



Henry M. Sneath

Director/ Shareholder

412-288-4013

sneathhm@hh-law.com

Practice Areas

Litigation

Insurance Coverage and Bad Faith Law

Intellectual Property

Employment Law

Co-Chair of Houston Harbaugh's Litigation Practice and Chair of the firm's Intellectual Property Practice, Mr. Sneath is an experienced trial attorney focusing on complex business litigation, intellectual property, patents, trademarks, trade secrets, DTSA, products liability, pharmaceutical liability, toxic torts, insurance coverage and bad faith, energy, catastrophic injury and tort litigation matters. He received his J.D. degree in 1983 from Duquesne University School of Law. During his last two years of law school, he served as a law clerk to the Chief Justice of the Pennsylvania Supreme Court. He has been designated by his peers as a Pennsylvania Super Lawyer in the fields of Business and Intellectual Property Litigation and is a member of the prestigious Academy of Trial Lawyers of Allegheny County. He serves as an Adjunct Professor of Law at Duquesne University School of Law teaching two courses: Trade Secret Law and the Law of Trademarks and Unfair Competition.

Mr. Sneath is listed in Best Lawyers in America® in five categories: commercial litigation, intellectual property litigation, patent litigation, legal malpractice law, and personal injury defense litigation. He is Peer Review Rated AV by Martindale Hubbell, which is that organization's highest rating. Mr. Sneath is a Past President and Member of the Board of Directors of the 22,000 member international lawyer organization DRI (formerly Defense Research Institute) and is the former Chair of its Commercial Litigation Committee and Intellectual Property Subcommittee. He was Regional Editor of the DRI national publication "The Business Suit" and is a frequent lecturer and course planner for national and regional seminars on a wide range of business litigation, intellectual property, personal injury, law firm management and marketing topics. He served as Editor of the Pennsylvania Bar Association's (PBA) Civil Litigation Section quarterly magazine and is a Past Chair of the PBA Intellectual Property Law Section. He is an active member of the national lawyer organizations IADC and ADTA. He authors and edits an IP, Technology and Trade Secrets/DTSA blog at www.pitiptechblog.com.

Mr. Sneath has extensive federal and state court trial experience in cases involving commercial disputes, intellectual property matters, trade secrets, DTSA, construction claims, employment, non-competes, and restrictive covenants, professional negligence lawsuits, products liability and pharmaceutical litigation, insurance coverage and insurance bad faith claims. He is currently representing clients in trademark and copyright matters and in patent infringement litigation matters pursuant to the Local Patent Rules promulgated by the Judges of the United States District Court for the Western District of Pennsylvania. These rules are designed to make the Pennsylvania Western District a forum of choice for patent infringement and invalidation actions. He is also prepared to assist out-of-state law firms and their clients with the intricacies of these Local Patent Rules which provide a procedural mechanism for accelerated case disposition, and numerous changes to the



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 2

processes of Federal Rule 26 disclosure, claim construction, use of experts and infringement and invalidation contention disclosure. He has tried over 95 cases to jury and non-jury verdict in Federal and State Court jurisdictions and has helped clients resolve disputes through a variety of Alternative Dispute Resolution Procedures. He is currently serving as a Special Master in Federal Court upon appointment by the Chief Judge of the Court. Mr. Sneath has also devoted Pro Bono time to the representation of battered women in Protection from Abuse hearings and trials and is active in his Church and community.

Bar Admissions

- Commonwealth of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. Court of Appeals for the Third Circuit

Education

- Duquesne University School of Law, J.D.
- Hamilton College, B.A.
*Double major in English and Economics; minor in Rhetoric.
Commencement speaker and winner of numerous public speaking awards and honors.*

Awards/Recognition

- Best Lawyers in America® Commercial Litigation, Intellectual Property Litigation, Patent Litigation, Legal Malpractice Litigation, Personal Injury Defense Litigation
- Pennsylvania Super Lawyers, Business and Intellectual Property Litigation
- Pennsylvania Super Lawyers, 2005-2018
- Top 50 Pittsburgh Super Lawyers, 2014, 2015
- AV Preeminent® Rated, Martindale-Hubbell Peer Review Rating System
- Fellow, Academy of Trial Lawyers of Allegheny County
- 10/10 "Superb" Rating, AVVO
- Most Outstanding Committee Chair Award, Defense Research Institute
- Pennsylvania Defense Lawyer of the Year Award, 2012
- Most Outstanding Public Speaker, Clark Prize

