

ERICA B. GARAY, ESQ.
GARAY ADR SERVICES
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- I. Profession:
Attorney, Bar Admissions: NY 1979; California 1986 (inactive)
- II. Professional Organizations:
NYS Bar Association: ADR Section; Commercial & Federal Litigation Section;
Labor and Employment Law Section
Nassau County Bar Association: ADR Committee (co-Chair 2015-2017);
Commercial Litigation Committee; Labor and Employment Committee; former
member of Nominating Committee (2019-2020); member, ADR Advisory
Council (2015-to date)
U.S. District Court, EDNY: former member of ADR Advisory Council
- III. General Professional Experience:
Garay ADR Services: Owner, Mediator and Arbitrator 2017-to date
Meyer, Suozzi, English & Klein, PC: 2003-2017
Partner and Chair of ADR Practice Group; Litigation
Rivkin Radler, PC: 1983-2002
Partner, Litigation and Insurance Coverage: 1986-2002; Associate 1983-
1985
NYC Law Department: 1978-1982; Assistant Corporation Counsel
(commercial litigation; employment and civil service, constitutional and civil
rights and municipal law)
- IV. Experience and Familiarity with Bankruptcy law: adversarial proceedings as a
litigator and mediator;
- V. Mediation Training: NYS Office of Court Administration, Suffolk County
Commercial Division Mediation Training, 2009; Advanced Commercial
Mediation Training 2010; Advanced Training 2016; American Arbitration
Association, 2010-2011; various mediation workshops for neutrals sponsored
by EDNY, AAA, and bar associations
- VI. Mediation Experience: As a mediator, I have mediated more than 250 cases
pre-suit, and cases pending in various state and federal court, as well as
arbitrations, involving commercial, employment, civil rights and asbestos
disputes. I have been privately retained to mediate on an "ad hoc" basis for
cases pending in court and before suit is filed. The mediations have involved:
real estate and development, business dissolutions and disputes among

owners; construction defect; professional malpractice; breach of NDA, confidentiality agreements and restrictive covenants (non-compete and non-solicitation); trade secrets, breach of contract, tortious interference; breach of loyalty and fiduciary duties; “wrongful termination”; employment discrimination (race, religion, sexual orientation, sex, sexual harassment, ethnicity, ADA, ADEA, FLSA; pregnancy and unequal pay), sexual assault, trusts and estates; Lanham Act; attorney’s fee applications; royalty and license; breach of warranty; breach of agreements involving sales commissions, employment contracts; severance and termination and intellectual property, shareholder derivative claims; stock ownership disputes; business valuations; insurance coverage; and asbestos illnesses.

VII. Areas of Expertise:

Commercial and business law; corporate, LLC, partnership law; dissolutions; derivative claims; buy-outs and valuations; insurance coverage; employment law and discrimination; licensing and royalty; restrictive covenants; corporate and LLC governance; employment law; wage and hour claims.

VIII. General Pertinent Business or Legal Experience: commercial and business law; corporate law; corporate, LLC and partnership dissolutions; derivative claims; buy-outs and valuations; breach of contract; severance, employment law and discrimination; corporate and LLC governance; sales, warranty and breach of contract. Substantial experience with various industries, including restaurants, hotels and hospitality; medical, dental and accounting practices, real estate LLCs, medical billing companies, manufacturers and distributors, employment law and severance agreements; disputes concerning asset purchase agreements and earn-outs; complex insurance coverage issues (including in toxic tort, environmental and hazard waste, and intellectual property/advertising injury, director and officers and errors and omissions coverage); litigation experience through trials and appeals in state and federal court, as well as in arbitration.

As a litigator I served on teams that litigated cases in state (NY and Washington) and federal court that were among the largest cases litigated in those courts, including multi-district litigation.

Arbitrator and Mediator, American Arbitration Association; EDNY Roster of Arbitrators;

Former Chair of Meyer, Suozzi, English & Klein, P.C. Alternative Dispute Practice; Former Co-Chair of NCBA ADR Committee; Former member EDNY ADR Advisory Council; Member, NCBA ADR Advisory Council;

IX. Other Experience: I have served as an arbitrator for about 20 years, with experience in varied commercial and employment disputes. These complex

cases involved myriad issues including business valuations; employment, buy-outs; asset purchase agreements, earn-outs, “business divorces”, including freeze-outs and dissolutions; shareholder derivative claims and breach of fiduciary duty; breach of licensing and royalty agreements; employment claims (wrongful termination, restrictive covenants, trade secrets, discrimination, wage & hour, unequal pay, severance), hotel management and insurance disputes.

I was a director and committee chair for the ABA section of litigation and received its “Litigation Star” award for my contributions.

I am on the roster of arbitrators for the American Arbitration Association (Complex and Commercial Disputes) and the EDNY. I am on the roster of mediators for the following courts: EDNY, SDNY; NYS Supreme Court Commercial Divisions (counties of Nassau, Suffolk, Queens, Westchester, New York, and Kings).

I have published various articles on ADR and spoken at the State Bar, AAA, and NCBA annual and other meetings.

- X. Fee Structure: \$500/hr (including prep time, travel time and reasonable travel expense); cancellation fee if scheduled mediation is cancelled on less than one week’s notice.
- XI. Pro bono preference: Will mediate cases in Central Islip