who the property owner retained to install a new low-pressure gas line on the subject premises. The plaintiff maintains he fell over a railing onto the sidewalk below while attempting to retrieve materials the client left behind at the job site, allegedly sustaining a traumatic brain injury (TBI) and other severe injuries, leaving him with lifelong disabilities, according to his treating physicians. The plaintiff did not return to work after the accident and received workers' compensation benefits through our client.

Two construction projects were ongoing at the premises when the plaintiff's accident occurred. Our client had no contractual relationship with the general construction manager, subcontractors or others working at the job site, including the construction firm or the scaffolding services company. Our client was brought into the underlying lawsuit as a third-party defendant, with the construction and scaffolding businesses seeking common law indemnification and contribution and the property owner pursuing claims for common law and contractual indemnification, contribution and damages for breach of contract.

Michael and Eian filed a motion seeking summary judgment regarding the third-party claims against the client by the construction company, the scaffolding business and the property owner, based on Section 11 of the Workers' Compensation Law. The statute prohibits third-party indemnification claims against an employer unless the employee sustains a statutorily enumerated "grave injury," rendering the injured party totally and permanently disabled and incapable of obtaining a position of gainful employment in any capacity or a pre-existing written contract expressly agreeing to indemnification exists. At oral argument, Michael and Eian argued that the record lacked evidence that the plaintiff's alleged TBI qualifies as a grave injury under the statute or that the client agreed to indemnify the property owner. Finally, the Court granted Wilson Elser's motion regarding the property owner's third-party claims for contractual indemnification and breach of contract, as no written contract existed in which the client agreed to indemnify the property owner.

Michael and Eian's Motion for summary judgment was granted in its entirety. All claims against the client through multiple third-party lawsuits were dismissed as a matter of law following a last demand of \$2.5 million.