Professional Affiliations

- Pennsylvania Defense Institute (PDI) - Statewide organization whose membership is open to all whose practice is devoted, at least in part, to representation of insurance carriers. Awarded the 2012 "Defense Lawyer of the Year Award" by PDI.
- Lawyers For Civil Justice - Member, Board of Directors; Law firm corporate member and firm representative for this national organization of corporate counsel and defense lawyers supporting civil justice reform.
- Selected National Seminar Participation - Speaker 2015 USLAW NETWORK National Client Exchange presentation on "Cybersecurity, Data Breach and Trade Secret Protection and Litigation"; Speaker, 2014 USLAW NETWORK Corporate Conference on "Non-Compete Agreements and Trade Secret



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 3

Litigation"; Speaker, 2012 DRI Business Litigation and Intellectual Property Seminar on "Presenting Business Valuation and IP Damages at Trial"; Speaker, 2008 DRI Annual Meeting; Speaker, 2006 DRI Intellectual Property Seminar (Miami, Fla.) "Unfair Competition Claims in IP Cases"; Speaker, 2004 DRI Intellectual Property Seminar (San Diego), "Recent Copyright Developments and Cases"; 2000 and 2001 DRI Technology Litigation Seminars (Chicago) "Business Method Patents" and "Internet Copyright, Trade Secrets and Trademark" issues.

- Selected DRI Activity - Chair 2007 DRI Annual Meeting; Program Chair 2002 DRI Commercial Litigation Committee Seminar (Phoenix, AZ.): "Intellectual Property" and 1999 DRI Seminar (New York City): "Business Litigation: Representing the Financial Services and Insurance Industries." Member of "Commercial Litigation," "Insurance Law," "Product Liability," "Life, Health and Disability Insurance" and "Diversity" Committees; Chair- Elect 2018 DRI Corporate Counsel Roundtable
- International Association of Defense Counsel (IADC) - Member, Business Litigation Committee.
- American Bar Association (ABA) - Member, Intellectual Property, Business Law and Tort/Insurance Practice Sections.
- Pennsylvania Bar Association (PBA), Allegheny County Bar Association (ACBA) - Member, Civil Litigation, Intellectual Property, Construction and Federal Court Sections.
- Pennsylvania Bar Association: Past Editor in Chief, "PBA Civil Litigation Update" and contributing author of "Pennsylvania Federal Business Decisions."
- Pennsylvania Bar Association (PBA): 2009 -2010 Chair, Intellectual Property Section
- Federal Bar Association; Member, Pittsburgh Chapter
- American and Pittsburgh Intellectual Property Law Associations (AIPLA and PIPLA): Member
- USDC Western District of Pennsylvania "Local Patent Rules Advisory Committee" - Member of committee that advises District Court Judges on Local Patent Rules and drafts rules and proposed amendments thereto.
- Master Member of the Q. Todd Dickinson Intellectual Property American Inn of Court headquartered in The United States District Court for the Western District of Pennsylvania.
- Fellow - Academy of Trial Lawyers for Allegheny County, Pa.

- Member, American Bar Association (Intellectual Property, Business Law, and Tort/Insurance Practice Sections)
- Member, Pennsylvania Bar Association (Civil Litigation Section)
- Past Chair, Intellectual Property Section, Pennsylvania Bar Association
- Member, Allegheny County Bar Association (Civil Litigation, Construction Law, and Federal Court Sections)
- Member, Pittsburgh Intellectual Property Law Association
- Member, American Intellectual Property Law Association
- Past President and Former National Member, Board of Directors, Defense Research Institute
- Member, Commercial Litigation and Intellectual Property Committees, Defense Research Institute



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 4

- Member, Business Litigation Committee, International Association of Defense Counsel
- Member, The Federalist Society, Pittsburgh Lawyers Division
- Member, Lawyers for Civil Justice

