

# Barley Snyder 2018 Year in Review

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## Message from the Managing Partner

By: Jeffrey D. Lobach

As we look back at 2018, the year cannot be described without reference to Barley Snyder's growth. Although we have been in an expansion mode for five years, the past year was exceptional, with 18 lawyers joining our team. These gains enhance the wealth of resources and specialties we offer to our central Pennsylvania and northern Maryland markets.

We began 2018 with the dramatic opening of a full service office in Harrisburg, a move which was a natural, but significant, expansion of our regional model. Joining us in the state capital were ten extremely capable and productive lawyers from the former Rhoads & Sinon firm, along with a talented cadre of paralegals and

staff. We have since added to our force in Harrisburg.

In Gettysburg, we moved to a considerably larger, state-of-the-art office next to the Adams County courthouse and added to our team a well-respected Gettysburg practitioner Bob McQuaide. We also expanded our presence south of the Mason-Dixon Line with a second Maryland office - in Columbia. We now have five lawyers admitted to practice in Maryland.

To better serve our constituencies, we have been adding lawyers and staff members across our service area, including our sixth licensed patent lawyer. We have also reshaped our practice by adding two exciting new industry groups in Senior Living and Hospitality to more comprehensively support our clients in those growing sectors.

With a few more additions to our team in the first week of January, we are now a firm of 98 lawyers, of whom forty have joined us, along with many new paralegals and staff members, since we embarked on our current course five years ago.

This is a lot of change in a short period of time, although integrating new people and moving into four new markets has gone extremely smoothly over these five years. Successfully maintaining our intimate, family-friendly and collegial culture while we have grown is important to all of us at the firm and also positively impacts the experience of our clients and all who interact with us.

The changes we have made in the last half decade have been well received by our friends and clients. They understand that we have grown, not for the sake of growth, but in order to make the firm stronger, more diverse and more capable for all of those who depend on us, including, significantly, our valued clients. In every market we enter, we employ our effective regional model, coupling community involvement and local knowledge with the highest quality of professional services from the lawyers across our footprint best able to help in each situation.

Law firms need to attain a certain critical mass to competently provide the deep and wide-ranging legal partnership we promise our clients. Bigger is not necessarily better, but smart growth - in the right places, with the right people - can enable us to offer more to our clients, to maintain our competitive edge in experience, skill and technology, and enhance our capacity to give our clients the best solutions to help their own businesses and institutions grow and prosper.

For Barley Snyder, a whirlwind 2018 has led us to a new year, in which we set no objective above maintaining your trust and serving you at the highest level.

With deep appreciation, we thank you for the relationships we have with you and wish you success and prosperity in 2019.

[Jeffrey D. Lobach](#)  
[jlobach@barley.com](mailto:jlobach@barley.com)

717.852.4979

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## Our New Industry Groups

By: Christopher J. Churchill and Derek P. Dissinger

Related Industries: Hospitality and Senior Living

### Senior Living

**Chair:** [Christopher Churchill](#) With census statistics showing that the senior population is growing and the average age of Pennsylvanians is increasing, the need for senior living facilities will increase throughout the country and especially in central Pennsylvania. To aid that effort, Barley Snyder has pooled its practitioners versed in serving the industry to form this group dedicated to serving the needs of the firm's senior living clients. More than a dozen attorneys currently fill out the group with experience in mergers and acquisitions, health care, real estate, construction, tax-exempt finance, employment and the various legal areas that impact senior living communities.

### Hospitality

**Chair:** [Derek Dissinger](#) Central Pennsylvania contains some of the most recognizable tourist destinations in the country. Since Barley Snyder has decades of experience in helping hospitality industry clients build a successful business, forming a Hospitality Industry Group was the perfect fit. The new group focuses on the legal needs of businesses such as hotels, restaurants, entertainment venues, breweries and leisure activities that help make the region such an exciting and attractive place to visit and to live. The attorneys and professionals in the group have decades of collective experience both in central Pennsylvania and throughout the mid-Atlantic.

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### Return to Harrisburg

By: William C. Boak, John M Coles, Stephanie E. DiVittore, Thomas A. French, Thomas J. Nehilla, Drake D. Nicholas, Kevin M. Scott, Stanley A. Smith, Robert J. Tribeck, Kelly S. Shuffelbottom, Marisa N. Wirfel, Molly Schneider and Naina Sanghvi

Related Practice Areas: Business Mergers & Acquisitions, Real Estate, Trusts & Estates and Litigation

Related Industry: Construction

The firm's biggest expansion in years happened very quickly in 2018. Ten attorneys of the former Harrisburg law firm Rhoads & Sinon [joined Barley Snyder on January 2](#), allowing the firm to expand into Pennsylvania's capital city with a team of locally known attorneys and professionals.

The office - which already had organically grown to 11 attorneys by August, with additional hires forthcoming - is located in the heart of Harrisburg's busy downtown. We can be found on the 12th Floor of the M&T Bank Building at 213 Market St.

Managing partner Jeff Lobach said the firm had been seeking a physical presence in the Harrisburg market, and bringing in these professionals proved an extraordinary solution. Adding the office not only added geography, but also a prolific group of attorneys and professionals that have seamlessly blended into the Barley culture.

