

# 2019 YEAR IN REVIEW



**Barley Snyder**  
ATTORNEYS AT LAW





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# MESSAGE FROM OUR MANAGING PARTNER



Since we launched our annual “Year in Review” communications to our friends and clients in 2014, a major theme of our messages has been the strategy to grow the resources available to our clients, the numbers of our professional team, the geographic scope of our footprint, the skills and range of services we offer and our ability to execute our regional model to make our interactions with clients as seamless and efficient as possible.

In these six years we have doubled the number of our offices and the size of our professional team. We have added new service areas of importance to our clients, as well as greater depth across the board. Our new resources and locations have been fully integrated and our many new people have been assimilated into our firm culture.

Growth to serve our clients even better will continue to be a firm goal. However, our firm is much more than a collection of highly capable resources. We are animated by a mindset that distinguishes our organization from others and is characterized by the premium we place on the relationships we develop with our friends and clients.

This year we adopted a set of “Core Values” (see page 20). The elements included in these Core Values are intended primarily for our internal use, to describe our shared belief system and articulate the standards we expect of each other. However, the first of these has significant external implications. It reads: “We put clients first.”

Although only recently adopted in a formal sense, this concept has guided us for decades. It is why we make ourselves accessible by various old and new technological means, why real human beings answer our phones and why we go without hesitation to where our clients need us to be, whether to a client’s plant, office, home, to a courtroom or a job site, or to a client facility on another continent an ocean away.

The relationships we form with our clients and professional friends are the most affirming and gratifying aspects of our practice. We know and delight in the understanding that the value we place on these relationships is reciprocated. Our clients appreciate what we do as much as we appreciate the opportunity to work with them to achieve their goals.

To make sure we are meeting our clients’ needs, we frequently ask how we are doing. In my position, I am privy to much of the feedback we receive. In the past year a number of clients characterized us as their “trusted partner” in their legal and business endeavors. One stated that we “add value beyond the high level of legal professionalism” we offer. Those we serve see our approach as “holistic,” and not rigidly limited by the boundaries of a particular project.

Such observations inspire us to strive even harder to exceed the expectations of our clients and friends. Our clients’ description of the relationships we treasure validates the significance we place on our imperative to “put clients first.”

**JEFFREY D. LOBACH**  
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In 2020 and beyond, we look forward to continuing our relationship with you, as we embrace and live our first Core Value.

# OFFICE GROWTH

## *Schuylkill Haven*

In 2018, Barley Snyder reestablished an office in Harrisburg, the farthest north the firm had ever placed its flag with a physical office. In September 2019, the firm went even farther, this time to the Pottsville area with a new office in Schuylkill Haven. The firm's two attorneys in the office, Michael Fox and partner David Rattigan, have long-standing relationships with businesses and families in the region.

Rattigan, a business, real estate and estate planning attorney, celebrated his fourth decade of serving the community. With business and real estate attorney Michael Fox, they work for clients in Schuylkill and surrounding counties. Lawyers and staff from across the firm now support the expanding needs of businesses and professionals in that region.



Left to right, managing partner Jeff Lobach and Schuylkill Haven attorneys David Rattigan and Michael Fox

## *Hanover Expansion*

The Hanover office has expanded a great deal in the last two years. Barley Snyder started 2019 by adding two attorneys in Hanover – Matthew Guthrie and Keith Nonemaker – and two paralegals – Stephanie Stonesifer and Connie Murren.

At the end of October, the firm completed an eight-month renovation project that left the office ready to handle the current expansion and future growth.



Our Hanover attorneys and managing partner cut the ribbon at the unveiling of our newly renovated Hanover office.

# CLIENT TESTIMONIALS

See what our clients are saying about their experiences with Barley Snyder.