Business and IP Litigation Representative Cases

- *CNX Gas Corporation v. CDX Gas LLC – Federal District Court* (Pittsburgh, Pa.) – Defended gas exploration company CDX against declaratory judgment claims that sought to invalidate their patents and brought counterclaims of patent infringement against Plaintiff CNX. After claim construction and just prior to trial, the parties reach an amicable settlement wherein, inter alia, Plaintiff acknowledged the validity of the subject patents. Additional settlement terms are confidential.
- *MHF Logistical Solutions, Inc. v. ICE Services Group, Inc.* Federal District Court (Pittsburgh, Pa.) Represented Defendant against claims of misappropriation of trade secrets, intentional interference with business relations, breach of contract and equitable injunctive relief. After brief litigation, assisted the parties in reaching an amicable business settlement with no payment of money by client to plaintiff.
- *Modular International, Inc. v. RSA Lighting LLC and Cooper Lighting, Inc.* – Federal District Court (Pittsburgh, Pa.) Represented Plaintiff in bringing patent infringement claims against defendants. After substantial litigation, but prior to claim construction, the parties reached an amicable settlement including a royalty payment to client by defendant.
- *Haynes International, Inc. v. Special Metals Corporation* Federal District Court (Pittsburgh, Pa.) Represented Defendant against claims of trademark infringement and other Lanham Act claims. Prior to trial, the parties reached an amicable settlement the terms of which are confidential.
- *Voice Signal Technologies v. Nuance Communications, Inc.* Federal District Court (Pittsburgh, Pa.) Represented Plaintiff in bringing claims of patent infringement. The lawsuit was settled when the defendant corporation acquired the plaintiff corporation and effectuated a business settlement of the litigation.
- *German Manufacturer v. American Seller of Commercial Light Fixtures (names protected)* Federal District Court (Pittsburgh, Pa.) Defended American seller of sophisticated commercial light fixtures against claims of copyright, trademark and trade dress infringement. Defense was based on lack of confusion in the relevant marketplace and on theory that Plaintiff's copyrights were invalid. A non-monetary business settlement was reached quickly after these defenses were raised and pled.
- *Import/Export Company v. National Department Stores (names protected)* Federal District Court (Pittsburgh, Pa.) Defended a Fortune 500 company against claims of copyright and trademark infringement, trademark dilution, Lanham Act violations and unfair trade practices, by asserting ownership rights to design drawings and 3-dimensional novelty gift items which were manufactured in Asia and purchased by our client for resale in the United States. Following extensive discovery and our filing of a Motion for Summary Judgment, plaintiff voluntarily dismissed all claims.
- *Mitel Corporation and Mitel, Inc. v. Hope Telecom, Inc.* Federal District Court (Pittsburgh, Pa.) Successfully defended and settled



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 5

claims for damages and injunctive relief brought by designer and manufacturer of networked communications systems and related software against defendant which was alleged to have modified and sold the protected hardware and software. The copyright and trademark claims were brought pursuant to federal statute and common law and plaintiff brought claims pursuant to the Federal Trademark Dilution Act and claims under the Digital Millennium Copyright Act. A complex settlement involving some injunctive relief was obtained with help of mediation provided through the federal courts.

- *Tivi BV . v. U.S. Tech. and Sportstech* – Federal District Court (Seattle, Wa.) and Hong Kong – Represented plaintiff, a Dutch Corporation, which owned the exclusive rights and license to the “total image” of one of the world’s foremost tennis superstars. Brought claims against defendant for breach of endorsement contracts, unjust enrichment, and various other business torts. This complex commercial case involved international tax and licensing issues, and issues related to a piercing of the defendant’s corporate veil. Obtained favorable settlement on behalf of plaintiff with payment of proceeds coming in part, from principals of defendant corporation.
- *American Atlas Corporation v. Allegheny County Industrial Development Authority* – Federal District Court (Pittsburgh, Pa.) Obtained summary judgment on behalf of defendant in multi-million dollar breach of contract and tort action. Plaintiff alleged that it was the successful low bidder on a large environmental remediation and construction project and brought claims against the defendant alleging a failure to award the bid to the lowest responsible bidder. Plaintiff sought \$26 million in compensatory damages and asked for punitive damages. On our motion, summary judgment was obtained on behalf of the defendant and the District Court’s ruling was upheld by the United States Circuit Court of Appeals and certiorari to the United States Supreme Court was denied. Handled the prosecution of the underlying claims and with a fellow partner, all appellate claims arising therefrom.
- *Robert B. Witt v. Allegheny Power Systems, Sprint PCS and Bechtel Group, Inc.* – Allegheny County (Pittsburgh, Pa.) Represented defendants in equity action, wherein plaintiff sought both emergency and permanent injunctive relief against defendants for alleged violations of a right-of-way agreement that ran over and across the land owned by the plaintiff. Defendant power company had an easement over plaintiff’s property and following brief, but intensive litigation, a creative and low cost settlement was obtained which allowed telecommunications equipment and antennae to be added on to an existing power company transmission line tower.
- *Corporation Information Systems, Inc. t/d/b/a Ciscorp v. Timothy Pribanic* – Allegheny County (Pittsburgh, Pa.) Represented plaintiff in prosecuting claims against defendant for breach of contract including claims for violation of restrictive covenants, non-compete agreements and failure to return privileged and confidential information and documents. Claims were brought at law and in equity. Obtained injunctive and declaratory relief, and a favorable financial settlement on behalf of client.
- *Louis Coccoli, et al. v. Allegheny County Airport Authority* – Allegheny County (Pittsburgh, Pa.) Defended three lawsuits filed against large municipal authority, which lawsuits challenged the legality and formation of the defendant Authority and sought