"We've had clients in the Harrisburg, West Shore and Hershey areas for many years, and establishing a home base closer to them within steps of the Pennsylvania State Capitol in Harrisburg's bustling downtown can only help us be more efficient in serving these clients," Lobach said.

Joining the firm at the start of the year were William Boak, John Coles, Stephanie DiViotto, Thomas Anthony French, Thomas Nehilla, Drake Nicholas, Kevin Scott, Stanley Smith and Robert Tribeck, and paralegals Marisa Lee, Molly Pannebaker, Naina Sanghvi and Kelly Shuffelbottom.

Attorneys in the office already are well-represented throughout the community in professional and nonprofit organizations. [Thomas Anthony French](#) is on the board of the Harrisburg Area YMCA, and in 2018, [Thomas Nehilla](#) was named to the board of directors at the downtown's Whitaker Center for Science and the Arts. [John Coles](#) is a board member and former chair of the Greater Harrisburg Association of Realtors and [Stanley Smith](#) is a board member at the Salvation Army in Harrisburg.

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## New Offices

By: Derek P. Dissinger, Paul W. Minnich, Justin A. Tomevi, Joseph P. Schalk, Lindsey M. Cook and Robert L. McQuaide

Related Practice Areas: Finance & Creditors' Rights, Litigation and Education

Related Industries: Education and Hospitality

## Gettysburg

After we opened in Gettysburg in 2017, it became apparent that our nearly instant growth would necessitate an office move.

That expansion happened in the fall of 2018, when we [moved our office to 123 Baltimore St.](#), staying visible and convenient in one of the state's most historic downtown areas.

The move allowed us to [add longtime and respected Adams County attorney Robert McQuaide](#) and gives us room for at least two more attorneys to be added in the future with ample office and meeting space throughout the new location.

## Columbia, Md.

Our expansion into Maryland began in 2014 when we opened an office in Hunt Valley. In 2018, having experienced success alongside our clients, we decided to [open a second Maryland office](#), this latest one in Columbia, a suburb of both Baltimore and Washington, D.C.

Because of the ease of travel and the business opportunities available, we've seen many of our clients expand in Maryland at a rapid rate. Their need for seasoned legal assistance from partners that know their business prompted us to grow with them into Maryland.

The firm now has five attorneys who are licensed to practice in Maryland after associate Justin Tomevi passed the state's bar exam in 2018. Paul Minnich, Joseph Schalk, Derek Dissinger and Lindsey Cook also are licensed in Maryland.

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## New Faces

By: EmmaRose Strohl, Lindsey M. Cook, Lori McElroy, Robert L. McQuaide, John M. Quain, Jr., Kalani E. Linnell and Kareemah Mayer

Related Practice Areas: Education, Trusts & Estates, Business, Litigation, Intellectual Property and Employment

Related Industry: Food & Agribusiness

In addition to the new attorneys added initially in Harrisburg, we welcomed nine other attorneys to the firm throughout 2018. Attorneys added were EmmaRose Boyle, Lindsey Cook, Kalani Linnell, Kareemah Mayer, Lori McElroy, Robert McQuaide, John Quain, Neil Vasani and David Watkins. Paralegal Kelly Seyler also joined the firm.

We are excited that our communities are growing and prospering, and we take pleasure in the continued growth of our clients and neighbors. We plan to hire more lawyers and seasoned professionals to not only keep up with demand but to increase the speed, efficiency and effectiveness in how we practice and support our business partners and clients.

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## In Your Community

By: Daniel M. Frey, Donald R. Geiter, CIPP/US, Jeffrey D. Lobach, Justin A. Tomevi, Jill Sebest Welch, Timothy P. Malloy, Christopher A. Naylor, Kevin C. Myhre, William J. Zee, Peter J. Faben, Brian A. Korman, Michael J. Crocenzi, Elizabeth L. Melamed, EmmaRose Strohl, John M Coles and Thomas J. Nehilla

Our attorneys and professionals dedicate hundreds of hours each year to giving back to their communities. They volunteer with dozens of organizations throughout central and southeastern Pennsylvania that improve the quality of life for the entire region.

Those professionals are able to impart their knowledge and donate time with nonprofit groups, government

bodies, schools and service organizations, just to name some of the categories whose call for volunteers has been answered by Barley Snyder's vision of, and dedication to, service to its communities where they live and work.

- Jill Welch named to the board of directors of the Pennsylvania Dutch Council of the Boy Scouts of America.
- Jeff Lobach elected chairman of the board of the York County Community Foundation.
- Brian Korman appointed to the board of directors at Bench Mark Program.
- EmmaRose Boyle becomes board member at Berks Community Television.
- Kevin Myhre named to the executive board of the Chester County Council, Boy Scouts of America.
- Daniel Frey named to Main Street Hanover Inc.'s board of directors.
- Peter Faben graduated from Leadership Lancaster and Kevin Myhre graduated from Leadership Chester County.
- EmmaRose Boyle takes on board of directors position at Pennsylvania's Americana Region, formerly the Greater Reading Convention and Visitors Bureau.
- Justin Tomevi appointed to serve as a supervisor for Springettsbury Township in York County.
- Thomas Nehilla takes over as board member at the Whitaker Center for Science and the Arts in Harrisburg.
- Barley Snyder donates scholarships to Harrisburg Area Community College.
- Timothy Malloy named to South Mountain YMCA board.
- Donald Geiter took over a board of trustees seat at Dayspring Christian Academy in Mountville.
- William Zee was the keynote speaker for SWAN 4 Kids annual gala in Lancaster.
- Christopher Naylor appointed to board of directors of York Jewish Community Center.
- Michael Crocenzi volunteers to take board of directors position at LifePath Christian Ministries in York.
- Elizabeth Melamed named to the board of directors at A&E Hearing Connection in Lititz.
- More than a dozen attorneys took part in the Lancaster YWCA's annual Race Against Racism.
- John Coles named president of the board of UCP of Central Pennsylvania.