**“ I consider Barley Snyder a trusted business partner that helps us in all facets of our organization, whether that’s in employment, health care, or growth-related issues like the acquisition of a building or developing new businesses. When we have a legal matter, Barley Snyder is the place we turn. ”**

- Bill Kepner, President and CEO, United Disabilities Services, Lancaster

**“ With national retailers closing across the country and many vacant storefronts littering the market, it’s a difficult task to sell these spaces to willing buyers. But Barley Snyder confidently took on the task of helping us sell several former Bon-Ton store buildings within the short time constraints required by Bon-Ton’s bankruptcy court orders. Barley Snyder met those tight time frames and helped sell properties throughout the U.S. And my understanding is that many of the buyers of these properties plan to turn those buildings into job-producing, tax-paying businesses once again. ”**

- Mark Naughton, Senior General Counsel, Tiger Capital Group



**“ I’ve had the privilege of working with Barley Snyder on a variety of M&A transactions. They bring a high level of accuracy and speed to the settlement process. When I know they’re involved in a deal, I immediately feel more confident in an efficient, successful outcome. ”**

- Scott Stevens, First Vice President, SBA Lending, 44 Business Capital

# FIRM HONORS *by the numbers*

**16** Categories we were named "Best Law Firm" by *U.S. News and World Report*



\*Listed by U.S. News - Best Lawyers® as a 2020 Harrisburg Tier 1 "Best Law Firm" in six practice areas, Tier 2 firm in eight practice areas and Tier 3 firm in two practice areas.

**11** Attorneys named "Super Lawyers" for Pennsylvania

**21** Attorneys named "Best Lawyers"

**7** Top awards in the "Reader Rankings" edition of the *Central Penn Business Journal*

The seven top awards Barley Snyder received are:

- Best Law Firm - Business
- Best Law Firm - Estate Planning
- Best Law Firm - Intellectual Property
- Best Law Firm - Labor & Employment
- Best Law Firm - Real Estate
- Best M&A Advisor
- Best Title Company (Center Square Abstract, a subsidiary of Barley Snyder)



**3** Attorneys named "Lawyer of the Year" by Best Lawyers in the Harrisburg Metro Area:

- Paul Mattaini - Banking & Finance Law
- John Reed - Closely Held Companies & Family Business Law
- Robert Tribeck - Litigation - Intellectual Property



**PAUL MATTAINI**



**JOHN REED**



**ROBERT TRIBECK**

Named "Best Law Firm" in Lancaster by *Susquehanna Style*



Named to the *National Law Journal* 500 list for the first time



# OUR CYBERSECURITY SERVICE TEAM



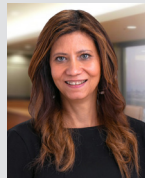
## *Cybersecurity Chair: Donald Geiter*

With the rise in the widespread use of technology, cybersecurity has become a critical element for any business. Partner Donald Geiter led the effort to form a Barley Snyder Cybersecurity Service Team that helps answer the increased volume of legal questions flowing into the firm concerning network protection and data breach response. In 2019, Geiter received a Master of Studies in Law degree (Cybersecurity Law and Policy) from the University of Maryland's Carey School of Law, bringing up-to-date educational credibility to his real-world experience in helping companies protect some of their most important assets - their information assets, computer infrastructure and network. Since forming the group, attorneys have worked with dozens of companies by assisting them in the areas of data breach, cyber compliance, IT transactional support and breach-related litigation. The group has also provided regulation-required and compliance-related training to our clients' employees and boards of directors. In addition to helping clients, the team had a busy first year, presenting useful cybersecurity legal tips for the Lancaster Chamber, the Manufacturers' Association, the Central Penn Business Journal's Cybersecurity Symposium and other groups.

## MEET THE CYBERSECURITY TEAM



**Christopher Churchill**  
Partner



**Jennifer Craighead Carey**  
Partner



**Michael Crocenzi**  
Partner



**Kimberly Decker**  
Partner



**Joseph Falcon**  
Partner



**Matthew Hennesy**  
Partner



**Amanda Kowalski**  
Associate



**Kathy Kravitz**  
Partner



**Scott Landis**  
Partner



**Rita Linguiti**  
Counsel



**Elizabeth Melamed**  
Associate



**William Zee**  
Partner



*Helping our clients navigate the complex laws, regulations and standards relating to cybersecurity*



# M&A YEAR IN REVIEW































By Paul Mattaini

Beginning in 2000, our M&A team has periodically circulated “tombstone announcements,” reflecting a representative sample of transactions in which we participated, to the “deal community.” The transactions from 2019 included in our most recent tombstone announcement are displayed below; the full set of our tombstones can be found at [barley.com/Mergers-Acquisitions](http://barley.com/Mergers-Acquisitions).