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 6

emergency and permanent injunctive relief. After filing motions to dismiss and supportive briefs, all claims against our client were withdrawn/dismissed.

- *Large National Retailer v. Design-Build Contractor and Cement Floor Contractors (Names Protected)* - Schuylkill County (Hazleton, Pa.) - On behalf of Defendant Design-Build Contractor, resolved alleged construction defect claims arising out of the design, manufacture and installation of a "superflat" cement floor in a large distribution center warehouse.

Insurance/Professional Liability: Defense, Coverage, Subrogation and Bonds Representative Cases

- *American Insurance Company v. Brokerage Firm et. al. v. National Insurance Company (names protected)* Allegheny County (Pittsburgh, Pa.) Successfully represented plaintiff insurance company in declaratory judgment action against named insured brokerage firms, numerous individual brokers and National Insurance Co., seeking declaration of no coverage for claims submitted by the brokers due to lawsuits filed by National Insurance Co. against the brokers for breach of contract and violation of non-compete and brokerage agreements.
- *Smith v. ABC National Insurance Co. (names protected by confidentiality agreement)* Federal District Court (Pittsburgh, Pa.) Plaintiff, an employee of a large insured corporation, brought claims of bad faith against his employer's insurer. He sought recovery of punitive damages and counsel fees citing the failure of the insurer to make any settlement offer prior to uninsured motorist arbitration as evidence of bad faith under Pennsylvania law. The arbitration had resulted in a policy limits (\$500,000) award to plaintiff. Utilizing ERISA and other federal law preemption defenses, we successfully defended a near certain liability case and achieved a very modest settlement.
- *Ray v. Armstrong Developers, et al.* – Allegheny County (Pittsburgh, Pa.) Plaintiff brought premises liability claims for alleged brain injury she sustained when she collided with large glass wall on commercial premises. Obtained jury verdict on behalf of defendant.
- *American States Insurance, et al. v. Pennsylvania Insurance Guaranty Association, et al.* – Armstrong County (Kittanning, Pa.) Obtained summary judgment on behalf of defendant Association in this declaratory judgment action wherein plaintiff excess insurance company claimed that defendants breached their duty to defend an underlying insured, and failed to make indemnity payments to that insured. Claims were brought in breach of contract and bad faith. The decision was upheld on appeal.
- *Norma Vaglio-Lauren v. Pioneer Hose Co. No. 1 of Brackenridge Borough* – Allegheny County (Pittsburgh, Pa.) Obtained summary judgment in two wrongful death and survival actions which brought dram shop and other tort claims against volunteer fire company which owned and operated a social club serving alcohol. Successfully applied Pennsylvania law granting immunity to volunteer fire companies and obtained summary judgment on behalf of all defendants.
- *Blake v. George P. Bohach, Esquire, and Law Offices of Delamater, Haag & Bohach* – Hancock County (Wheeling) Defended claims of professional (legal) malpractice brought by



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 7

plaintiff pursuant to an alleged failure of defendants to file a lawsuit prior to the expiration of the applicable statute of limitations.

Obtained a relatively modest settlement in a near-certain liability action in the panhandle area, which is known for large jury verdicts.

