

Andrew Carroll

Counsel

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Education

- Pennsylvania State University, *Journal of Law and International Affairs,* Senior Editor, JD
- State University of New York at Brockport, *Magna Cum Laude*, BS

Practices & Industries

- Mass & Toxic Torts
- Environmental
- Torts & Products Liability Defense

Admitted to Practice

- New York

Court Admissions

- US District Court for the Western District of New York

Biography

Andrew primarily concentrates his practice on civil litigation, including in matters involving general negligence. He routinely conducts research, attends examinations under oath, and engages in motion practice when necessary.

Andrew also has previous experience defending medical professionals and health care institutions as well as premises liability matters.

Bar Associations

- Bar Association of Erie County, Young Lawyers Committee Member
- New York State Bar Association

Representative Experience

- Successfully defended before the Second Circuit Court of Appeals a challenge to the water quality certificate issued by the New York State Department of Environmental Conservation for an interstate natural gas pipeline.
- 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.
- 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).

Prior Experience

- Gibson, McAskill & Crosby, LLP, Associate
- Erie County District Attorney's Office, Tactical Prosecution Bureau Intern
- District of Columbia Office of the Attorney General, Public Interest Division Intern

Selected Honors

- *Best Lawyers: Ones to Watch® in America*: Mass Tort Litigation/Class Actions – Defendants, 2024–2027; Product Liability Litigation – Defendants, 2022–2027
- Selected to *Super Lawyers* Upstate New York Rising Stars: Civil Litigation: Plaintiff, 2021; Civil Litigation: Defense, 2022–2026
- Penn State Law, CALI Award for Excellence in Insurance Law, 2016

Selected Alerts & Blog Posts

- Supreme Court Declines to Clarify Impact of Uninjured Class Members on Class Certification—For Now
- Supreme Court to Clarify Article III Injury Requirement for Class Certification
- EPA Lists Two New "Forever Chemicals" Under CERCLA
- New York State's Highest Court Reaffirms Specific Causation Requirements in Toxic Tort Cases