



Erica B. Garay

Member of the Firm

990 Stewart Avenue
Garden City, New York 11530
(516) 592-5770
egaray@msek.com

Erica B. Garay is the Chair of the Alternative Dispute Resolution (ADR) practice group, an arbitrator and mediator, and a member of the Litigation and Dispute Resolution practice group at Meyer, Suozzi, English & Klein, P.C. located in Garden City, Long Island, N.Y. and a Member of the Firm.

Ms. Garay serves on a variety of rosters of neutrals, including the American Arbitration Association roster of arbitrators for commercial and complex litigation and its panel of mediators and as a mediator for the N.Y.S. Supreme Court, Commercial Division for the counties of New York Nassau, Suffolk, Queens, and Westchester. Ms. Garay also has been selected for the panels of mediators for the U.S. District Court for the Southern District of New York, and the U.S. Bankruptcy Courts for the Eastern and Southern Districts of New York.

She has lectured on ADR and authored articles on federal practice, employment law, shareholder rights, restrictive covenants (non-competition and non-solicitation) and trade secrets, including to the Commercial Judges of the State of New York. Ms. Garay regularly advises businesses on these and other corporate and commercial matters and serves as an advocate for businesses and their executives.

Before joining Meyer, Suozzi, English & Klein, P.C., she was a partner at a prominent Long Island Firm (including heading up its Los Angeles Office), and was an associate at an international law firm in Manhattan. Ms. Garay is a member of the American Bar Association, New York State Bar Association and the Nassau County Bar Association, where she is a member of the ADR and commercial litigation sections or committees.

ADR Experience and Qualifications

Ms. Garay has served as an arbitrator in cases involving a variety of industries and a variety of claims, including:

- Corporate, LLC and partnership dissolutions
- Shareholder disputes and business valuations (including disability buy-out)
- Insurance coverage
- Break-up of medical practices
- Medical billing disputes
- Breach of fiduciary duties
- Complex real estate disputes (including environmental contamination)
- Business transactions and breach of contract
- Accounting claims involving allegations of misappropriation of company funds by shareholders
- Franchise agreement disputes and termination issues
- Restrictive covenants (non-competition and non-solicitation agreements)

Erica B. Garay

Ms. Garay is a successful mediator and has handled cases in a wide array of cases, including pre-litigation claims:

- Shareholder disputes
- Corporate, LLC and partnership dissolutions (including Valuations)
- Employment law (including sex, race, and disability discrimination claims)
- Trade secrets
- Non-competition, non-solicitation covenants and non-disclosure agreements
- Civil rights claims
- Insurance coverage (property claims and coverage disputes)
- Intellectual property
- Real estate broker commission
- Guarantees
- Commercial transactions and breach of contract
- Insurance broker/financial advisor malpractice
- Breach of fiduciary duties
- Franchise and licensing agreement

In addition, Ms. Garay has resolved numerous disputes in a variety of settings, including the following representative engagements:

- Intellectual property
- Shareholder, partnership and LLC disputes and valuations
- Licensing agreements
- Corporate, LLC and partnership dissolutions, valuations and accounting proceedings
- Medical practice break-ups
- Employment law (including wrongful termination claims)
- Trade secrets
- Restrictive covenants (including non-solicitation and non-competition agreements)

Honors

- Honored by the Long Island Women's Agenda in 2008
- Inducted into the "Top 50 Women on Long Island" Hall of Fame in 2003
- Named Advocate of the Year in 2002 by Women on the Job
- Girl Scouts of Nassau County's Juliette Low Award of Distinction, 2000
- Inductee into the Long Island Center's Hall of Fame
- Recipient of the 1993 Achievers' Award in Law from the Long Island Center for Business & Professional Women
- Recognized by the American Bar Association, Section of Litigation, receiving its Distinguished Leadership Award

Memberships, and Professional Activities

- Founder, President and Member, Board of Directors, Long Island Women's Agenda
- President, Women Economic Developers of Long Island
- Vice President, Long Island Center for Business and Professional Women
- Trustee, Long Island Children's Museum
- Member, Council of Overseers, Long Island University, CW Post

Background and Education

- Chair, ADR practice group at Meyer, Suozzi, English & Klein, P.C.
- Partner, Rivkin Radler LLP
- Willkie, Farr & Gallagher
- Assistant Corporation Counsel, General Litigation Division in New York City Law Department
- J.D., St. John's University School of Law, 1978, Associate Managing Editor of St. John's Law Review
- B.A., Binghamton University, 1973

Erica Garay's Representative Engagements:

Mediation and Arbitration

Mediations

- Mediation of suit involving former head of sales regarding alleged breach of restrictive covenant (as mediator)
- Mediation of employment discrimination suit (ADA) (as mediator)
- Mediation of employment discrimination suit (ethnicity) (as mediator)
- Mediation of break-up of medical practice (LLP)
- Mediation of employment discrimination/sexual harassment lawsuit brought by former officer of a large medical institution
- Mediation of employment discrimination/ADA claims
- Mediation of LLC member's claims regarding wrongful discharge and termination of LLC Operating Agreement
- Mediation of LLC member's derivative lawsuit and dissolution claims
- Mediation of Shareholder derivative claim and dissolution lawsuits
- Mediation of damages claim regarding wrongful discharge of shareholder in Medical Practice
- Mediation of minority shareholders claims of freeze-out, resulting in buy-out of various interests in medical practice and real-estate holding company
- Mediation of LLC member dispute, results in buy-out of interests, where other parties claimed no LLC had been formed
- Mediation of post-dissolution claims arising from settlement agreement
- Mediation results in settlement of disputes regarding break-up of construction management company
- Mediation of sale of goods and breach of warranty claims
- Mediation of minority shareholders claims regarding corporate governance issues and dispute concerning stock ownership in multiple entities
- Mediation of seller's claims regarding supply contract in construction context
- Mediation of claims regarding sales commissions
- Mediation of terminated officers severance benefit
- Mediation of claims concerning termination of commissioned sales-person agreement