- *Industrial Risk Insurers as Subrogee for Neville Chemical Co. v. Minnotte Contracting Corp.* – Allegheny County (Pittsburgh, Pa.) Represented plaintiff in subrogation action following the explosion of a large industrial facility and their payment on the property damage claims. Obtained substantial settlement on behalf of plaintiff insurer prior to trial.
- *Security Insurance Co. of Hartford v. Robert L. Snyder and Jessie M. Snyder; AHRs Coal Corp. v. Commonwealth of Pennsylvania, Department of Environmental Resources* – Environmental Hearing Board (Pittsburgh, Pa.) Represented insurance company as issuer of environmental remediation bonds. Pennsylvania's Department of Environmental Resources had forfeited numerous bonds pursuant to the coal mine operators' failure to properly remediate and reclaim strip-mining areas in Western Pennsylvania. On behalf of the insurance company, successfully overturned a majority of the forfeitures, saving the insurance company large sums of money that would otherwise have been paid on these forfeited bonds. Complex case involved 10 years of litigation before the Environmental Hearing Board and various Pennsylvania trial level and appellate courts.
- *Smith v. ABC Accounting Firm* – Allegheny County (Pittsburgh, Pa.) – (names protected by confidentiality agreement) Defended professional negligence and breach of contract claims brought against regional accounting firm. Obtained complete withdrawal/dismissal of all claims just prior to trial.
- *Rodgers v. Jones, M.D.* Crawford County (Meadeville, Pa.) (names protected) Defended medical negligence and lack of informed consent claims against plastic surgeon at trial and obtained defense verdict on behalf of client after jury trial.
- *ABC Corporation v. National Insurer (names protected)* Federal District Court (Pittsburgh, Pa.) Represented an insured corporation in seeking reversal of denial of coverage and defense by defendant's insurer following submission of claims by defendant for advertising injury coverage. Our client was sued for trademark and copyright infringement and Lanham Act claims, and our client's insurer denied both defense and indemnity, citing exclusions to the advertising injury insuring provisions. We brought claims against the insurer seeking defense and indemnification in the underlying lawsuit and were successful in overturning the insurer's initial denial of both defense and indemnity.

Life, Health and Disability Insurance Representative Cases

- *Leach v. Northwestern Mutual Life Insurance Company* Federal District Court (Pittsburgh, Pa.) Obtained defense verdict after ten day jury trial on plaintiff's claims for in excess of \$1 million long term disability benefits with summary judgment having already been granted dismissing plaintiff's claim of insurer bad faith. Also obtained jury verdict against plaintiff on client insurer's counterclaim for breach of contract, fraud and unjust enrichment. Attorneys' fees were awarded to client for total counterclaim award against plaintiff of over \$525,000. Verdict was upheld on appeal to the Third Circuit



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 8

- Court of Appeals. Handled both trial and appeal.
- *Wolf v. Bankers Life and Casualty Co.* Delaware County (Media Pa.) Defended Bankers Life against claims of breach of contract, insurance bad faith and unfair trade practices. Following a bench trial, the judge awarded plaintiff \$1.4 million. During the course of our appeal from the adverse verdict and award, the matter was settled on terms far more favorable than the verdict to my client.
- *Sciotto v. Lamar Life Insurance Company* Delaware County (Media, Pa.) Obtained defense verdict in bench trial on behalf of defendant excess insurer. Plaintiff, a high level quadriplegic had obtained a large personal injury settlement in an underlying action and then sought to compel the client excess insurer to drop down into a primary insurer role and pay to plaintiff amounts that plaintiff had lost from the settlement due to a large insurer subrogation claim. With no Pennsylvania case law on point, the case was tried to a defense verdict in favor of client.
- *Beck v. Lomas Mortgage USA, et al.* – Allegheny County (Pittsburgh, Pa.) Plaintiff brought breach of contract and bad faith claims pursuant to a mortgage life insurance policy sold to plaintiff's decedent. Obtained summary judgment on behalf of all defendants.
- *National Fidelity Life Insurance Co. v. Equibank, Merrill Lynch, Manhattan Life Insurance and Max Gomberg* – Allegheny County (Pittsburgh, Pa.) Represented plaintiff life insurance company in complex commercial litigation prosecuting claims for fraud, embezzlement, breach of contract and banking related claims involving fraudulent endorsement issues. Obtained large settlement on behalf of plaintiff against the defendants.
- *Jones v. ABC Life Assurance Company (names protected)* – Allegheny County (Pittsburgh, Pa.) Represented defendant life insurance company in civil suit brought by plaintiff alleging wrongful denial of life insurance benefits. Defense was based on alleged misrepresentations by plaintiff's decedent in medical section of life insurance application. Favorable settlement obtained after deposition of plaintiff wherein proof of misrepresentations was obtained. Issue of materiality would have remained for trial, but settlement was obtained prior to trial.
- *XYZ Life and Casualty Company v. Smith (names protected)* – Federal District Court (Erie, Pa.) Represented plaintiff life insurance company in prosecuting claims against numerous agents for breach of agency agreement provisions relating to non-competition and non-disclosure of proprietary, confidential information. Obtained cash settlement from defendants and extension of restrictive covenants for time period commensurate with duration of violations. Extension of restrictive covenant time periods entered as court order by district court along with liquidated damages provision in the event of future violations.