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## Leadership Changes

By: Derek P. Dissinger, Donald R. Geiter, CIPP/US, Katherine Betz Kravitz, Shawn M. Long, Troy B. Rider, William J. Zee, Michael J. Crocenzi and Stephanie E. DiVittore

Related Practice Areas: Education, Employment Litigation and Workers' Compensation, Finance & Creditors' Rights, Litigation and Real Estate

Related Industries: Construction, Health Care, Education, Banking and Hospitality

## Michael Crocenzi - Named Partner

Since Mike joined Barley Snyder in the summer of 2017, he's been a strong component of the firm's growing litigation efforts, specifically in the area of employment litigation. A familiar speaker at employment law events throughout central Pennsylvania, Crocenzi is a York County resident and in 2018, he was named to the board of directors at LifePath Christian Ministries in York and at the York County Bar Foundation.

## **Derek Dissinger - Named Partner, Hospitality Group Chair and Practice Excellence Champions Chair**

Derek Dissinger enjoyed a professionally successful 2018. In the winter, he served as the driving force behind the firm's formation of a Hospitality Industry Group, and then was elevated to the chair of the group later in the year. Then in the fall, the firm's partners unanimously voted to bring Derek into the partnership group effective January 1, 2019. In addition to his work with the Hospitality Industry Group, he is a member of the firm's Real Estate and Finance & Creditors' Rights groups, helping clients in commercial loan transactions.

## **Stephanie DiVittore - Named Partner**

Stephanie's diverse litigation practice includes work in the areas of banking, tax assessment, land use and commercial workout, including work as special counsel. She's worked in federal and state courts, and has tried cases in front of administrative panels such as the Commonwealth of Pennsylvania Environmental Hearing Board, Pennsylvania Public Utility Commission and the Pennsylvania Unemployment Compensation Board of Review. She is a valued member of our Harrisburg office that opened in early 2018.

## **Donald Geiter - Management Committee**

Partner Don Geiter will join the firm's management committee, which oversees the firm's day-to-day operations and future planning. He is the chair of the firm's Finance & Creditors' Rights Practice Group and is a member of the Business and Mergers & Acquisitions practice groups. In 2018, he was named to the "Best Lawyers in America" list and was named to the board of trustees at Dayspring Christian Academy in Lancaster County.

## **Katherine Kravitz - Health Law Group Chair**

Partner Katherine Kravitz took over as chair of the Health Law Industry Group in the summer after former chair Christopher Churchill stepped aside to concentrate on his leadership of the new Senior Living Industry Group. She has been with Barley Snyder for more than 25 years, serving as counselor and problem-solver for health care providers throughout central Pennsylvania, including hospitals and physicians, nursing homes, assisted living facilities, hospices, home health and home care agencies.

## **Shawn Long - Construction Group Chair**

Partner Shawn Long transitioned into the role of chair of the Construction Industry Group. He takes over for Maria Di Stravolo Elliott, who had been the chair of the group for a year and had been the group's co-chair for 10 years. "Shawn is more than capable to take over as the chair of our construction group," Elliott said. "He's got deep roots in the area and has proven many times over that he is a great attorney and leader. This group is in very good hands now and in the future."

## **Troy Rider - Named Marketing Partner**

Partner Troy Rider, a longtime member of the firm's marketing committee, took over in 2018 as the marketing



partner. The committee guides the firm's marketing efforts throughout its nine offices. Troy, a longtime member of the committee, accepted the position after partner Paul Mattaini stepped down to concentrate his efforts on other firm business. Troy is a partner based in the firm's Reading office and a member of the Business, Real Estate, Finance & Creditors' Rights and Food & Agribusiness groups at the firm.

## **William Zee - Named Partner**

Bill has been at Barley Snyder since 2015 and in that time, he's tirelessly worked to advance the profile and notoriety of the firm's Education Practice Group, a group in which he took over as chair in 2017. Bill is a prolific presenter at education events, workshops and seminars throughout central Pennsylvania, the rest of the state and the entire country. In 2018, the Lancaster County resident helped produce a firm video empowering clients on the merits of trauma-informed education practices.

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## **Firm Events & Seminars**

Related Practice Areas: Business, Employment, Finance & Creditors' Rights and Real Estate

Related Industry: Food & Agribusiness

Thank you to the more than 1,000 business professionals from central Pennsylvania and beyond who attended our events in 2018. We look forward to adding additional value to your business and career through our 2019 events to come.

For more information on our upcoming events, please visit [Barley.com/news-events](https://www.barleysnyder.com/news-events) You may sign up for our mailing lists to receive future invitations.

