



## BRIANA ENCK - SMITH / ASSOCIATE

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### EDUCATION

- Maurice A. Deane School of Law at Hofstra University (J.D., Magna Cum Laude, 2019)
- James Madison University (B.A., Cum Laude, 2016)

### PRACTICE AREAS

- Commercial Litigation
- Corporate Restructuring & Bankruptcy
- Insurance & Insurance Litigation

Briana is a member of the Commercial Litigation Department, Corporate Restructuring & Bankruptcy Practice Group, and Insurance & Insurance Litigation Practice Group.

Briana's practice focuses primarily on complex commercial litigation, including matters involving breach of contract, shareholder and partner disputes, unfair business practices, trademark and copyright infringement, real estate disputes, and related financial and business disputes. Additionally, Briana's practice involves defending professional liability claims against attorneys, as well as representing clients in business reorganizations and restructurings and bankruptcy litigation involving fiduciary duty and fraud claims and actions to avoid preferential transfers and fraudulent conveyances.

Briana received her Juris Doctor from the Maurice A. Deane School of Law at Hofstra University, graduating Magna Cum Laude. Briana is also a graduate of James Madison University, where she earned her Bachelor Degree in Justice Studies with a Social Justice concentration and a Family Studies minor, Cum Laude. During law school, Briana was an Associate Editor of the Hofstra Law Review. She was also a member of the Black Law Students Association and the Latino/a American Law Students Association.

Prior to joining the firm, Briana was a Legal Intern at the Legal Aid Society of Suffolk County with the Children's Law Bureau where she drafted Special Immigration Juvenile Status motions. She was selected as a Winter Diversity Fellow at Meyer, Suozzi, English, & Klein, P.C. in 2018.

Briana was a Judicial Intern for the Honorable LashAnn DeArcy Hall at the United States District Court for the Eastern District of New York. She was also a Legal Intern at the Hofstra Law Asylum Clinic, where she guided asylum applicants who fled their countries because of persecution based on race, religion, nationality, political opinion, or membership in a particular social group in immigration proceedings. Upon graduation, Briana received a Gold Public Service Award, which is awarded to graduates that have devoted 750+ hours to public service during their three years at Hofstra Law.

Briana is admitted to practice in the State of New York and the U.S. District Courts for the Southern District of New York and the Eastern District of New York. Briana is an active member of the Nassau County Bar Association and New York State Bar Association.

## Publications

- New York Bankruptcy Court Rules that Partial Dispute of Creditor's Claim Results in Disqualification as Petitioning Creditor in Involuntary Bankruptcy Proceeding (Alerts, Corporate Restructuring & Bankruptcy)
- Second Circuit Recognizes Bankruptcy Court's Inherent Authority to Impose Civil Contempt Sanctions (Alerts, Corporate Restructuring & Bankruptcy)
- Thirty-One Ruskin Moscou Faltischek Attorneys Named As New York Metropolitan Area Super Lawyers For 2023 (Press Release)
- Seventh Circuit Holds Transfer that Does Not Diminish Estate is not Avoidable as Preferential or Fraudulent Transfer (Alerts, Corporate Restructuring & Bankruptcy)
- Briana A. Enck-Smith and Lauren N. Grasso To Be Honored At Long Island Business News' 30 Under 30 Awards (Press Releases)
- Texas Bankruptcy Court Declines to Revoke Subchapter V Status for Related Company After Alex Jones Files Bankruptcy (Alerts, Corporate Restructuring & Bankruptcy)
- New York Bankruptcy Court Adopts Debtor Friendly Method to Calculate Lease Rejection Claims (Alerts, Corporate Restructuring & Bankruptcy)
- Franchise Law Journal – Must Arbitrators Follow the Law? (Articles, Commercial Litigation)
- Extraordinary Collection Efforts Result in \$3.5 Million Judgment in Preference Action (Alerts, Corporate Restructuring & Bankruptcy)
- Nike's Continued David vs. Goliath Battle Against Customizers, and Even its Own Former Employee (Articles, Intellectual Property and Technology)
- Nike on a Mission for More Trademark Protection (Articles, Intellectual Property and Technology)
- Trademark Infringement Only When Customer Confusion is Not Beneficial (Articles, Intellectual Property and Technology)
- What Satisfies the Due Diligence Requirement for Bringing a Preference Action? (Alerts, Corporate Restructuring & Bankruptcy)
- Ruskin Moscou Faltischek, P.C. Welcomes New Associate To The Firm (Press Releases)

## Featured Publications

- "Nike is doubling down on litigation in a fierce battle to protect its patents and trademarks. Here's every brand it has sued in recent years." (Business Insider, March 1, 2023)
- "Nike slammed as 'dictatorial' and called a 'trademark troll' as legal battle with streetwear brand heats up" (Business Insider, February 16, 2023)

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