

Ken Africano is a passionate litigator who specializes in handling complex commercial litigation. He has won numerous jury and judge trials in state and federal courts and has extensive experience in arbitration. In addition to representing companies in a wide range of industries, Ken's experience includes representing law firms.

Commercial Litigation

Ken has handled a wide variety of commercial litigation cases including general breach of contract claims, violation of non-solicitation clauses, raiding cases, shareholder disputes and corporate dissolutions, antitrust suits, securities fraud claims, and a wide variety of unfair competition matters. He also has substantial experience in obtaining or defending restraining orders and injunctions in federal and state courts on a variety of commercial matters.

Workouts and Bankruptcy

Ken started his practice primarily representing Goldome Bank. Since then, he has represented many creditors and banks in matters related to collections, workouts and bankruptcies. His experience includes forcing a major Buffalo company into involuntary bankruptcy, having a receiver appointed to take control of assets of a significant Buffalo retail chain, and collecting a \$10 million debt with interest and attorneys' fees.

Public Policy Litigation

Over his more than thirty years of practice, Ken has handled many prominent cases affecting matters of public policy. In 2017, he brought constitutional claims to force action at one of the nation's most contaminated nuclear waste sites. In 2016, he represented the Buffalo Urban League in a case challenging the Erie County Comptroller's auditing authority. He also obtained summary judgment declaring unconstitutional a New York State policy that would have required private landlords that lease to state agencies to pay prevailing wages. In 2005, Ken led a team of litigators defending the Erie County Executive and the Erie County Legislature in a dozen suits that arose from the infamous "red budget/green budget crisis."

Intellectual Property Litigation

In the area of intellectual property, Ken served as lead litigation counsel for Universal Studios and Imagine Films in the defense of a copyright infringement action regarding Ron Howard's film "Backdraft." He also represented three major motion picture studios on a copyright infringement action venued in the Central District of California involving the film "Shakespeare In Love." Ken represented O'Shea Jackson aka Ice Cube and Priority Records in a copyright infringement action involving the song,



KENNETH W. AFRICANO

PARTNER

kafricano@hselaw.com

tel: 716.844.3739

fax: 716.853.1617

Admissions

New York

U.S. District Court for the Eastern, Western, Southern, and Northern Districts of New York

Bankruptcy Court Western District of New York

Second Circuit Court of Appeals

Education

SUNY Buffalo Law School, J.D.,
cum laude

University of Notre Dame, B.A.

“Gansta’s Make the World Go ‘Round.” He won a jury trial on a copyright infringement action in US Federal Court in Manhattan. He also teaches a course in intellectual property litigation at the University at Buffalo Law School.

Recent Representative Cases

- Represented a publicly traded bank in a case alleging unfair competition against another publicly traded bank. After issuance of a preliminary injunction that protected the client from further loss, the case proceeded to a jury trial where the jury awarded Ken’s client over \$3 million dollars in compensatory and punitive damages.
- Represented a group of New York City investors in a claim against their managing partner for misappropriating their investment in a Southeast Asian real estate development and obtained the full amount of the claim together with interest.
- Represented a client in a complex construction and engineering malpractice case which was settled on favorable terms.
- Represented various clients on shareholder/partner disputes, including one in which the client obtained a \$13 million payout to a 50% shareholder being forced out of a family business.

Professional and Civic Affiliations

- Founder and volunteer, Lawyers for the Arts, 2014-present
- Former Board Member, American Heart Association, Buffalo Niagara Division
- Former Board Member, University at Buffalo School of Law Alumni Association
- Former Board Member, Arts Services Initiative
- Member, The John Lord O'Brian Society for the University at Buffalo School of Law
- University at Buffalo School of Law Alumni Hyman Society, 2014-present
- Buffalo Philharmonic Orchestra Carnegie Committee, 2013
- Adjunct Lecturer, SUNY Buffalo Law School

Honors and Awards

- Selected by his peers for inclusion in *The Best Lawyers in America*® in the field of Commercial Litigation
- Selected to the Upstate New York Super Lawyers list, 2010-2019
- Legal Elite of Western New York, *Buffalo Business First/Buffalo Law Journal*, 2014 and 2018
- Who's Who in Law, *Buffalo Law Journal*, 2007, 2010, 2011, 2012
- Martindale-Hubbell DistinguishedSM Peer Review Rated
- Articles Editor, *Buffalo Law Review*, SUNY Buffalo Law School

News

- Quoted in, “BLJ: A Hard Look at Restrictive Covenants,” *Buffalo Law Journal*, October 30, 2017

Presentations

- Ken has spoken at dozens of seminars in the areas of intellectual property, trial technique and e-discovery, including presentations for the Niagara Frontier Corporate Counsel Association, Erie County Bar Association, Health Care Industries Association, the Business Owners and Managers Association, the Greater Buffalo Niagara Partnership and the Buffalo Claims Association.
- Adjunct Lecturer, State University of New York at Buffalo School of Law (bridge course on Intellectual Property Litigation), 2005-present.

