



## Cynthia A. Murray

### Partner

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Cindy Murray is a partner in the Litigation Services Department and chair of the firm's Associates Professional Development Committee. She concentrates her practice in complex commercial litigation, primarily in the areas of construction, real estate and financial services industries.

Ms. Murray has extensive experience in a broad range of substantive areas of law including breach of contract and fiduciary duties, fraud, misrepresentation, employment issues, mechanic's liens, trade secrets, bankruptcy and shareholder disputes. She leads complex litigation involving major projects and litigates multi-million dollar, cross-border disputes. She skillfully guides her clients through all stages of litigation and has appeared in federal, bankruptcy and state courts at the trial and appellate levels, and in arbitration and mediation proceedings.

## Representative Matters

### Litigation Services

- Represented national real estate finance company in multi-million dollar litigation involving claims of breach of contract, breach of fiduciary duties and fraud in federal court in connection with the financing and development of a low-income senior housing project. Reached a favorable settlement for client after cross-motions for summary judgment.

- Represented national retailer in litigation with landlord relating to commercial lease. Filed complaint seeking a declaratory judgment that landlord was not entitled to accelerated rent. Negotiated favorable settlement for client.
- Represented national eyewear distributor in arbitration with former independent sales representative alleging age discrimination under the ADEA. Reached a favorable settlement for client.
- Represented underground utilities company in litigation in federal court relating to misappropriation of trade secrets and patent infringement of innovative techniques used in wind and solar industries. Obtained preliminary injunction enjoining former employee and competitor from manufacturing, selling or using client's patented technologies, trade secrets and proprietary information. Ultimately obtained a permanent injunction and other relief.
- Represented global technology and business services firm in litigation in federal court involving claims of breach of non-competition and confidentiality agreements and issues involving intellectual property and the exercise of stock options by former employees. Obtained a dismissal of defendants' thirteen counterclaims on a motion to dismiss and reached a favorable settlement.
- Represented premium Italian coffee brand in dispute involving breach of exclusive distribution agreement.
- Represented insurance providers in the pre-litigation stage by drafting insurance coverage opinions relating to aerospace and aviation claims.

## Construction Industry

- Represented owner / operator of energy-from-waste and power generation projects in an arbitration initiated by general contractor claiming damages of approximately \$100 million dollars for extra work and delay and inefficiency claims in connection with the construction of industrial facility in Canada. Arbitration governed by the under the United Nations Commission on International Trade Law Arbitration Rules. Served as second chair at arbitration conducted over the course of a year and a half.
- Represented general contractor seeking damages for delay and lost productivity arising from a \$35 million contract for renovation and new construction of a major regional healthcare facility located in New York City. Reached a favorable settlement despite a "no-damages-for-delay" clause in contract.
- Represented curtain wall contractor in litigation relating to breach of contract, account stated and mechanic's lien against well-known developer of high rise mixed-use buildings in New York City. Obtained summary judgment and multi-million dollar judgment for client.
- Represented specialty steel subcontractor in New York State court on claims for contract balance, delay and disputed work against general contractor and its surety in connection with renovation of art museum located in Queens, NY. Defeated plaintiff's motion for summary judgment, and reached settlement before trial.
- Represented surety in a material supplier's claim under construction payment bonds in an action arising from two major construction projects in New York City. Served as second chair at jury trial in state court and obtained a defense verdict.

- Represented a surety in both affirmative and defensive claims in a case in federal court relating to a performance bond issued for the construction and rehabilitation of a major cruise ship terminal in New York City. Obtained summary judgment and a multi-million dollar settlement in favor of client.
- Represented a joint venture provider of engineering and transmission infrastructure services in litigation involving the termination of a subcontractor. Handled all discovery, and oral argument. Matter was settled favorably on behalf of client.
- Provided advice to luxury retailer in pre-litigation disputes relating to construction and renovation of retail stores.

## Community and Pro Bono

- Ms. Murray volunteers in her community and is actively involved in the West Side YMCA ("WSY"), whose mission is dedicated to promoting youth development, healthy living and social responsibility. She has served on the Board of Managers for the WSY for the last six years and is the current Chair of the WSY Board of Managers. She is also involved as a mentor for high school students that participate in the WSY's Teen Career Connection program, an internship program that prepares students for the work place by offering professional development and hands-on learning experiences during the summer.
- Ms. Murray has also spent over three years on a *pro bono* representation of a citizen of Cameroon seeking political asylum in the U.S. In addition to obtaining a grant of asylum for the client, she successfully petitioned for and obtained immigrant visas for the client's wife and two children.

## Education

- St. John's University School of Law, J.D., *cum laude*, 2003
- University of North Carolina at Chapel Hill, B.A., 1994

## Bar Admissions

- New York, 2004

## Court Admissions

- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. Court of Appeals for the Second Circuit

## Professional Affiliations

- American Bar Association, Member
- New York State Bar Association, Member
- Professional Women in Construction - New York Chapter, Member; Professional Development Advisory Council, Member

## Other Distinctions

- *St. John's Law Review*, Notes and Comments Editor

## Practices

- Creditors' Rights and Business Restructuring
- Financial Services Litigation
- Litigation
- Privacy and Data Security

## Industries

- Construction
- Retail