

Theodore M. Eder | Shareholder

Commercial
Construction
Environmental
Products Liability
Toxic Tort/Hazardous Substances
Transportation
Warranty Practice



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Ted Eder is trial counsel for various corporate clients, including motor vehicle manufacturers, trucking companies, industrial equipment corporations and property owners throughout New York and New Jersey. He has successfully defended these companies in personal injury, property damage, consumer fraud, workers compensation and commercial litigation lawsuits in both State and Federal Court.

Mr. Eder also specializes in toxic exposure cases involving mold, asbestos, formaldehyde, benzene, silica and other chemical substances. He coordinates and manages the defense of tens of thousands of asbestos cases nationwide for a Fortune 500 Company and has successfully defended multiple corporate clients in over five thousand New York City Asbestos Litigation cases between 2002 and present.

Mr. Eder was a former Assistant Corporation Counsel and trial attorney for the City of New York, Bronx Torts Division (1998-2002).

SIGNIFICANT RECENT ENGAGEMENTS

- July 3, 2008 Obtained a complete dismissal for a motorhome dealership facing claims of consumer fraud violations in Federal Court.
- April 2008 Lead trial counsel for equipment manufacturer in consolidated New York City Asbestos trial which resolved favorably for our client during trial.
- March 28, 2008 Won a dismissal for a motorcycle manufacturer arising out of a lemon law case.
- January 4, 2008 Won a dismissal for a New Jersey trucking company sued in New York for causing a car accident in New Jersey. Although the plaintiff lived in New York, Mr. Eder convinced the Court that it did not have jurisdiction over the lawsuit because the accident occurred in New Jersey. *Boothe v. FRM* (New York Supreme Court, Index No. 105702/07).
- August 6, 2007 - Won a dismissal at trial for a truck driver accused of criminally damaging municipal property with his vehicle (New York Criminal Court, Docket No. SN064703/07).
- May 3, 2007 - Received a dismissal in Federal Fraud case against an motor vehicle dealership. (*Gibson v. Tom Raper, Inc.* 1:07 CV0323 NDNY).
- January 17, 2007 - Won a lemon law hearing on behalf of a motor home manufacturer after a two day arbitration hearing where the consumer presented evidence of more than nine problems with the vehicle and sought \$100,000 in damages. Mr. Eder convinced the arbitrator that the consumer's complaints were not covered by the manufacturer's warranty. (Attorney General Case #35529).
- November 28, 2006 - Obtained a full dismissal for motor vehicle manufacturer in a Federal Court fraud case. *Longi v. State of New York* (2:02-cv-05821, EDNY).
- August 23, 2006 - Won a judgment on behalf of a major cosmetics corporation in a trademark infringement case in Monroe County, New York.
- May 24, 2006 - Won summary judgment for an RV dealer accused of failing to fix a pressure line in a luxury motor home, causing \$93,000 in fire damage. Mr. Eder convinced the Court, on a technicality, that the allegations

in plaintiff's Complaint were not pled with enough specificity, thus warranting dismissal.

- December 16, 2005 - Court appointed trial defense liaison counsel for a New York City Asbestos joint trial of seven cases.
- November 21, 2005 - Obtained an immediate dismissal for a motor home manufacturer who allegedly built a defective vehicle that was destroyed in a fire. The Court agreed with Mr. Eder's argument that a manufacturer can not be held liable for property damage due to negligence or breach of contract when a consumer does not purchase a product directly from the manufacturer.
- February 2005 -- In *Monaco Coach Corporation v. Caliguire*, (New York Supreme Court-Schenectady County, Index No. 2004-1573), Mr. Eder obtained the first Decision and Judgment in the country awarding restitution to a manufacturer from a consumer arising out of a Lemon Law case.

EDUCATION

Binghamton University, B.A. (Political Science and Sociology), 1995
State University of New York at Buffalo School of Law, J.D., 1998

BAR ADMISSIONS

New York, 1999
New Jersey, 2008
U.S. District Court, Eastern District of New York, 2004
U.S. District Court, Southern District of New York, 2004
U.S. Court of Appeals, Second Circuit, 2008

PROFESSIONAL AND CIVIC AFFILIATIONS

New York County Lawyers Association, Arbitration and ADR Committee Member, Civil Court Practice Section
Committee Member and Tort Law Committee Member
New York State Bar Association
New York State Dispute Resolution Association

SPEECHES AND PUBLICATIONS

Author

- "Limiting Recovery in New York Lemon Law Cases When Contract Involves an Over-Allowance," Segal McCambridge Singer & Mahoney's *New York Advocate*, Volume 1, Issue 1 (Spring 2007).

Co-Author

- "Case Notes: Alcoholic Beverage Manufacturer Not Covered for Advertising and Marketing to Minors," Segal McCambridge Singer & Mahoney's *New York Advocate*, Volume 1, Issue 2 (Summer 2007).
- "Case Notes: Insurance Must Pay for Food Fight," Segal McCambridge Singer & Mahoney's *New York Advocate*, Volume 1, Issue 2 (Summer 2007).
- "Turning the Tide of Deposition Conduct," *New York Law Journal*, Volume 237, Number 10 (January 16, 2007).

Speaker

- 2010 Warranty Chain Management Conference, Los Angeles, CA, "A Visit to Doc Warrantys Clinic," (March 4, 2010).
- Segal McCambridge Singer & Mahoney 2006 Lemon Law/Warranty Seminar, Chicago, IL, "Closing The Deal - What Happens After a Settlement or Award" (September 22, 2006).
- Segal McCambridge Singer & Mahoney 2005 Lemon Law/Warranty Seminar, "Trade-In Allowance Issues And Impact Of Recent New York Supreme Court Arbitration Ruling" (October 2005).
- NYC Corporation Counsel Training Seminar on Defending a Personal Injury Action Against the City of New York, "Proper Way to Conduct a Plaintiff's General Municipal Law §50-h Hearing" (August 2001).

PUBLISHED APPELLATE OPINIONS

In Re Alfa Leisure, Inc. _N.Y.S.2d_ 2007 WL 1240302 (NY Sup Ct. 2007)

Progressive Ins. Co. v. Monaco Coach Corp., Slip Copy, 2006 WL 1440890 (N.Y.Sup. Ct. 2006).

New York City Asbestos Litigation Ignacio Collura v. A.O. Smith Water, 9 Misc.3d 1109(A), 2005 WL 2254089 (New York County, Sep 15, 2005).

Kolmel-Hayes v. South Shore Cruise Lines, Inc., 23 A.D.3d 530, 806 N.Y.S.2d 649 (2nd Dept. 2005).

Rodriguez v. City of New York, 272 A.D.2d 68 (1st Dept. 2000).

Dick v. City of New York, 2002 WL 31844745 (N.Y.Sup.), 2002 N.Y. Slip Op. 50482(U).

OTHER HONORS

Moot Court Board, State University of New York at Buffalo School of Law