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## **Barley Snyder on the Road**

Our attorneys and professionals are prolific speakers who frequently share their knowledge at workshops and educational events throughout our footprint.

In the last year, our attorneys spoke at dozens of events for organizations such as:

- Lancaster Chamber
- Greater Reading Chamber Alliance
- Gettysburg-Adams Chamber of Commerce
- Greater Reading Chamber Alliance
- Greater Harrisburg Association of Realtors Commercial Council
- Center for Entrepreneurship at Alvernia University
- Penn Medicine Lancaster General Health Lancaster
- Society for Human Resource Management York



- Society for Human Resource Management
- Pennsylvania Bar Institute
- Associated Builders and Contractors, Inc. - Keystone Chapter
- Employee Ownership Exchange
- Lancaster Center for the Deaf and Hard of Hearing
- The BIG University
- S. Dale High Center for Family Business at Elizabethtown College (now also in York)
- Goodridge Freedom Center and Underground Railroad Museum
- American Conference Institute Food Law and Regulation Boot Camp
- Lancaster Commercial & Industrial Real Estate Council
- Building Industry Association of Lancaster County
- Pennsylvania Bankers Association

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## **Working for Our Clients**

By: Salvatore Anastasi, Derek P. Dissinger, Maria Di Stravolo Elliott, Joseph R. Falcon, III, Paul G. Mattaini, Kevin C. Myhre, Abby Medin Tucker and William J. Zee

Related Practice Areas: Business, Education, Intellectual Property and Real Estate

Related Industry: Construction

## **Spooky Nook**

Spooky Nook Sports, located just outside of Lancaster, Pa., is the largest indoor sports complex in the country, with more than 700,000 square feet under one roof and visited by over 1.2 million members and guests annually. The Pennsylvania complex was opened in 2013 and Barley Snyder assisted the team that developed this unique facility. Spooky Nook Sports is now working with the City of Hamilton, Ohio, to construct a mega-sports complex, hotel and convention center in the city's former Champion Paper Mill, based on Spooky Nook's successful model in Lancaster. The groundbreaking ceremony was held on October 25, with the opening of the facility expected in 2021. Over the last three years, the Barley Snyder team worked with the Spooky Nook team to negotiate the terms of the development agreement for the proposed \$144 million facility.

## **The Shoppes at Belmont**

The Shoppes at Belmont was one of the biggest development projects in central Pennsylvania in 2018, and Barley Snyder helped bring it to fruition. Led by the efforts of Maria Di Stravolo Elliott, the firm was instrumental in preparing the condominium documentation for the project, and incorporated the maintenance responsibilities of a cemetery and a stormwater management pond owned by the Pennsylvania Department of Transportation into that documentation.

## **"Power of Relationships": A Look at Education**

Education is changing, and so are the theories surrounding how to best reach all students in an inclusive fashion. To help districts reach their students more effectively, Barley Snyder's Education Practice Group and Chair William Zee produced "Power of Relationships," a six-minute video highlighting the benefits of trauma-based education and how it can help a school. You can find the video, featuring education professionals from throughout central Pennsylvania offering testimonials, embedded at [barley.com/education](http://barley.com/education).

## **At the Forefront of Intellectual Property Law**

With patent laws differing from country to country, our attorneys are on the front lines understanding and influencing the latest international developments for the benefit of our clients. Attorney Kevin Myhre traveled to Munich, Germany, for a four-week internship at a European law firm specializing in patent law. He returned with an enhanced understanding of the European patent process which he will apply to his work with clients filing international patent applications. Salvatore Anastasi, the practice group's chair, was named to both the American Intellectual Property Law Association's Patent Harmonization Committee, and has been named the chair of the Patent Harmonization Task Force for the American Bar Association (ABA). Both groups work to streamline the process of obtaining patents throughout the United States and internationally. Also, the ABA named Joseph Falcon III the vice chair of Patent Legislation for the ABA Section of Intellectual Property Law.

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## **BarleyFit**

BarleyFit is a firm-wide wellness program designed to promote both the physical and mental health and wellness of our employees and their families. BarleyFit encourages and enables employees to embrace a wellness lifestyle, in which they are able to make healthier choices for themselves and their families.

Our 25-person Health & Wellness Committee, comprised of attorneys and professionals across all offices, planned and coordinated various monthly, quarterly and annual employee events and challenges.

One of our biggest events of the year turned out to be our newest event, our first "Wellness Week," which promoted challenges and activities throughout the week such as "Meatless Monday," "Social Media Blackout Day," "Barley Wellness Bingo" and "Employee Recess."

In addition, we also held quarterly challenges including:

- Target 150: Individuals on teams of four people were challenged to engage in at least 150 minutes of activity per week during the eight-week competition.
- Walking Works: An individual competition where each participant was challenged to walk at least 10,000 steps each day through the six-week competition.
- Veg Out!: A six-week competition that focused on the importance of eating 7 to 15 servings of fruits and vegetables a day.
- Water Works: Designed to emphasize the importance and health benefits of water, firm employees track

how much daily water they drink to win prizes.

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## In Memoriam

### Harry Bud Rubin

Bud was one of the founders of Barley Snyder's York practice. He helped establish the law firm Cohen, Senft and Rubin in 1956, which later became Liverant, Senft and Cohen. He later helped facilitate the York firm's merger into Barley Snyder in the early 1990s and continued his practice with Barley Snyder through his death.