Products Liability Representative Cases

- *Minor Plaintiffs v. Compounding Pharmaceutical Manufacturer and Large University Hospital System (Names Protected)* – Allegheny County (Pittsburgh, Pa.) on behalf of defendant manufacturer, resolved 2 catastrophic pharmaceutical product liability injury cases involving newborns. Also resolved a contribution action between co-defendants which followed the tort actions.
- *Galloway v. Beckwith Machinery and Caterpillar, Inc.* – Allegheny County (Pittsburgh, Pa.) Successfully defended Beckwith



Henry M. Sneath

Director

Member, Executive Committee

412-288-4013

sneathhm@hh-law.com

page 9

Machinery against products liability claims brought by plaintiff. Plaintiff claimed serious brain injury resulting from an alleged design and manufacturing defect in a forklift truck, which had been modified and sold by defendant Beckwith. Plaintiff demanded \$7,000,000 for settlement. Jury returned a defense verdict.

- *Gallo v. General Motors Corp.* – Allegheny County (Pittsburgh, Pa.) Plaintiff claimed unwanted, sudden acceleration of the subject vehicle causing personal injury and property damage. Successfully defended case on behalf of client and obtained defense verdict after jury trial.
- *Bayani v. Connors Footwear, Inc.* – Allegheny County (Pittsburgh, Pa.) Plaintiff claimed serious orthopaedic injury (trimalleolar fracture of ankle) due to defectively designed clog shoe which allegedly collapsed. Obtained defense verdict on behalf of client manufacturer after jury trial.
- *Kaczor v. Icon Health and Fitness, Inc.* Federal District Court (Pittsburgh, Pa.) Successfully defended manufacturer of exercise treadmill against claims that an electrical malfunction caused a fire and extensive property damage. Defense verdict obtained on behalf of client at jury trial after prevailing on Daubert motion to strike one of plaintiff's liability experts.
- *Laughery v. Komline-Sanderson Engineering Corp. and Perry Machinery Corp.* – Allegheny County (Pittsburgh, Pa.) Plaintiff claimed serious bodily injury when his arm was crushed in a large industrial water filtration device. Plaintiff brought strict products liability and negligence claims involving an alleged failure to properly guard the subject machine. Case settled prior to jury selection.
- *White v. Manufacturer, Inc. and Equipment, Inc. (names protected)* – Allegheny County (Pittsburgh, Pa.) Plaintiff, an airplane pilot, claimed total disability from injuries sustained in an alleged collapse of a home exercise weight-lifting unit. Favorable settlement obtained after successful discovery on damage and medical causation issues.
- *Pfab v. Fruehauf Trailers, Inc. and Monsanto, Inc.* – Allegheny County (Pittsburgh, Pa.) Plaintiff claimed injury from an alleged product defect in the crank gears used to raise and lower the trailer when disengaged from the tractor. "Nominal" settlement obtained on behalf of defendant Fruehauf.
- *Scherer v. Biting Recreation, Inc. and Gametime, Inc.* – Washington County (Washington, Pa.) Minor plaintiff brought personal injury claims of product liability against manufacturer of swing set chains and S-hooks. Obtained defense verdict on behalf of designer and manufacturer after jury trial.
- *Webb v. Suzuki Motor Corporation* – Allegheny County (Pittsburgh, Pa.) Plaintiff claimed massive injuries as a result of alleged vehicle rollover. Case settled prior to jury selection.
- *Smith v. DeMaco Machine Corporation and Maldari & Sons, Inc.* – Allegheny County (Pittsburgh, Pa.) Successfully defended product liability claims against the defendants wherein plaintiff alleged amputation of part of his foot pursuant to an alleged defect in pasta making equipment. Obtained a "nominal" settlement on behalf of defendant DeMaco just prior to the selection of a jury.
- *Reha v. K.S. Wholesalers of America, Inc., Toyotomi USA, Inc. and Kero-sun, Inc.* – Greene County (Waynesburg, Pa.) Defended Japanese manufacturer and American supplier of kerosene



