

EPHRAIM J. FINK

SPECIAL COUNSEL



AREAS OF PRACTICE

Premises & Retail Liability
Automobile Liability
Trucking & Transportation Liability
New York Construction & Labor Law
Product Liability
Health Care Liability
Environmental & Toxic Tort Litigation
Miscellaneous Professional Liability

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ADMISSIONS

Connecticut
1999

New York
2000

U.S. District Court of Connecticut
2001

U.S. District Court Eastern District
of New York
2003

U.S. District Court Southern
District of New York
2003

U.S. Supreme Court
2008

EDUCATION

New England School of Law (J.D.,
1999)

Syracuse University (B.A., 1996)

HONORS & AWARDS

Best Lawyers in America®,
Insurance Law
2023-2024

OVERVIEW

Ephraim Jacob (“EJ”) Fink has been a fixture in the Connecticut and New York Courts since 2000.

Over the course of his career, he has represented dozens of insurance carriers and their policyholders, as well as corporations, product manufacturers, and healthcare facilities in matters involving negligence and contract claims. EJ also defends owners and contractors in construction accident cases involving New York Labor Law. He has represented numerous individuals in the areas of personal injury, mold litigation, family law, employment, estate matters and education.

EJ focuses on guiding clients throughout the entire legal process, from the inception of a claim to the close of a file. His vast experience allows him to counsel clients on the most strategic and effective course of action for efficient resolution, whether through settlement negotiations, mediation, arbitration or jury trial.

Early in his career, EJ clerked for the Superior Court of Connecticut in the Bridgeport, New Haven and Stamford Judicial Districts. During this time, he primarily assisted in criminal law research and writing, and he provided legal support in the high-profile and sensationalized Michael Skakel-Martha Moxley murder case. He then spent seven years at one of the country's largest insurance defense firms, managing and trying a wide variety of cases throughout the five boroughs of New York. The majority of these claims involved negligence, professional liability, product liability, employment, commercial contract disputes and medical malpractice liability matters. EJ also defended New York City area hospitals at Environmental Control Board hearings.

EJ graduated from Syracuse University's Newhouse School of Public Communications with a degree in journalism and thereafter obtained his *juris doctor* at New England Law–Boston where his dean's list grade average earned him an associate editor position on the *New England Journal on Criminal and Civil Confinement*. EJ also took part in a prosecution clinic where the DA's office permitted him to conduct a DUI bench trial as a student.

EJ is a licensed member of the Bar in Connecticut and New York State and is also admitted to practice in the Federal District Courts of Connecticut, New York's Southern and Eastern Districts, and the Supreme Court of the United States.

ASSOCIATIONS & MEMBERSHIPS

Connecticut Bar Association

Council on Ethical Billing,
Fellowship Member

Fairfield County Bar Association

New York State Bar Association

Trial Lawyers Association

YEAR JOINED

2020

COMMUNITY SERVICE

Project Music (non-profit), Board
Member, Finance Committee

THOUGHT LEADERSHIP

Ephraim J. Fink Joins Marshall Dennehey As Special Counsel in Westchester, New York

Automobile Liability
Trucking & Transportation Liability
Premises & Retail Liability

October 8, 2020

Experienced litigator Ephraim Jacob (“EJ”) Fink has joined Marshall Dennehey Warner Coleman & Goggin as Special Counsel in the firm’s Westchester County, New York, office.

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CLASSES/SEMINARS TAUGHT

Hearsay and Social Media Evidence, National Business Institute (NBI), December, 2018

Educational Law, National Business Institute (NBI), May, 2015

RESULTS

Emotional distress claims barred in case where dog was run over by delivery truck.

General Liability

January 20, 2023

The plaintiff pet owners brought claims of emotional/bystander distress and recklessness against the delivery service after personally witnessing the incident that tragically killed their family dog. We filed a Motion to Strike (equivalent of 12b(6) in State of Connecticut Superior Court, Judicial District of Fairfield at Bridgeport), citing appellate authority that, because dogs are personal property and bystander distress arises out of human-to-human relationships, plaintiffs were barred from alleging and recovering any kind of emotional distress damages.

Defense verdict at trial for national public transportation company.

Trucking & Transportation Liability

November 10, 2022

Breach of contract claims were brought in the Connecticut Superior Court. The plaintiff had to purchase public transportation tickets after his car broke down. He claimed that he and his family were subjected to many alleged unsavory conditions and ordeals during their trip from Tennessee to Connecticut. He also claimed that the bus depots along the way were unsafe, failed to enforce mask mandates and exposed his children to people exhibiting odd behavior.

Defense obtains a minority view win in a personal injury/dram shop action in the Connecticut Superior Court.

Hospitality & Liquor Liability

February 16, 2022

After suffering severe brain damage in a motor vehicle accident, the plaintiff brought claims of negligence and recklessness against our restaurant client and other various defendants, including the owners and operator of the offending vehicle, who was charged with multiple criminal offenses (still pending) for operating under the influence. On behalf of our client, cross-claims were asserted for contribution and indemnification.

Mattress retailer sleeps soundly after winning summary judgment.

Premises & Retail Liability

February 16, 2022

Despite dueling expert affidavits, Marshall Dennehey attorneys won summary judgment in a premises matter in the Connecticut Superior Court Middlesex Judicial District. The plaintiff claimed negligence against our client, a mattress retailer, for a hazardous and defective condition in the store. The defect alleged was a tile-carpet transition claimed to be approximately one-half of an inch in differential, as well as a “slope” in the continuing carpet that created a friction co-efficient that caused the plaintiff to fall.