Rubin twice argued before the U.S. Supreme Court, and was a lawyer for 63 years. Before going into private practice, he had worked in the administration of Gov. George Leader of York and former Pennsylvania Attorney General Herbert Cohen.

### John T. Jack Barber

Jack was a name partner at Barley Snyder Cooper and Barber, one of the earlier formations of what is now Barley Snyder. A Lancaster native, he joined the firm as an associate in 1955, with his name added to the firm in 1976.

Barber is remembered as a true "gentleman of the law," praised for his gracious work in mentoring young lawyers as well as his tenacious work for his clients.

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## Practice Excellence

[Practice Excellence](#) is an ongoing effort by everyone in our firm to constantly increase our capacity to provide excellent service, professional quality and outstanding value to our clients.

### What Practice Excellence means to us

Our dedicated Practice Excellence Champions bring Practice Excellence into action daily. Our Practice Excellence Champions, including attorneys from each practice area, meet monthly to discuss specific projects and measurable improvements. In early 2018, we held a multi-day training session focusing on project management for more than 70 firm members, including attorneys, paralegals, administrative staff and management. Attorneys and administrative management are regularly invited to participate in leadership workshops focusing on efficiency, teamwork and positive work culture. In the summer, we hosted a leadership session promoting effective communication across large teams of professionals. This year our firm invested further in SharePoint/File to make document sharing more efficient and secure across professional teams involved in business transactions. Our Real Estate group streamlined title insurance transactions by

creating integrated title commitments process efficiencies. These efforts received positive feedback from many of our finance and real estate clients for the amount of time and documents it saved in real estate finance transactions.

## What Practice Excellence means to you

Although Practice Excellence is an internal philosophy, it is certainly not limited to internal benefits. The driving force behind Practice Excellence is how we can better serve our clients. Please refer to the story in our M&A article (page 23) where partner Kimberly Decker explains a great example of applying Practice Excellence to a client. The process improvement she implemented with the client enabled her to reduce negotiation time - ultimately focusing on what matters most to the client. As a result, Decker noted "we are able to support a high-volume transactional client in a way that is both practical and forward-looking." Through our Practice Excellence efforts, our attorneys and staff continuously receive tools and support enabling them to embark upon process improvement projects resulting in accessible, efficient solutions for your business.

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## M&A: Year in Review

By: Paul G. Mattaini

Related Practice Area: BusinessFamily Owned Businesses and Mergers & Acquisitions

The M&A market has been very active in recent years, and we are fortunate to have represented existing clients and companies referred to us by investment bankers, accounting firms, commercial lenders and other law firms in a number of M&A transactions. In March of this year, we circulated a set of tombstone announcements reflecting a representative sample of transactions in which we participated. These announcements, as well as a subsequent sample of transactions, can be found at [barley.com/mergers-acquisitions](http://barley.com/mergers-acquisitions). This fall the theme of our Business Seminars was succession planning, and our sessions featured keynote speakers and panels on strategic buyers (our York session), financial buyers (our Reading session) and employee ownership (our Lancaster session).

Barley has a particularly "deep bench" in the M&A area so I decided to ask a few of my colleagues for some observations based on recent M&A transactions in which they participated.

Accomplished transactional lawyer **Drake Nicholas** joined us in 2018 when we added our Harrisburg office, bringing with him a particular expertise in Employee Stock Ownership Plans (ESOPs). At our fall Business Seminar in York, Drake observed that business owners really have only four basic options for their companies when considering succession planning - family, employees, strategic buyers and financial buyers.

**John Reed**, a partner in our Lancaster office with an active M&A practice, is perhaps the best-known attorney in the family business field in Central Pennsylvania. He notes that the odds are against a family-owned business making it to future generations, and the lack of a detailed succession plan makes it even harder. "Only 30 percent of family businesses make it to the second generation and only 12 percent continue into the third generation, making it imperative to have a viable succession plan to ensure your family

business comes out on the good side of those percentages," John said. "On the other hand, if family succession is not an option - or not desirable - preparing for an eventual exit transaction well in advance remains important and usually results in a higher transaction price."

**Mike Mixell** is a highly regarded business and planning attorney in our Reading office. Mike has seen M&A clients sometimes resist engaging an investment banking firm because the success fee cuts into the sale's proceeds. But that could be a mistake, as evidenced by a deal he worked on in 2018 for a company that decided to hire an investment banking firm. "The investment banking firm hired by our clients drove an auction sale process that provided a value that exceeded our client's expectations by 20 percent," Mike said. "As you can imagine, the client was very pleased."

The work that **Kim Decker**, a partner in our Lancaster office, did with a very active acquirer in 2018 demonstrates how a company can use process improvement techniques to prepare themselves for future acquisitions. Kim and her team worked on streamlining the acquisition process for the client to try to ensure that its future acquisitions go as smoothly as possible. "We focused on reducing negotiation time by tailoring our acquisition documents to this client's specific risk tolerance so that, more often than not, we can spend more time negotiating things that our client has indicated are important - and we spend less time negotiating over things that do not matter to this client," Kim said, explaining that other efficiencies and flexibilities were added to the process as well. "As a result, we are able to support a high-volume transactional client in a way that is both practical, cost-effective and forward-looking."