heaters. Plaintiffs brought bodily injury and property damage claims arising out of a fire which burned and injured various members of two families living in a duplex house in rural Greene County. Plaintiffs alleged product defect in design and manufacture and negligence in failure to warn. Obtained defense verdict on behalf of all defendants following jury trial.

- *Saunders v. Coburn Optical Industries, Inc., Sola Optical USA, Inc. and Pilkington Vision Care, Inc.* – Federal District Court (Erie, Pa.) Obtained summary judgment on behalf of all defendants on claims brought by plaintiff of design and manufacturing defect in eyeglasses which shattered when plaintiff was assaulted by a psychiatric patient at a mental hospital. Plaintiff lost vision in one eye completely, and partially lost vision in the other eye. Plaintiff sought millions of dollars in damages. Summary judgment granted pursuant to our motion.
- *Beronilla v. Kawasaki Motors Manufacturing Corporation USA* – Allegheny County (Pittsburgh, Pa.) Plaintiff brought strict product liability claims of design and manufacturing defect and claims of negligence seeking damages for personal injuries sustained in a motorcycle crash. Obtained summary judgment on behalf of defendant Kawasaki after filing of motion prior to trial.

Constitutional/Civil Rights/Employment Litigation Representative Cases

- *Pacek v. County of Allegheny, et al.* - Federal District Court (Pittsburgh, Pa.) plaintiff brought constitutional civil rights claims alleging false arrest, false imprisonment, and malicious prosecution. Plaintiff had been convicted by a jury in 1958 on charges of rape and murder, but claimed that he was framed. Plaintiff was pardoned by the Governor in 1991, which triggered a two-year statute of limitations period, and allowed the filing of the lawsuit. Obtained summary judgment for defendants on all claims in this newsworthy case with novel and complex legal issues. The underlying facts of the case are chronicled in the book *Fall Guys - False Confessions and the Politics of Murder* (Author Jim Fisher and published by Southern Illinois University Press - 1996).
- *Day v. County of Allegheny, et al.* - Federal Court (Pittsburgh, Pa.) - plaintiff brought civil rights claims alleging false arrest, false imprisonment and other 1983 claims under the United States Constitution and various claims under state law. Obtained defense verdict on behalf of all defendants after lengthy jury trial.
- *Barnhart v. Allegheny County Prison Board, et al.* - Federal District Court (Pittsburgh, Pa.) - plaintiff brought constitutional civil rights claims against municipal and individual defendants alleging a policy, practice, procedure and custom of brutality by corrections officers at the Allegheny County Jail. Obtained a defense verdict on behalf of all defendants following a jury trial.
- *Smith v. National Restaurant Chain (names protected by confidentiality agreement)* - Federal District Court (Pittsburgh, Pa.) - plaintiff brought claims of sexual harassment and violations of civil rights. Obtained dismissal of all claims on behalf of defendant and against plaintiff.
- *Beatty v. County of Allegheny, et al.* - Federal District Court (Pittsburgh, Pa.) Obtained dismissal of plaintiff's claims on behalf of all defendants following the filing of various motions for sanctions for failure of plaintiff to respond to discovery and/or to prosecute the



action. Plaintiff, a municipal police chief, brought constitutional civil rights claims against county and individual defendants alleging false arrest and malicious prosecution as a result of charges brought against him by the county district attorney.

- *Commonwealth of Pennsylvania v. Southeastern Seating, Inc. and Southeastern Seating v. Palombo Landscaping Inc.* - State Courts of Pennsylvania. Defended subcontractor on prevailing wage claims brought by Commonwealth Department of Labor & Industry and prosecuted civil suit against Contractor regarding contracting and wage issues. Reached settlement with all parties.