

Sarah O'Brien

Partner

Buffalo
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Education

- University at Buffalo School of Law, *Cum Laude*; *Buffalo Journal of Gender, Law & Social Policy*, Article Manager, JD
- Hobart and William Smith Colleges, *Cum Laude*, BA

Practices & Industries

- Commercial Litigation & Complex Trials
- Construction & Surety

Admitted to Practice

- New York

Court Admissions

- US Bankruptcy Court for the Western District of New York
- US Court of Federal Claims
- US District Court for the Eastern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Sarah concentrates her practice on state and federal commercial litigation matters involving a variety of business disputes, including breach of contract, shareholder disputes, corporate fraud, noncompete, business tort, and business divorce matters, across a wide range of industries. Sarah also handles commercial construction and surety matters, routinely representing construction companies, including general contractors, subcontractors, and suppliers, in contract disputes and other lien matters. Sarah's experience also includes representing clients in securities and other complex financial products litigation as well as technology, data protection, privacy, and other cybersecurity matters.

In addition to her practice, Sarah is a member of the Opportunity, Inclusion & Belonging Partner Committee and serves as the co-partner for these initiatives in the firm's Buffalo office.

Bar Associations

- New York State Bar Association
- Women’s Bar Association of the State of New York

Selected Memberships & Affiliations

- Barclay Damon’s Women’s Forum
- Women Lawyers of Western New York

Representative Experience

- Assisted with successfully obtaining the dismissal of a corporate fraud and breach of fiduciary duty action on behalf of a client facing $10 million in damages.

- Assisted with successfully appealing a decision on behalf of a defaulting commercial tenant who stopped paying rent during the COVID-19 pandemic.
- Was part of the team that obtained critical injunctive relief for two New York State care-coordination organizations in an emergency arbitration hearing involving an uncooperative enterprise risk management platform technology vendor threatening to cut off system access and potentially disrupting the continuity of care of over 35,000 disabled New Yorkers.
- Helped negotiate a favorable settlement on behalf of a not-for-profit client in a CPLR Article 77 trust proceeding involving a dispute with a Florida hedge fund that owned $60 million in outstanding bonds in connection with a student-loan securitization.
- Was a member of the team that successfully obtained relief for an architectural client on a performance bond after its subcontractor defaulted in performance and the surety disclaimed liability based on the failure to comply with the express written terms of the bond.
- Assisted with successfully defending a motion for summary judgment on behalf of a material supplier for a complex construction project. The team also obtained a favorable decision on cross-motion for summary judgment against the surety defendant.
- Assists in advising several financial institutions on cybersecurity, data privacy, and technology contract issues.
- Provided pro bono counsel to an inmate-plaintiff in a civil-rights matter.

Prior Experience

- Barclay Damon, LLP, Summer Associate
- New Era Cap Co., Inc., Law Clerk
- Erie County Bar Association Volunteer Lawyers Project, Inc., Extern

Judicial Clerkships

- NYS Appellate Court, Judge Eugene Fahey

Selected Community Activities

- Spirited Athletes Bold at Heart (SABAH), Board Member

Selected Honors

- *The Best Lawyers in America*®: Commercial Litigation, 2027
- Selected to *Super Lawyers* Upstate New York Rising Stars: Business Litigation, 2020–2026
- *Best Lawyers: Ones to Watch in America*®: Commercial Litigation, 2021–2025
- US District Court for the Western District of New York, Pro Bono Honor Roll, 2021
- *Buffalo Business First*, 30 Under 30, 2020
- New York State Bar Association, Empire State Counsel Honoree, 2018

Selected Media

- *Buffalo Business First*, "Meet the New Partners at Buffalo's Top 5 Law Firms"
- *New York Law Journal*, "New York Business Corporation Law 1104-a Dissolution Actions: A Last Resort for Shareholders"
- *USLAW Magazine*, "Technology Contract Traps and Tactics"

Selected Alerts & Blog Posts

- Fourth Department Explains When a Defaulting Commercial Tenant Is No Longer Responsible for Future Rent
- NYS Governor Cuomo Signs "Substantial Completion" Bill