**Jeremy Frey** is one of our key business partners in our York and Hanover markets, and led Barley's role in a unique 2018 deal. Legacy Athletic, a leading designer and supplier of vintage-inspired collegiate, resort and corporate headwear, apparel and home decor, merged with League Collegiate Outfitters, a portfolio company of private equity firm Dominus Capital. The merger created a single parent company, L2 Brands LLC. Legacy's owner maintains a significant ownership stake in, and a leadership role as the CEO of, the new company. L2 is currently undergoing a significant expansion of Legacy's existing facility in Hanover.

"Not only was this transaction good for Legacy, but it will be a shot in the arm for Hanover-area economic development as well, since L2 is staying in town and not moving to a new headquarters in another town," Jeremy said.

Not surprisingly, what all of our M&A attorneys agree on is that succession planning - no matter what form it ends up taking - requires a solid, well-thought out and well-executed plan.

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## Litigation Victories

By: Salvatore Anastasi, Matthew M. Hennesy, Joshua J. Knapp, Scott F. Landis, Paul W. Minnich, Randy R. Moyer, Brian R. Ott, Joshua L. Schwartz, Justin A. Tomevi, George C. Werner, Peter J. Faben, Michael J. Crocenzi, Stephanie E. DiVittore, Robert J. Tribeck and Lindsey M. Cook

Related Practice Area: Litigation

Our litigators aggressively defend our clients:

## **Michael Crocenzi**

Michael obtained a jury verdict for a landlord accused of negligence by his tenant. The tenant alleged that a leaking gutter above her front door caused ice to form on the concrete porch in front of her front door. The tenant claimed that while taking the trash out one morning, she slipped on a spot of ice and broke her ankle that eventually required five surgeries. After three days of testimony from various witnesses and experts, the jury did not find the landlord negligent.

Two top executives sued their former financial institution for more than \$10 million, but Michael Crocenzi made sure the company didn't have to pay. The two executives said their former employer violated their state whistleblower law for firing them after they complained the company didn't follow the directives of federal regulators - a charge refuted by the company. Crocenzi convinced a county jury the financial institution did not violate the whistleblower law and the jury rendered a verdict in favor of the financial institution.

After a 2017 decision Michael won for a radiology group being sued for breach of contract and defamation, he revisited the case in 2018 on appeal to the Pennsylvania Superior Court. With the plaintiff seeking \$330,000 in compensation, costs of litigation and attorneys' fees, Crocenzi scored a second victory in the case as the state Superior Court agreed with the lower court ruling after reviewing the briefs and listening to oral arguments this spring.

## **Justin Tomevi & Brian Ott**

The duo represented the beneficiary of an estate in a will contest dispute with his stepsisters in Berks County. Upon the death of their client's father, no will could be found and pursuant to Pennsylvania's intestacy laws, their client would have received the entire estate. However, the stepsisters surfaced and alleged that their stepfather had created a handwritten will that split his estate equally among his son and the stepsisters. At trial, Justin's cross examination exposed the flaws in both the stepsisters' testimony and the purported handwritten will. The judge entered a decision rejecting the handwritten will and affirming that Justin and Brian's clients would be the sole beneficiary of the six-figure estate.

## **Salvatore Anastasi & Joshua Schwartz**

The pair was instrumental in authoring an American Bar Association amicus brief filed in a U.S. Court of Appeals for the Federal Circuit patent case that will ensure "access to justice," a core principle of the ABA. The two combined with Chicago attorneys to write the brief for the ABA in *Nantkwest, Inc. v. Matal*. The brief was quoted by the court panel in reversing a previous decision that allowed for the U.S. Patent and Trademark Office to collect attorney fees in certain appeals cases.

## **Justin Tomevi, Scott Landis & Randy Moyer**

The team represented the beneficiary of the estate of his late mother. Their client's late mother's will left her assets to her son and had appointed her accountant to serve as executor and trustee of her estate proceeds. However, when the mother had unexpectedly passed away, a large portion of her funds from a real estate transaction, were held in a joint account owned by the late mother and her accountant. The accountant suggested that under the Pennsylvania Multi-Party Account Act, that the funds in the account belonged to the accountant, not the son. The Barley team quickly compiled a petition to force the accountant to turn the over the funds. In response, the accountant reversed course and agreed that she no longer was going to claim that she wanted the funds, but she now wanted to serve as trustee of the trust created to benefit the son by



the late mother's will. The Barley team pushed back again and demanded that based on the accountant's actions, she should have no role in the estate. After threatening further litigation, the accountant completely backed down and turned over all of the funds and abandoned all involvement with the trust.

## **Justin Tomevi**

Justin represented a national bank in a claim brought in the Montgomery County Court of Common Pleas by a secondary beneficiary of a six-figure IRA held by the bank. The beneficiary petitioned the court asking for an order forcing the bank to ignore the beneficiary designation's instructions which required the funds be issued to a trust. The beneficiary also asked the court to sanction the bank for refusing to cooperate with the proposed bypass of the primary beneficiary. Once retained by the bank, Justin convinced the beneficiary only days before the hearing to withdraw his petition and acknowledge that the IRA funds would only be payable to the primary beneficiary.

