



## Practice Areas

- Construction
- Commercial Litigation
- Cannabis

## Education

- University of Kentucky  
College of Law, JD
- Colgate University, BA

## Admissions

- New York
- U.S. District Court for the  
Northern District of New  
York
- U.S. District Court for the  
Western District of New  
York

# Michael J. Balestra

## PARTNER

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Michael Balestra is a partner in Firm's Construction, Commercial Litigation and Cannabis practices. He has a wide range of experience representing clients in federal and state court, mediation, arbitration, and administrative proceedings.

Mr. Balestra represents owners, contractors and design professionals in complex matters related to public and private construction projects. He assists clients in reviewing, drafting and negotiating all manner of construction contracts, subcontracts, engineering, procurement and construction agreements and related documents. Mr. Balestra regularly advises clients facing time sensitive issues regarding project performance and contract administration with the goal of avoiding conflict if possible. When necessary, however, Mr. Balestra has extensive experience representing construction clients in litigation and arbitration involving claims of defective work, breach of contract, mechanics' lien foreclosure, changes in the work, payment and performance bond claims, extra work, unforeseen conditions and diversion of Lien Law trust funds, among other matters.

Mr. Balestra also represents clients in a wide range of commercial litigation matters. He regularly handles claims involving breach of contract, fraud, dissolution, partnership disputes, insurance coverage, breach of fiduciary duty, restrictive covenants and more. He also has extensive experience with issues related to municipal codes, planning and zoning. He is a former member and chairman of the Village of Skaneateles Zoning Board of Appeals.

Mr. Balestra also represents clients in the cannabis industry. He has experience obtaining CBD processing and industrial hemp growing licenses from the State of New York and in counseling clients on the evolving laws, rules, and regulations related to the CBD and hemp industry. He has also provided counsel to clients in relation to the Marihuana Regulation and Taxation Act (MRTA). He has experience in advising local municipalities regarding retail opt-out procedures, zoning and planning issues, questions related to public consumption, and other matters. Mr. Balestra also advises private entities seeking to operate in the recreational marijuana industry in matters related to business formation and structure, taxation challenges, and planning for licensure opportunities in the near future.

## Representative Matters

- Obtained a \$1.2 million verdict for a contractor in a payment dispute with a building owner after a seven-day bench trial in NYS Supreme Court, Broome County, and successfully defended an appeal from the judgment.

- Obtained a declaratory judgement after a five-day jury trial in NYS Supreme Court, Jefferson County, that an insurer was obligated for coverage of a fire loss and successfully proved the insurer's disclaimer on the basis of arson was improper.
- Represented a hotel owner and negotiated a favorable settlement in a complex \$1.1 million construction dispute with a general contractor and numerous subcontractors involving construction defect claims, mechanics liens and diversion-of-trust funds.
- Obtained summary judgment for a bus distributor, dismissing a transportation company's claims demanding \$3 million in lost profits on account of alleged tortious interference with contract and business relations.
- Assisted a beverage company in obtaining industrial hemp processing and growing licenses for the production of CBD-infused dietary supplement drinks.
- Directed a cannabis-processing client's application for agency approval of a capital project to construct and operate a facility in line with FDA standards for current Good Manufacturing Practices (cGMP) for dietary supplements.
- Led internal and external business and legal teams creating regulatory reports for hemp processing and cultivating clients.

### **Professional Credentials**

- New York State Bar Association
- Northern District New York Federal Court Bar Association
- Onondaga County Bar Association
- Village of Skaneateles, Zoning Board of Appeals Chair
- Ducks Unlimited, Skaneateles Chapter Committee Vice Chair
- Sons of the American Legion, Post 239, Chaplain
- LAUNCH CNY, Former Board Member

### **Honors & Recognitions**

- Selected, *The Best Lawyers in America* (2023)
- Selected, Upstate New York *Super Lawyers* – Rising Star (2016 – 2020, 2022)

### **Press & Publications**

#### **News**

- [24 Hancock Estabrook Attorneys Named Super Lawyers 2022](#)
- [20 Hancock Estabrook Attorneys Selected to The Best Lawyers in America 2023](#)
- [25 Hancock Estabrook Attorneys Named Super Lawyers for 2021](#)
- [Construction Law Attorney Michael J. Balestra Joins Hancock Estabrook](#)

#### **Publications**

- [Cannabis Law Alert: Developments from the Cannabis Control Board's First Public Meeting](#)

### **Speaking Engagements**

- New York's Marijuana Regulation and Taxation Act

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