Arbitrations

- Dissolution of Corporation/Buy-out of minority shareholder and complex valuation proceeding
- Claims regarding business-broker finder's fee
- Claims regarding compensation owed under earn-out agreement
- Violation of Restrictive Covenant and breach of employment contract
- Shareholder dispute concerning freeze-out and breach of fiduciary duty (as arbitrator)
- Wrongful termination of hotel management contract (as arbitrator)
- Claims concerning compensation owed in break-up of law firm partnership (as arbitrator)

Erica Garay's Representative Engagements: Specific Shareholder/Partnership/LLC Disputes

1. Dissolution of medical practice (P.C.) - multiple-day arbitration and court proceedings and mediation (issues include buy-out; restrictive covenants; breaches of duties and contract)
2. Dissolution of real estate corporation (valuation) - Nassau County - multiple-day trial (valuation hearing under section 1118)
3. Shareholder dispute - SDNY and mediation - (buy-out and breach of contract; complex accounting issues)
4. Dissolution of real estate brokerage and valuation proceeding under section 1118-arbitration (multiple-day arbitration)
5. Dissolution (and related shareholder disputes and claims) of medical practice (P.C.) - multiple-day arbitration and court proceedings (complex valuation issues)
6. Dissolution of 5 real estate partnerships - Nassau County (3-week accounting proceeding in Supreme Court) (including successful post-judgment appeal)
7. Pre-suit counseling and representation of client in Federal District court and State court (New York and Massachusetts) regarding shareholder rights and interests in three entities
8. Dissolution of corporation and shareholder disputes (arbitration and court proceedings)
9. Dissolution of LLC and related disputes - Colorado and EDNY - (including complex valuation and accounting issues)
10. Dissolution of high-tech manufacturing corporation - Nassau County - (complex oppression issues; settled after extensive discovery)
11. Dissolution of service corporation - Nassau County - (including post-settlement enforcement hearings)
12. Dissolution of LLC - Suffolk
13. Dissolution of construction management company - New York County - (mediation and court proceedings) (including post-settlement court proceedings)
14. Dissolution and shareholder disputes of real estate corporation - Queens County - (including derivative claims)
15. Dissolution and shareholder disputes of real estate corporation - Nassau County - including derivative claims and settlement)
16. Partnership disputes concerning 2 real estate partnerships
17. Shareholder dispute (regarding buy-out) - SDNY
18. Dissolution of retail corporation (valuation) - NY County
19. Shareholder dispute (regarding acquisition of interest) - NY County
20. Shareholder dispute (regarding acquisition of interest in accounting firm) - pre-suit

Erica Garay's Representative Engagements:

Specific Shareholder/Partnership/LLC Disputes *(continued)*

21. Dissolution of law firm - Bronx County
22. Dissolution of service corporation including other shareholder claims - Nassau County
23. Shareholder dispute and dissolution - Nassau County
24. Shareholder dispute (pre-litigation) regarding law firm dissolution
25. Membership Dispute LLC - EDNY
26. LLC/PC Break-up (Prelitigation and settlement) (medical practice/LLC owning real estate)
27. Shareholder dispute and enforcement of buy-out of accounting firm PC (prelitigation)
28. Advise client on shareholder rights in several corporate entities (prelitigation) (medical practice and related entities)
29. Represent client in litigation concerning shareholder interest in law firm - Nassau County
30. Advise corporate client in several shareholder matters (litigation and prelitigation) regarding inspection rights and related claims (including appeal)
31. Neutral arbitrator in law-firm partnership break-up
32. Litigation in Massachusetts and New York re corporate governance, shareholder and director rights in several entities (sales company) in federal court
33. Neutral arbitrator in day-care/nursery school shareholder dispute
34. Neutral arbitrator in shareholder dispute in equipment sales company
35. Counseling client in break-up of medical practice (Suffolk), including inspection rights and corporate governance issues
36. Dispute concerning shareholder/LLC derivative claims in lawsuits, corporate and LLC dissolution disputes; mediated break-up and severing relationships, including through the use of complex exchange of LLC interests in real-estate holding companies and buy-out of corporate shares
37. Dispute concerning claimed ownership interest in inter-related corporations

Erica Garay's Representative Engagements:

Restrictive Covenants, Non-competition Agreements and Trade Secrets

- Enforced non-competition agreement against insurance broker (including that company had non-public proprietary information to protect)
- Enforced non-solicitation and confidentiality agreements against former President and Executive Vice-President of company
- Enforced non-solicitation and confidentiality provision against former Vice President of Company (including finding that Company had trade secrets to protect) (including through trial and appeal)
- Enforced restrictive covenant against former Vice President of Sales (including federal trial)
- Enforced restrictive covenant against former salesmen
- Enforced non-competition and confidentiality provision against independent contractor mediator
- Mediated (as neutral) dispute concerning enforceability of confidentiality agreement
- Successfully resolved suit over alleged restriction against salesman
- Through use of cease and desist letters, stopped unlawful conduct in many circumstances, avoiding litigation