



Rory L. Lubin

Partner

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Rory Lubin devotes his practice to the defense of claims related to construction and real property; commercial transportation losses; and professional malpractice claims against the health care industry, including hospitals, nursing homes, physicians, dentists, tissue banks, laboratories, nurses, therapists and pharmacies.

Rory is known by his clients and adversaries alike as a tenacious litigator who goes the extra mile to achieve his client's objectives. As a tried-and-true litigator, Rory sees his role best as a "problem solver" and employs that philosophy to chart the most appropriate, efficient and cost-conscious path for his clients facing litigation and its associated uncertainties. Although a defense attorney by trade, Rory prefers to play offense to achieve his clients' objectives. Whether that means positioning the claim for prompt settlement or building the case for jury trial, Rory listens foremost to his clients' objectives to formulate the proper resolution strategy. Rory is a firm believer that heavy front-end analysis leads to better and more predictable long-term outcomes, and he likes to advise his clients as early as possible on how to best manage the risk. Rory is always conscious of a file's shelf life. Besides drafting, analysis and negotiation skills, Rory revels in the chance to present his clients' positions in the courtroom to juries across the state and elsewhere.

For all of these reasons, Rory is called upon regularly by the insurance industry, construction industry, real estate investment trusts, big box retailers, fitness chains, the transportation industry and the health care community to handle their most difficult claims. That includes high-stakes "bet the company" situations where the client may not be insured against the claim. Oftentimes, Rory is hired to replace the prior defense counsel when the action is destined for trial. Rory also is a firm subscriber to the ADR process and often counsels his clients to employ that process as a means of managing risk.

Rory actively litigates in all four judicial departments of New York State and has

Services

- Complex Tort & General Casualty
- Israel
- Medical Malpractice & Health Care
- Product Liability, Prevention & Government Compliance

successfully defended clients from Montauk to Manhattan, from Albany to Buffalo and in many counties between. Rory also serves as regional coordinating litigation counsel for several of his clients, working in conjunction with his many partners within Wilson Elser's national footprint. In that vein, Rory is frequently asked by those clients doing business outside the State of New York to be admitted on a *pro hac vice* basis to lead litigations in those other jurisdictions.

Education

- University of Baltimore School of Law (J.D., 1995)
- Washington University in St. Louis (B.A., 1992)

Bar Admissions

- New York

Court Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit

Professional Affiliations

- Claims and Litigation Management Alliance (CLM)
- The Risk Management Society (RIMS)
- International Council of Shopping Centers (ICSC)
- New York State Bar Association
- International Heath, Racquet & Sportsclub Association

Client Wins

Hurwitz, Trembach, and Lubin Secure Complete Dismissal for Global REIT in Wrongful Death Toxic Exposure Action

Daniel S. Hurwitz (Partner-Los Angeles, CA), Anatolii Trembach (Associate-Los Angeles, CA), and Rory L. Lubin (Partner-White Plains, NY) obtained a complete victory in the Superior Court of California on behalf of Wilson Elser's client, a global real estate investment trust. The plaintiffs in this case sued our client, the alleged landlord of an industrial property where the decedent had worked, along with other defendants. The plaintiffs claimed that the decedent's death was caused by exposure to toxic chemicals at a facility operated by the client's tenant, asserting wrongful death, strict product liability, and survival causes of action.

Dan and Anatolii prevailed on two successive demurrers, persuading the court that the claims against the client were barred by the statute of limitations and that the relation-back doctrine under Code of Civil Procedure § 474 did not apply. The court agreed and dismissed the action against the client. When the plaintiffs moved for reconsideration, we

filed another brief demonstrating that the motion presented no new facts, circumstances, or law warranting reconsideration under Code of Civil Procedure § 1008. After reviewing our brief, the plaintiffs waved the white flag and withdrew the motion in its entirety, resulting in complete and final dismissal of the action at the pleadings stage and sparing the client the costs and risks associated with the discovery process. The case against the remaining defendants continues.