



Ari Kwiatkowski

She | Her | Hers

Counsel

Buffalo

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Education

- Albany Law School, *Magna Cum Laude*, JD
- University at Buffalo, *Magna Cum Laude*, BA

Practices & Industries

- Commercial Litigation
- Labor & Employment
- Torts & Products Liability Defense

Admitted to Practice

- New York

Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the Northern District of New York
- US District Court for the Western District of New York

Biography

As a member of the firm's Labor & Employment Practice Area, Ari counsels businesses in investigating complaints of employee misconduct and discrimination. She also defends employers in discrimination-related matters before the Equal Employment Opportunity Commission (EEOC), the New York State Division of Human Rights, and in state and federal courts. A trained litigator, Ari also represents businesses in breach-of-contract and restrictive covenant litigation.

Ari concentrates a portion of her practice on representing employers with unionized workforces in labor arbitration hearings and post-arbitration litigation. She also assists businesses to ensure compliance with state and federal laws concerning a variety of employment-related issues, including employee applications, contracts, and workplace policies.

Ari's experience in the insurance industry prior to attending law school gives her a unique perspective in defending personal injury and legal malpractice actions.

In addition to her legal practice, Ari hosts *Barclay Damon Live: Labor & Employment Podcast*. Each week, she welcomes guests to unpack hot topics and discuss new developments in labor and employment law.

Ari also serves as chair of the firm's Next Generation Committee and is a member of the Buffalo office Diversity Leadership Team.

Bar Associations

- Bar Association of Erie County
- Women's Bar Association of the State of New York

Selected Memberships & Affiliations

- Barclay Damon's Women's Forum

Representative Experience

- Successfully obtained summary judgment in a toxic-exposure and NYS Labor Law case with significant injuries claimed.
- Successfully obtained summary judgment dismissal on behalf of a commercial-property owner in premises-liability cases.
- Successfully obtained summary judgment in a NYS Labor Law case with intricate Workers' Compensation Law issues.
- Successfully obtained summary judgment in a toxic exposure and inhalation case with products liability and NYS Labor Law claims.
- Former employee filed sexual harassment claims (hostile work environment and quid pro quo) with the United States Equal Employment Opportunity Commission. After investigation, the United States Equal Employment Opportunity Commission concluded that there was insufficient evidence to establish a violation of Title VII of the Civil Rights Act.

Prior Experience

- Damon Morey LLP, Summer Associate
- Erie Community College to Kristin Klein Wheaton, Law Clerk
- GEICO Insurance Agency, Insurance Agent

Selected Community Activities

- Lawyers for Learning, Tutor

Selected Honors

- *Best Lawyers: Ones to Watch in America*®: Insurance Law, 2021–2024; Litigation – Labor and Employment, 2024; Product Liability Litigation – Defendants, 2021–2024
- Selected to *Super Lawyers* Upstate New York Rising Stars: Personal Injury Products: Defense, 2020–2021; Employment & Labor, 2022–2023

Selected Media

- *Buffalo Business First*, "Driving in a Travel Ban: What Are the Consequences for Employers and Their Employees"
- *Buffalo Business First*, "How to Navigate New York State's New Pay Transparency Law"
- *Buffalo Business First*, "Bringing Your Employees Back to the Office? Create a Policy for That."

Selected Alerts & Blog Posts

- SCOTUS Strikes Down OSHA Vaccinate-or-Test Rule, but Allows CMS Mandate to Proceed
- Second Circuit Determines Gradual Deterioration of Walls Was Not a Covered Collapse Under Homeowner's Policy
- General Obligations Law § 5-335 Prohibits Insurer's Reduction in Disability Benefits
- State vs. Federal Appeals: Practice Points for Appeals to the U.S. Court of Appeals for the Second Circuit
- Court Of Appeals Significantly Expands Manufacturer's Duty To Warn

Selected Podcasts

- *Barclay Damon Live: Labor & Employment Podcast*—"Breaking Down the New PWFA Regulations"
- *Barclay Damon Live: Labor & Employment Podcast*—"Order Up! Hot Tips for Employers in the Hospitality Industry, Part 2," With Lee Jacobs
- *Barclay Damon Live: Labor & Employment Podcast*—"Order Up! Hot Tips for Employers in the Hospitality Industry, Part 1" With Lee Jacobs
- *Barclay Damon Live: Labor & Employment Podcast*—"Avoid Big Trouble in the Big Apple: NYC Employment Laws," With Lee Jacobs
- *Barclay Damon Live: Labor & Employment Podcast*—"Immigration Alert! USCIS Publishes Revised I-9 Form," With Jennifer Behm