



# Peter Marlette

He | Him | His

*Partner*

*Buffalo*

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## Education

- Georgetown University Law Center, JD
- Dartmouth College, BA

## Practices & Industries

- Mass & Toxic Torts
- Torts & Products Liability Defense
- Commercial Litigation & Complex Trials

## Admitted to Practice

- New York

## Court Admissions

- US District Court for the Northern District of New York
- US District Court for the Western District of New York

## Biography

Peter's legal practice focuses on the defense of high-exposure products liability and toxic-substance litigation. He counsels businesses on products-liability issues and product recalls. Peter also represents corporations in large commercial litigation and arbitrations across the United States and around the world.

Peter formerly served as managing director of Barclay Damon's Buffalo and Toronto offices and served on the firm's Management Committee. Prior to the merger that formed Barclay Damon, he served as managing partner of Damon Morey LLP. Peter's many leadership positions in the community include an appointment by NYS Governor Andrew Cuomo to serve as Erie County Fiscal Stability Authority director and vice chair.

## Bar Associations

- American Bar Association
- Bar Association of Erie County
- New York State Bar Association

## Selected Memberships & Affiliations

- Litigation Council of America, Fellow
- ALFA International, Former Board of Directors Vice Chair
- ALFA International, Great Lakes Practices Group, Former Chair
- Managing Partner Forum, Advisory Board

## Representative Experience

- Served as lead attorney in a major international arbitration involving cellular-telephone contracts in Sweden, Russia, and

several former Soviet Union republics with claims of over \$125 million in damages. After 10 days of arbitration, a three-person panel returned a unanimous no-cause decision in favor of the Swedish corporation that Peter represented.

- Successfully tried several asbestos cases to verdict and served as lead trial counsel throughout the United States, including in cases in New York, Massachusetts, New Jersey, Florida, and Minnesota.
- National counsel for an international manufacturer of lifting devices in leading the coordination and strategy for its asbestos litigation throughout the United States.
- Successfully tried a high-exposure head injury case in which the plaintiff's economist alleged damages in excess of \$25 million.
- Successfully counseled an international manufacturer of security devices, an international manufacturer of electrical products, and several food manufacturers and distributors on product recalls and withdrawals.
- Defended complex mass tort cases through trial that involved deceased plaintiffs. Through intensive investigation, successfully refuted the plaintiffs' witnesses' testimony, resulting in the dismissal of the case against the client.
- Successfully obtained summary judgment dismissal of the action with prejudice. After the client, a distributor of automotive products and solvents, made a *prima facie* showing of entitlement to summary judgment based on indemnity agreements and pass-through liability theory of defense, the plaintiff failed to demonstrate that the client had any independent liability for which it was not entitled to indemnification from the product manufacturer(s).
- Obtained an order dismissing the case with prejudice following a successful motion to dismiss under Rule 12 of the Federal Rules of Civil Procedure. The client successfully demonstrated that it had immunity from the majority of the plaintiffs' claims under the Protection of Lawful Commerce in Arms Act and that the plaintiffs were otherwise unable to state a viable cause of action on their remaining claims for breach of the Texas Deceptive Trade Practices Act and for breach of implied warranty of merchantability.

## Prior Experience

- Damon Morey LLP, Managing Partner

## Selected Community Activities

- Evans Scholarship Foundation, Director
- Kaleida Health System, Quality Committee Member
- Buffalo Renaissance Foundation, Former Board of Directors President
- Kaleida Health Foundation, Former Board of Directors Chair

## Selected Honors

- *The Best Lawyers in America®*: Mass Tort Litigation/Class Actions – Defendants, 2012–2026; Product Liability Litigation – Defendants, 2015–2026
- Selected to *Super Lawyers* Upstate New York: Personal Injury – Products: Defense, 2007–2025
- *Buffalo Business First*, Legal Elite Leaders of Western New York, 2013–2020; Western New York Power 250, 2013–2022
- *Daily Record*, Power 50 Law List, 2021
- *The Best Lawyers in America®*: Buffalo "Lawyer of the Year": Mass Tort Litigation/Class Actions – Defendants, 2019
- Selected to *Super Lawyers* Top 50 Upstate New York Lawyers, 2019

## Selected Media

- *Buffalo Business First*, "Corey Auerbach Takes Over as Managing Director at Barclay Damon"
- *Managing Partner Forum*, "Make Mid-Sized the Right Size"