

Trial attorney, problem solver and strategic advisor, Sheldon Smith represents clients in complex and often high-profile business disputes. He helps clients efficiently resolve matters inside and outside the courtroom. Sheldon regularly counsels financial institutions, medical providers, high-end commercial property owners, real estate developers, and manufacturers.

### Commercial Litigation

Sheldon represents buyers and sellers in disputes involving the domestic and international sales of goods. He also counsels businesses on matters involving competition and antitrust claims, trade secret misappropriation, trademark infringement, non-compete agreements, and other restrictive covenants. He also handles a variety of matters for banks, including check disputes, fiduciary duty claims, and fraud allegations.

### Tax Assessment and Condemnation

Sheldon handles high-stakes tax assessment challenges and related real property valuation disputes.

### Health Care Litigation

Sheldon represents a wide range of health care providers (including hospitals, medical associations, nursing homes, physicians, dentists, physical therapists and DME companies) regarding the many types of business, reimbursement, privacy, and real property disputes that arise in the health care arena.

## Representative Cases

- A durable medical equipment manufacturer in federal court cases against several large insurance companies involving NYS No-Fault Benefit reimbursement disputes; engaged in extensive motion practice in some cases; successfully opposed a motion for a preliminary injunction; and reached comprehensive settlements and business deals in certain cases.
- An engineering firm in non-compete and non-solicitation dispute against a competitor; successfully opposed a motion for a temporary restraining order; and efficiently obtained a favorable resolution for the client.
- Financial institutions in AAA Arbitrations and NYS Commercial Division matters regarding various Commercial Deposit Agreement disputes, including “bad bookkeeper” cases and various forms of check disputes governed by Articles 3 and 4 of the UCC.
- Nuclear facilities throughout NYS in high-profile, complex tax assessment challenges; led litigation team as one matter proceeded



SHELDON K. SMITH

PARTNER

ssmith@hselaw.com

tel: 716.844.3761

fax: 716.853.1617

### Admissions

New York

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

U.S. Bankruptcy Court for the Western District of New York

### Education

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

SUNY Buffalo, B.S., with distinction

through full appraisal exchange (replacement cost and income approaches to value, involving numerous engineers and valuation experts); and led mediations and court conferences that resulted in favorable settlement and PILOT agreements.

- Power Generating Facilities throughout NYS in contentious discovery disputes regarding tax assessment proceedings; and obtained a favorable decision limiting discovery by tax jurisdictions into company financial and other business information based on trade secret and related proprietary-information protections.
- Commercial tenant and professional soccer franchise in high-profile lease dispute with the City of Rochester, which settled after contentious motion practice and court hearings.

### Professional and Civic Affiliations

- Board of Trustees, Upstate New York Chapter, National MS Society
- Member, National Bar Association, Commercial Law Section
- Appointed Member, Attorney Advisory Group to the New York Federal and State Judicial Council
- Member and Past President, Minority Bar Association of Western New York
- Member, Rochester Black Bar Association
- Board of Directors, Catholic Health System
- Board of Directors, National Federation for Just Communities

### Honors and Awards

- Recognized by *Chambers USA* from 2017-2019 in the field of Litigation
- Legal Elite of Western New York, *Buffalo Business First/Buffalo Law Journal*, 2018
- Selected to the Upstate New York Super Lawyers list 2017-2019
- Named by *The Daily Record* as one of Rochester's Attorneys of the Year, 2014
- Recognized by *New York Law Journal* as a "Rising Star," 2013

### Presentations

- "Implicit Bias, Diversity and Inclusion," Numerous organizations (including law firms, law departments, bar associations, and nonprofit groups) 2018-2019
- "Commercial Division: Rule Amendments and Best Practices," New York State Bar Association, Commercial & Federal Litigation Section Meeting, 2014 & 2017
- "Ethics and Civility," New York State Bar Association, Spring Symposiums 2013, 2014, and 2017
- "Discovery Objections, Privilege Logs, and Sealing Orders," FRCP Amendments and Local Rules, May 2016

