



Melinda Flecker

Partner

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Melinda Flecker is an experienced litigator and trial attorney who concentrates her practice in the areas of personal injury, transportation, and general liability defense. Among her clients are a variety of automobile insurers and corporations, including a national technology company.

Melinda is an aggressive advocate for her clients, who appreciate her effective communication, superior organizational skills, and ability to spot relevant issues early on. Her strong litigation and oral argument skills have resulted in numerous dispositive motion victories on behalf of her clients. As a fierce advocator, she has obtained voluntary dismissals in lawsuits filed against clients through all stages of litigation, including during trial.

Prior to joining Wilson Elser, Melinda was an in-house trial attorney for a major insurance carrier handling motor vehicle accident and premises liability defense. She began her career as an Assistant District Attorney at the Nassau County District Attorney's Office, where she gained extensive and invaluable trial experience.

Education

- Hofstra University School of Law (J.D., 2012)
- University of Delaware (B.A., 2009)

Bar Admissions

- New York
- New Jersey

Services

- Complex Tort & General Casualty
- Transportation

Professional Affiliations

- Nassau County Bar Association

Client Wins

Flecker & Cushmaro Secure Defense Verdict for Uber: Vicarious Liability Victory Stemming from a Car Accident

Melinda Flecker (Partner-Long Island, NY) and Tal Cushmaro (Partner-White Plains, NY) have secured a unanimous defense verdict on behalf of the firm's client, Uber Technologies, Inc (Uber), in a motor vehicle accident case tried in Supreme Court, Kings County, New York. The plaintiff alleged she was injured in a two-vehicle collision involving a co-defendant driver and claimed that Uber was vicariously liable for the driver's alleged negligence. She contended that the driver was Uber's employee because he was using the Uber App and transporting a passenger obtained through the platform at the time of the accident. Melinda and Tal successfully defended the case by demonstrating, through evidence elicited during the plaintiff's case-in-chief, that the driver was an independent contractor, not an employee. The trial's liability phase spanned three weeks, including seven days of jury selection, extensive motion practice, and five days of testimony. After deliberating for approximately 30 minutes, the jury concluded that although the driver was negligent, Uber was not liable for his conduct because he was not its employee.

Flecker and Bento Prevail on Rule 33 Dispositive Motion for Global Technology Company

Melinda Flecker (Of Counsel-Long Island, NY) and Andreia Bento (Associate-Long Island, NY) prevailed on a Rule 33 dispositive motion in a matter arbitrated by the American Arbitration Association. The plaintiff in this case filed a lawsuit following an automobile accident alleging various negligence claims based on theories of agency/ control, negligent hiring/ retention, and ownership. The Arbitrator found that our global technology company client was not vicariously liable for the actions of the driver because he was an independent contractor and not an employee, and dismissed the matter with prejudice. This win represents another solid addition to the growing list of New York precedents favoring Wilson Elser's clients.