



Edward M. Buxbaum

Partner

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Edward Buxbaum represents numerous national and international companies in civil litigation matters pending in state and federal courts.

Edward also serves as outside coverage counsel for several regional insurers. He has significant experience litigating a broad array of contractual disputes, fiduciary duty litigation, trade secret litigation, real estate related litigation, estates and trust related litigation, insurance coverage litigation, and food-borne liability litigation, as well as accountant and auditing malpractice/professional liability cases.

Edward has extensive first-chair jury trial experience, having tried approximately 30 cases to verdict. He also has significant appellate experience, having argued appeals in the Maryland Court of Appeals, the Maryland Court of Special Appeals, and the United States Court of Appeals for the 4th Circuit.

Education

- Tufts University (B.S., *magna cum laude*, 1980)
- American University Washington College of Law (J.D., 1984)

Admissions

- District of Columbia
- Maryland
- United States Court of Appeals - Fourth Circuit

Professional Affiliations

- Maryland State Bar Association
- District of Columbia Bar Association
- Business Litigation Section Chair
- Member Judicial Selections Committee, Member Bench Bar Committee, Bar Association of Baltimore City
- Baltimore County Bar Association

Services & Industries

- Appellate
- Commercial Litigation
- Distressed Investments
- Insurance Coverage & Recovery
- Litigation

- Defense Research Institute
- Maryland Defense Trial Counsel
- Volunteer Settlement Judge, Baltimore City Circuit Court

Awards & Honors

- *Benchmark Litigation*, "Litigation Star", 2010–present
- *The Best Lawyers in America*®, Commercial Litigation and Insurance Law, 2012–2026; Baltimore Insurance Law "Lawyer of the Year", 2021
- Maryland *Super Lawyers*®, 2009–Present; "Top 50 / Top 100 Maryland Lawyers," 2011–2014
- Senior Fellow, Litigation Counsel of America
- AV Preeminent®: Martindale-Hubbell® Peer Review Ratings™

Key Matters

Selected Experience

Business Litigation

- Served as counsel to numerous regional businesses and individuals involving commercial and business contract, tort, and other disputes in various state and federal courts.
- Tried approximately 30 jury trials to verdict.
- Argued extensively in Maryland Appellate Courts and the United States Court of Appeals for the 4th Circuit.
- Have represented numerous national and international companies in civil litigation matters pending in Maryland State and Federal Courts.

Director & Officer Corporate Governance/Special Counsel Services

- Counsel to the Trustee of assigned company claims of an apparel manufacturer in litigation asserting breaches of fiduciary duty against its former director and officer filed in Los Angeles.
- Counsel to a special purpose investment entity in litigation against a co-investor and its agent filed in the Commercial Division of the Supreme Court of New York.
- Counsel to Chapter 7 Trustee of a furniture manufacturer and retailer in the investigation and prosecution of director and officer claims in Virginia. This matter was settled very favorably.
- Special Litigation counsel to Chapter 7 Trustee in Delaware liquidation of the second largest national shoe and sporting apparel retailer with successful litigation of claims in Alabama against the Debtors' former officers, directors, and independent accounting and auditing firm.
- Counsel to multiple lenders in joint pursuit of claims against an international auditing firm and the directors and officers of an automobile parts reconditioning company in the Supreme Court of New York Commercial Division seeking approximately \$50 million in damages. Case settled with a favorable outcome for our clients.
- Counsel to Liquidating Trustee in investigation and pursuit of claims against officers and members of an aluminum extrusion industrial company, and its affiliates in New Jersey.
- Counsel to bankruptcy liquidating trust in the investigation and pursuit of professional liability claims. Confidential arbitration award entered after three-week trial before the International Institute for Conflict Prevention and Resolution ("CPR").

Insurance Coverage Litigation

- Representation of regional insurers with regard to insurance coverage litigation and the provision of insurance coverage opinion letters.
- Representation of a non-profit corporation in coverage and defense matters relating to the insolvency of insurers authorized to issue policies in Maryland.

Food Liability Litigation

- Defended a Baltimore restaurant in litigation arising out of a customer, diagnosed with typhoid fever, who claimed to have contracted the disease as a result of eating in our client's establishment. Despite the fact that subsequent testing revealed that a worker in the restaurant was an unknowing and asymptomatic carrier of the disease, that same testing established that the plaintiff's disease pattern differed significantly from that of the food service worker. The case was tried before a Baltimore City jury which returned a defense verdict resulting in the complete exoneration of the restaurant, and the verdict was upheld on appeal.
- Defended a Baltimore restaurant in litigation arising out of a customer's allegation that she sustained damages from salmonella poisoning after consuming a meal. Case settled for nuisance value after fact and expert discovery.

Appellate

- Representation of Appellee in an insurance coverage dispute. Court of Appeals affirmed both the trial court and the Court of Special Appeals in finding that there was no duty to defend the Insured because there was no potentiality of coverage for the intentional acts asserted in the underlying case.
- Representation of an Appellee in an insurance coverage dispute. This opinion serves as the seminal case in Maryland regarding whether a Commercial General Liability (CGL) policy will cover an Insured for damages arising out of defective workmanship. The Court of Special Appeals, in affirming the rulings below, held that the costs to repair defective work itself, as opposed to unexpected personal injury or property damage, are not covered.
- Representation of Appellant in a defamation case involving the applicability of Absolute Privilege in the context of an administrative proceeding. Court ruled on the certified question favorable to our client and remanded the case back to the 4th Circuit for further proceedings.
- Representation of the Guaranty Fund in an insurance coverage dispute wherein the Maryland Court of Special Appeals affirmed the trial court's ruling that attorney fees incurred by defense counsel in an underlying lawsuit are not "covered claims" under the Guaranty Fund statute and thus are not the responsibility of the Guaranty Fund.
- Representation of a restaurant in an appeal by the plaintiff subsequent to a defense verdict in an alleged food liability case tried before a jury in the Circuit Court for Baltimore City. Appeal focused on certain evidentiary issues, specifically the "Public Records" exception set forth in Maryland Evidence Rule 5-803(b)(8). Court of Special Appeals affirmed the ruling below in finding that the trial court correctly excluded from jury consideration various opinions and conclusions, as opposed to facts, contained in a report generated by The Maryland Department of Health and Mental Hygiene.

Thought Leadership

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