The owner of a helicopter leasing company retained Justin to assist with the repossession of a helicopter from a challenging customer in Allegheny County. The customer was several months into a lease of a helicopter and stopped completing maintenance on the helicopter and refused to cooperate with the Federal Aviation Administration's requests for inspections. Justin and his client carefully orchestrated and executed a strategy for repossessing the helicopter, which was chained down and mechanically disabled in a locked airport facility. After successfully repossessing the helicopter in the early morning hours, the customer filed a preliminary injunction motion in the Allegheny County Court of Common Pleas asking the court to force Justin's client to return the helicopter. A preliminary injunction hearing was scheduled to occur only 72 hours after the motion was filed. After Justin filed a response threatening to seek attorney's fees and other sanctions at the injunction hearing, the customer agreed moments before the hearing was to begin to withdraw its demand to have the helicopter returned.

Justin represented a private student housing developer in a tax assessment appeal. After the York County Board of Assessment Appeals refused to reduce the \$2.7 million assessment of the property, Justin appealed the decision to the York County Court of Common Pleas. After the parties exchanged appraisals, the municipality agreed to reduce the assessment by nearly \$1 million, resulting in significant tax savings of over \$225,000 for the developer over the next five years.

Justin Tomevi defended different professional guardians in two actions in the Lancaster County Court of Common Pleas - Orphans Court Division seeking to remove them from their appointment. In one case, two of the four children alleged that the guardian was overbilling the estate and not providing sufficient communication. In the other matter, one of the four children was challenging the guardian's decision to keep her mother living in the family home, rather than a nursing facility. In both cases, Justin secured orders that maintained the guardians in place despite the allegations, which were discounted by the court.

Justin Tomevi successfully represented an individual in a contempt hearing in the Adams County Court of Common Pleas. The contempt hearing arose from a dispute between a recently divorced couple regarding payment obligations for their child's college tuition. In response to the husband's petition for contempt, Justin was retained to represent the wife in defense of the petition. After a hearing, the court dismissed the husband's petition without the need for the wife to put on any evidence, finding that the wife was not in contempt of the separation agreement.



## **Lindsey Cook & Justin Tomevi**

The two represented a property owner in a dispute over a shared sewage line in Adams County. The property owner's neighbor unlawfully installed a shut-off valve on the sewage line and routinely would sever access to the property owner's access to the sewage line. The Barley Snyder team obtained an order from the Adams County Court of Common Pleas requiring the neighbor to remove the shut-off valve. Further, based on the neighbor's bad faith actions, the team convinced the court to sanction the neighbor.

## **Stephanie DiVittore, Paul Minnich & Justin Tomevi**

The trio successfully defended an executor in response to a petition to remove that executor in the Cumberland County Court of Common Pleas - Orphan's Court Division. Two children of the decedent alleged that the executor had mismanaged funds and items of personal property. The Barley team responded aggressively to the allegations as false and misleading. At the hearing, Stephanie strategically crossexamined the petitioners, debilitating their claim and providing the court with a basis to grant Stephanie's motion to dismiss the case without the need for the executor to put on any evidence. The court also awarded sanctions in favor of the executor.

## **George Werner & Paul Minnich**

George and Paul won a \$650,000 decision for a client whose property was condemned by the Pennsylvania Department of Transportation under eminent domain. The decision, along with other damages, was more than twice what PennDOT offered to the client initially to buy the property. The jury deliberated on the case less than five minutes.

George defended a hospital in a contract and defamation suit brought by physicians after the client reported a possible medical event to the appropriate state agency. In a week-and-a-half trial, George navigated through many complicated issues and expert testimony. After four-and-a-half hours of deliberation, the jury came back with a verdict for the hospital.

## **Joshua Schwartz**

Joshua obtained summary judgment for a large corporate client in a pregnancy discrimination case in U.S. District Court for the Southern District of Indiana. The plaintiff contended not only that she was fired inappropriately, but also that she was kept in a room and prevented from using the bathroom, resulting in labor complications. Following the plaintiff's deposition, the judge adopted our argument that no reasonable juror could find discrimination under the circumstances.

The Commonwealth Court agreed with Joshua's interpretation of the law in a breach of contract action brought against a municipality. The Commonwealth Court overturned an earlier decision from the lower court on Joshua's argument that the original trial judge had incorrectly applied the law, finding in favor of Barley's municipal client.

## **Peter Faben**

Peter successfully defended a Central Pennsylvania dental and orthodontist group from a claim for damages stemming from allegedly mismanaged orthodontic treatments. Peter was successful in presenting evidence that showed that the plaintiff was not entitled to any damages under the terms of the services agreement, and was able to secure a judgment in his client's favor following a bench trial in August.

Peter successfully defended a student in a paramedic program at a central Pennsylvania institute of higher education in a suit alleging misconduct by EMTs during an emergency call. The student was participating in a ride-along program with the EMTs when the alleged incident occurred. Through persistence and effective use of procedural mechanisms, Peter was able to obtain a dismissal for the paramedic student.

## **Justin Tomevi & Robert Tribeck**

The pair represented a bank in a case that had been appealed to the Pennsylvania Supreme Court by a mortgagor following a successful motion for summary judgment in a foreclosure action in Mifflin County involving a large commercial tract. On appeal, the mortgagor alleged several substantive and procedural defects to the loan and asked the Pennsylvania appellate courts to reverse the summary judgment order. After unsuccessfully appealing to the Pennsylvania Superior Court, the mortgagor asked the Pennsylvania Supreme Court to take the case. After the Barley team defended the decision of the Superior Court and trial court in its response, the Pennsylvania Supreme Court denied the mortgagor's appeal and found in favor of the bank.

