



Rosario M. Vignali

Senior Counsel

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Russ Vignali is a tenacious advocate who focuses his litigation practice on the defense of products liability matters and related commercial disputes in New York state and federal courts. He also handles a variety of claims in the general liability area and has experience with related insurance coverage matters. Russ joined Wilson Elser in 1982 out of law school and developed his service approach within a firm culture that values a high level of responsiveness and open communication with clients.

In the products liability area, Russ for many years has defended large manufacturers and retailers in claims brought in New York involving table saws, circular saws, grinders, drills and other stationary and portable power tools. On behalf of insurers, trade associations and corporate clients, he also has defended industrial machinery, including conveyors, packaging machinery, punch presses, lathes and press brakes; outdoor power equipment, including lawn mowers and snow throwers; and hoists and lift devices. In addition, Russ counsels many corporate clients regarding product recalls and various regulatory matters, and he regularly handles consumer warranty claims. His clients include several self-insured risk retention groups, to which he has lectured on various insurance and products liability topics.

The general liability portion of Russ' practice involves the defense of clients in litigation involving premises liability, negligent security, motor vehicle accidents and other casualty claims. Russ has developed particular experience in youth sports liability matters and serves on the board of directors of his local Little League baseball organization.

Education

- New York Law School (J.D., *cum laude*, 1982)
- City College of New York (B.A., *magna cum laude*, 1980)

Services

- Italy
- Product Liability, Prevention & Government Compliance

Bar Admissions

- New York

Court Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Northern District of New York

Professional Affiliations

- American Bar Association
- New York State Bar Association
- Defense Research Institute (DRI)

Awards & Honors

- American Jurisprudence Award for Excellence in Insurance Law, New York Law School

Languages

- Italian

Publications

February 1, 2023

New York's Governor Vetoes Expansion of Wrongful Death Damages – For Now

January 31, 2023

New York's Governor Vetoes Expansion of Wrongful Death Damages – For Now

March 1, 2022

Overview: CPLR Amendments to §3101(f) and New §3122-b Insurance Disclosure Laws

March 1, 2022

New York Amends the New Insurance Disclosure Requirements

January 31, 2022

New York Enacts New Rule of Evidence Expanding the Scope of the Admissibility of Employee-Agent Hearsay Statements

January 20, 2022

Amendments to New York's Onerous New Insurance Disclosure Requirements May

Be Imminent

January 11, 2022

New York Ends the Year with Onerous New Insurance Coverage Disclosure Rules for Defendants in Product Liability Litigation

November 19, 2021

Litigation Funding May Soon Be Addressed by New York's Legislature

March 16, 2021

ILO Features Article by Vignali on NY e-Bicycle & e-Scooter Legislation

International Law Office, Shipping & Transportation Newsletter

February 16, 2021

New Rules Bring Big Changes to New York Practice

July 2020

New York Finally Passes Legislation Regulating the Use of E-Bicycles and E-Scooters

Westlaw: Practitioner Insights on Energy & Environment and Product Liability pages; Westlaw Journal/Automotive

June 1, 2020

New York Finally Passes Legislation Regulating the Use of E-Bicycles and E-Scooters

January 9, 2020

New York's Governor Ends Year with Three Important Legislative Vetoes

Client Wins

Vignali and Marrelli Secure Dismissal in Its Entirety for Consumer Electronics Industry Giant in Defamation and Emotional Distress Action

Rosario Vignali (Senior Counsel-White Plains) and Samantha Marrelli (Associate-White Plains, NY) prevailed on a motion to dismiss in the Supreme Court of New York, New York County, on behalf of a global consumer electronics company client. The plaintiff in this case sought declaratory and injunctive relief, as well as compensatory damages, asserting claims for defamation, "negligent misidentification", and intentional infliction of emotional distress arising from an incident at a store. The plaintiff alleged that a security supervisor asked him to leave the premises based on a purported prior incident, and that a store employee falsely reported to 911 and responding NYPD officers that his conduct warranted removal. The court held that: 1) the defamation claim was insufficiently pleaded because the complaint failed to contain the alleged defamatory words or statements; 2) "negligent misidentification" is not a valid claim under New York State law; and 3) the plaintiff failed to plead extreme and outrageous conduct, intent, or causation to support the emotional distress claims. The court's opinion borrowed language from Russ and Samantha's motion to dismiss briefings verbatim, and because the pleading defects could

not be cured, it dismissed the complaint against our client in its entirety.

Vignali & Bowman Prevail in Nevada Supreme Court on Certified Question; Set New Nevada Law on Licensor's Risk in Product Liability Cases

Russ Vignali (Senior Counsel-White Plains, NY) and Ellen Bowman (Of Counsel-Las Vegas, NV) represented several clients involved in a product's design and manufacture in a case involving an allegedly defective nail gun venued in the U.S. District Court, District of Nevada. On behalf of another client – the entity that licensed its well-known trade name to the nail gun's retailer – Russ and Ellen moved for summary judgment on the grounds that, as a mere "licensor," the entity was not truly in the nail gun's chain of distribution and could not therefore be strictly liable for any design or manufacturing defect. The issue was one of first impression for Nevada courts. For that reason, the District Court certified the following question to the Supreme Court of Nevada:

Does Nevada impose strict products liability on an entity whose only involvement with a defective or unreasonably dangerous product is to license its trademark to be used to market the product and where the product and packaging prominently display its trademark?

Russ and Ellen emphasized a modern trend around the country that has protected companies that merely license their trade name but otherwise play no role in the product's design and development. They cited the importance of product licensing in the modern American economy and the chilling effect that an adverse ruling would have in Nevada, where the gaming industry in particular relies so heavily on licensing and the use of trademarks. After significant briefing on both sides of the issue, including the filing of amicus briefs, the Nevada Supreme Court (in a 5-2 decision issued on May 1, 2025) answered the certified question in the **negative** – marking a major victory for trademark owners operating in Nevada who license their trade names but exercise no control over the product's final design and quality control.

The underlying case will continue against the remaining defendants.

Unanimous Defense Verdict against \$9 Million Demand in Product Liability Case

Russ Vignali (Partner-White Plains) and Matthew Vaccaro (Associate-New York) achieved a unanimous defense verdict in the Eastern District of New York following a four-day trial. The plaintiff alleged that he lost a non-dominant index finger and suffered severe lacerations to his thumb due to a defect in a benchtop table saw manufactured by the firm's client. Russ and Matt argued that the plaintiff was not injured during a kickback by the saw, but was instead injured by contacting the unguarded saw blade. In his closing, Russ emphasized that the plaintiff had removed the blade guard before the accident and had admitted that, after the accident, one-half of the workpiece remained on the saw's table and one-half was still in his hand, calling into question the veracity of the plaintiff's story about the kickback and thrown workpiece. The jury returned its verdict in less than two hours. Demand before trial was \$9 million.