



## Tal Z. Cushmaro

Partner

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Tal Cushmaro specializes in the defense of a national technology company in various practice areas. He has served as trial counsel for the company on multiple matters, gaining unique and unparalleled insight into its operations and handling of tort litigation, which has culminated in Tal achieving favorable outcomes in every case. His winning track record also includes drafting and arguing dozens of successful motions, including more than 30 dispositive motions, that have helped to establish case law in developing areas related to the classification of gig economy workers and the enforceability of online arbitration agreements. Indeed, Tal is recognized as a thought leader at the firm on the intersection of law, technology, and bodily injury litigation.

In addition to his technology practice, Tal handles complex, high-exposure New York State Labor Law actions and premises liability litigation. He has effectively represented two significant bank clients, as well as major construction companies and various real estate companies, among others.

Tal has been selected for inclusion in *New York Metro Super Lawyers® Rising Stars™* in the Personal Injury General: Defense category every year since 2022.

### Education

- Fordham University School of Law (J.D., 2013)
  - Brendan Moore Trial Advocacy Team; Notes and Articles Editor, Fordham Journal of Corporate and Financial Law; co-chair, Inaugural Fordham National Basketball Negotiation Competition
- University of Rochester (B.A., 2010)

### Bar Admissions

### Services

- Complex Tort & General Casualty
- Israel
- Transportation
- Employment & Labor
- General Liability

- New York
- New Jersey

### **Court Admissions**

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

### **Professional Affiliations**

- American Bar Association

### **Awards & Honors**

- Selected for inclusion in *New York Metro Super Lawyers® Rising Stars™* in the Personal Injury General category, 2022-2025

## **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.