## **Joshua Knapp**

Joshua represented a major health care institution in defense of a premises liability action in Philadelphia County. The case involved an alleged slip and fall on snow on a sidewalk, resulting in a back injury. Josh first successfully argued that the case should be referred from the trial division to mandatory arbitration, then assisted the client in securing a full defense award after the arbitration hearing.

Joshua represented a central Pennsylvania-based, full-service drilling contractor and several of its employees in defense of a non-competition and misappropriation of trade secrets case brought by the employees' former employer. The complaining former employer sought both emergency and preliminary injunctive relief. After first successfully arguing against the imposition of emergency relief, Josh guided his clients through extensive discovery and ultimately obtained the complete denial of the preliminary injunction request.

Joshua represented a major central Pennsylvania health care institution in a premises liability bench trial involving an alleged slip and fall on ice in a parking lot, with damages sought in excess of \$100,000. Despite having to substitute a defense witness at the last minute due to unavailability, Josh helped the client secure a full defense verdict on all claims.

## **Matthew Hennesy**

Matthew was able to obtain a comprehensive victory for a property investor relating to a multi-million dollar group of investment properties. The properties were units in a planned community association. The association had adopted a provision to limit ownership in the community to only two units and the president of the association had suspended the investor client's voting rights in violation of a prior injunction order from the court. After a contempt hearing, the court found the association's attempt to limit ownership was invalid and the association's president had acted in bad faith in numerous respects, ultimately removing him as the association's president and barring him from serving as an officer of any such association for a period of five years. The court also awarded the investor client all of its attorneys' fees and costs stemming from the contempt hearing and lawsuit to invalidate the ownership restriction. In its opinion awarding attorneys' fees, the court noted that Barley was "able to obtain a complete victory" in the matter for its client.

Matthew represented a former business owner in a dispute with the entities that purchased the business. The

new owners had induced the seller to execute a personal guaranty in exchange for payment and a promise to remove the guaranty within six months. After the purchaser refused to make payment and remove the guaranty as required by the agreement, Matthew was able to obtain summary judgment for payment of the money owed and a permanent injunction and specific performance to remove the guaranty as promised.

Matthew was lead trial counsel in an adversary proceeding in bankruptcy court where the landlord sought to invalidate the bank's lien against equipment to obtain payment of back rent owed by the company that had filed for bankruptcy protection. He successfully defeated the landlord's attempt to invalidate the bank's lien against the debtor's equipment resulting in a judgment that awarded the bank over \$200,000.

### **George Werner & Matthew Hennesy**

The two successfully represented a manufacturer against claims by former works relating to alleged workplace injuries. As a result of George and Matt's determined effort, the client has been dismissed from many of the cases and the court has held other claims frivolous.

### **Paul Minnich & Justin Tomevi**

Paul and Justin secured summary judgment in a case with over \$1 million in exposure for a banking client. A real estate developer customer of the bank alleged that the bank had failed to timely record a mortgage satisfaction piece for a property once encumbered by mortgages from the bank. The developer filed suit seeking a judgment of \$1,025,000 from the bank under the Mortgage Satisfaction Act. After conducting targeted discovery, the Barley Snyder team developed an argument that the developer had failed to comply with certain provisions of the Mortgage Satisfaction Act and successfully established to the court that the bank had also acted in good faith. Upon consideration of competing summary judgment motions from the bank and the developer, the court promptly granted the bank's motion for summary judgment and dismissed all of the developer's claims.

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### **Firm Honors**

By: Jeremy D. Frey, David R. Keller, Troy B. Rider and George C. Werner

We are universally ranked by our clients and peers as one of the best law firms in central Pennsylvania, an honor we have never, and will never, take for granted.

Media organizations, professional groups, nonprofits and the public heaped praise on Barley Snyder in 2018 for the firm's work. None of that praise is possible unless we first earn and keep the trust of the public.

We'd like to take this opportunity to sincerely thank all of our clients, friends and partners that put their trust in us in 2018. While we cannot promise to be an award-winning firm in 2019 or further into the future, we can promise to strive to keep the trust you put in us every day.

Here are some of the ways we were honored in 2018:

- Named "Best Business Law Firm" in the Central Penn Business Journal Reader Rankings.
- Partner **Jeremy Frey** was named "Best Lawyer/Law Practice" in the Readers' Choice Awards from the Hanover Evening Sun.

- Lancaster Chamber awards former managing partner **David Keller** with its highest honor, the Exemplar Award.
- Partner **Troy Rider** was [named to the Reading Eagle's "40 under 40" list](#) of outstanding leaders in the Berks County region.

By the numbers:

**16:** Attorneys named "Best Lawyers"

**13:** Different categories U.S. News and World Report Named Barley Snyder a "Best Law Firm"

**9:** Attorneys named "Super Lawyers"

**1:** One attorney - partner **George Werner** - named "Lawyer of the Year" by U.S. News and World Report in the practice area of "Litigation - Construction" in the Harrisburg region for 2019

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