



## Thomas C. O'Connor

Associate

[thomas.o'connor@wilsonelser.com](mailto:thomas.o'connor@wilsonelser.com)

White Plains, NY – 914.872.7652

Thomas O'Connor represents individuals and businesses in all aspects of civil litigation. His practice focuses on complex civil litigation with a concentration on defending general liability, product liability, premises liability, and construction-related claims, as well as actions arising under New York State Labor Law. Additionally, Tom represents national media companies in high-exposure matters on behalf of leading insurance carriers. He effectively handles cases from inception through final resolution, whether by settlement, dispositive motion, mediation, arbitration, or trial.

Tom is known for his strategic approach to litigation, conducting thorough legal and factual analyses early in the case to identify opportunities for efficient and cost-effective resolution. He is highly responsive, detail-oriented, and consistently professional in his interactions with the court, clients, and opposing counsel. His proactive case management style emphasizes the early development of sound litigation strategies to guide each matter toward its most favorable outcome.

Prior to joining Wilson Elser, Tom served as Assistant Corporation Counsel for the New York City Law Department, where he defended the City of New York and its agencies in a wide range of complex personal injury cases. Previously, Tom practiced at a prominent New York City personal injury firm, concentrating on high-stakes litigation involving catastrophic injuries arising from construction site accidents.

### Education

- Brooklyn Law School (J.D., *cum laude*, 2017)
  - Notes and Comments Editor, Journal of Law and Policy
  - CALI Award for Excellence in Personal Injury & Medical Malpractice

### Services

- Complex Tort & General Casualty

- Brooklyn Business Law Association
- Brooklyn Law School Real Estate Society
- Syracuse University (B.A., 2014)

## **Bar Admissions**

- New York

## **Professional Affiliations**

- New York City Bar Association
- Justice Brandeis Law Society
- Phi Delta Phi International Legal Honor Society

## **Awards & Honors**

Selected for inclusion in New York Metro Super Lawyers® Rising Stars™, 2024-2025

# **Client Wins**

## **Margolis and O'Connor Secure Pre-Answer Dismissal in Residential Habitability Action**

Thomas O'Connor (Associate-White Plains, NY) and Bernice E. Margolis (Partner-White Plains, NY) secured pre-answer dismissal of all claims in the Supreme Court, New York County, on behalf of Wilson Elser's property owner clients in a residential habitability action. The plaintiff, a long-term occupant of a New York City loft unit, alleged that our clients failed to maintain the premises and engaged in a coordinated effort to force her out to increase rent. The complaint cataloged a wide range of alleged deficient building conditions, including unsafe stairways, pest infestations, structural defects, lack of heat and hot water, exposed wiring, and mold. The plaintiff further claimed to have suffered significant emotional and physical injuries, including panic attacks, depression, and gastrointestinal distress. Based on these allegations, the plaintiff advanced numerous causes of action sounding in negligence, premises liability, breach of the warranty of habitability, breach of quiet enjoyment, private nuisance, constructive eviction, and intentional and negligent infliction of emotional distress, seeking substantial compensatory and punitive damages.

Recognizing all claims were either time-barred or improperly pled, Tom and Bernice filed a pre-answer motion to dismiss the plaintiff's complaint on multiple, independent grounds. Central to their motion was the argument that the plaintiff's claims concerning building conditions, habitability, and Loft Law compliance fell within the primary jurisdiction of the New York City Loft Board, and that the plaintiff's failure to exhaust administrative remedies barred the action. The motion further established that the emotional distress claims were time-barred, that the plaintiff's attempt to plead a Penal Law violation failed as a matter of law for lack of a private right of action, and the claims against the individual defendants were legally deficient.

In response, the plaintiff did not meaningfully engage with the merits of Wilson Elser's motion, instead attempting to sidestep dismissal by filing successive amended complaints without leave of court, in an effort to moot the motion. In their reply, Tom and Bernice squarely addressed and neutralized this tactic. They demonstrated that the filings were procedurally improper, contravened the Court's directives, and failed to cure any substantive defects, emphasizing that the plaintiff's latest pleading was merely a "difference without distinction."

The Court adopted our position in full, holding that the plaintiff failed to substantively oppose the motion, that the unauthorized amended pleading was a nullity, and that the plaintiff's failure to address the arguments made on behalf of our clients constituted abandonment of her claims. The Court dismissed the complaint in its entirety.

### **Margolis, O'Connor, and Stopnik Secure Discontinuance in Complex Declaratory Judgment Action Through Strategic Motion Practice**

Bernice E. Margolis (Partner-White Plains), Thomas O'Connor (Associate-White Plains), and Scott Stopnik (Partner-White Plains) successfully represented an insurance and bonding company – securing a discontinuance and the court's endorsement of their position – after being substituted in as counsel in a seven-year running declaratory judgment action pending in the New York Supreme Court, New York County. After reviewing years of inherited filings, Bernice, Tom, and Scott identified a critical procedural defect that had gone unnoticed for years: the plaintiffs were pursuing identical breach of contract claims in both the declaratory judgment action and the underlying liability action. They moved to dismiss under CPLR § 3211(a)(4), demonstrating that the actions involved the same parties, claims, and relief, and that the underlying action had already reached the summary judgment stage, and that the plaintiffs' claims against our client were fully addressed in that action.

Opposing counsel later conceded they had no basis to resist dismissal and had included the client in the declaratory judgment action merely to obtain additional discovery. The White Plains team declined to delay the matter and instead proposed that the plaintiffs execute a Stipulation of Discontinuance as to the client in exchange for the withdrawal of the motion. At the subsequent appearance, the judge adopted this approach.

Through focused review and strategic motion practice, Wilson Elser extricated the client from a protracted action without further discovery, deposition activity, or costly litigation, eliminating duplicate exposure and streamlining related proceedings.