

## LITIGATION

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Your attorney has taken your case, but can he or she solve your problem?

Years of experience have shown us that successful problem solving comes from a true client attorney partnership, one built on trust, where achieving a client's goals is the highest priority. We help our clients minimize risk through preventative planning, training and counseling. When conflict avoidance is not an option, we are aggressive advocates and effective strategists, driven to successfully achieve our clients' goals while understanding their business realities and the potential costs of going to trial.

Our litigators have:

- Argued before the United States Supreme Court
- Argued before the Pennsylvania Supreme Court
- Successfully handled hundreds of jury trials in federal and state courts
- Resolved multi-million dollar claims in favor of our clients

While we are well-known to the local bench and bar and familiar with the operations of the court systems throughout the region, we have substantial experience in state and federal courtrooms throughout the country. We approach cases with a single-minded focus for achieving the desired outcomes, and are advocates for clients in virtually every area of civil law, in cases ranging from intellectual property disputes and lender liability cases to employment cases and the most complex commercial and tort matters.

### Litigation Technology

Our litigators are supported by an experienced team of paralegals and litigation support technologists. Our team works with our firm's leading edge information technology (including tools such as Trial Director, Concordance and a variety of custom applications) to provide the most comprehensive, up-to-date legal technology in the areas of electronic discovery, enterprise wide management of documents and effective trial presentations.

### Risk Management

We work with individuals, corporate and institutional clients of all sizes and complexities. Our attorneys help clients minimize risk, decrease claims, limit exposure and increase safety and compliance through comprehensive audits, preventative planning, training, and counseling with the ultimate goal of protecting your business and employees from legal liability. Our attorneys often work with clients to identify and evaluate areas of potential risk lurking in contract language, workplace safety, insurance coverage, wage and hour issues, hospital risks and many other industry-specific areas. We also offer training programs to assist clients in managing risk and avoiding legal liability.

### Mediation

In an effort to provide cost-effective resolutions to a dispute, we offer the services of experienced and trained mediators. Mediation generally takes the place of litigation, or, in some instances, occurs prior to the parties becoming fully engaged and entrenched in the litigation process. Unlike other dispute resolution processes like arbitration, mediators do not sit in judgment or render a decision with respect to the conflict. A mediator's mandate is to facilitate discussion between the parties in order that the parties themselves come to an agreement. Our position is that the parties directly involved in the conflict are the best able to resolve it.

All discussions during a mediation session are confidential. Mediation is non-binding. Accordingly, if after discussions, the parties believe that the mediation session will not resolve the issue, the parties are free to go their separate ways.

The mediation process generally follows the path set forth below:

- The parties and/or their legal representatives agree to submit the matter to mediation.
- The parties or their attorneys contact a Barley Snyder mediator with a request to initiate the mediation process.
- The representatives provide the Barley Snyder mediator with background information regarding the parties and the relevant facts of the case.
- The Barley Snyder mediator schedules a mutually convenient time and place for the session.
- The Barley Snyder mediator requests that the parties submit the relevant documents and provide a mediation statement summarizing the fact and the party's position.
- The mediation is conducted with all necessary parties present. In the event of a resolution, the settlement is memorialized in writing and is signed by all parties and representatives.

Ultimately, mediation is an alternative which parties may wish to consider in light of the crippling expense of litigation, and Barley Snyder has attorneys who have worked in mediation.

## **Alternative Dispute Resolution**

When a dispute does arise, we are aggressive advocates and effective strategists, driven to successfully achieve our clients' goals while understanding their business realities in light of the potential costs of going to trial. We do not hesitate to recommend alternative dispute resolution mechanisms when it is in our clients' best interest. Mediation and arbitration are commonly used tools to resolve disputes outside of the courtroom setting. Our attorneys often analyze the pros and cons of this approach for our clients, tailoring the solution to their specific needs.

Our litigators have worked with companies of all sizes in cases such as:

Salvatore Anastasi and Joshua Schwartz were 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.

Our medical malpractice team, under the leadership of Lauralee Baker, won a more than week-long malpractice trial in Lancaster County. The suit was brought against an addiction specialist who was allegedly responsible for the overdose and death of a 19-year-old receiving methadone treatment. The case involved testimony from experts in addiction medicine, pathology, life expectancy and economics. After several hours of deliberation, the jury found the physician was not negligent nor the cause of the death.

Michael Crocenzi 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.

Stephanie DiVittore, Paul Minnich and Justin Tomei 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 cross-examined 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 and Paul Minnich 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.

Matthew Hennesy 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.

[Click here to see more of our litigation victories.](#)

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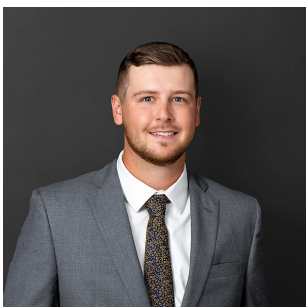
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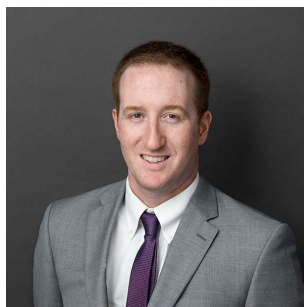
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**PRACTICE AREAS:**

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- Alternative Dispute Resolution (ADR)
- Appellate Litigation
- Commercial Litigation
- Construction Litigation
- Employment Litigation
- Fiduciary Litigation
- Intellectual Property Litigation
- Real Estate Litigation