We are fortunate to have a particularly “deep bench” in the M&A area and the transactions represented by the tombstones reflect the efforts of many of our team members. We were pleased to be named the Best M&A Advisor in the Central Penn Business Journal in 2019 and during the year our M&A team members were interviewed in the press on M&A topics of interest, including private equity in our markets and buyer and seller M&A hot buttons, in the past year.

Our team members are conversant with developments in the M&A area, such as representations and warranties insurance, quality of earnings reports and the impact of recent case law on earnouts. In addition, we continue to apply the process improvement aspects of our Practice Excellence® initiative through lean practices such as the use of work plans, mapping of transactions and information sharing through electronic data rooms and secure portals.

## 2019 REPRESENTATIVE TRANSACTIONS

 <p>has been formed and has come together with</p>  <p>to form a continuing care retirement community system.</p> <p>Barley Snyder represented Luthercare in this transaction.</p> <p><b>Barley Snyder</b> NOVEMBER 2019</p>	 <p>has acquired the assets of</p>  <p>Barley Snyder represented Gannett Fleming, Inc. in this transaction.</p> <p><b>Barley Snyder</b> SEPTEMBER 2019</p>	 <p>has announced its intention to be acquired by</p>  <p>Barley Snyder represented MidCoast Community Bank in this transaction.</p> <p><b>Barley Snyder</b> SEPTEMBER 2019</p>	 <p>has acquired</p>  <p>Barley Snyder represented The Wenger Group in this transaction.</p> <p><b>Barley Snyder</b> SEPTEMBER 2019</p>	 <p>has made an investment in</p>  <p>Barley Snyder represented Pine Street Capital in this transaction.</p> <p><b>Barley Snyder</b> SEPTEMBER 2019</p>
 <p>has acquired a majority interest in</p>  <p>Barley Snyder represented East Penn Manufacturing in this transaction.</p> <p><b>Barley Snyder</b> AUGUST 2019</p>	 <p>has acquired</p>  <p>Barley Snyder represented the Wolf management team in this transaction.</p> <p><b>Barley Snyder</b> AUGUST 2019</p>	 <p>has acquired</p>  <p>Barley Snyder represented Carlisle Carrier in this transaction.</p> <p><b>Barley Snyder</b> JULY 2019</p>	 <p>has made an investment in</p>  <p>Barley Snyder represented Pine Street Capital in this transaction.</p> <p><b>Barley Snyder</b> JULY 2019</p>	 <p>has acquired</p>  <p>and has invested in</p>  <p>Barley Snyder represented The Wenger Group in these transactions.</p> <p><b>Barley Snyder</b> MAY 2019</p>
 <p>has acquired all of the assets of</p>  <p>Barley Snyder represented Gannett Fleming, Inc. in this transaction.</p> <p><b>Barley Snyder</b> MARCH 2019</p>	 <p>has acquired</p>  <p>Barley Snyder represented Eurofins Viracor, Inc. in this transaction.</p> <p><b>Barley Snyder</b> MARCH 2019</p>	 <p>TRENDLINE CAPITAL EQUITY PARTNERS I, L.P. A private equity firm focused on the lower middle market</p> <p>has acquired</p>  <p>Barley Snyder represented Trendline Capital Equity Partners in this transaction.</p> <p><b>Barley Snyder</b> JANUARY 2019</p>	 <p>has acquired</p>  <p>from</p>  <p>Barley Snyder represented Atlantic Shores Corporation in this transaction.</p> <p><b>Barley Snyder</b> JANUARY 2019</p>	<p>—</p> <p><i>Applying Practice Excellence® to your M&amp;A transactions</i></p> <p>—</p>

# NEW FACES AT THE FIRM

We welcomed 16 new attorneys and paralegals to Barley Snyder in 2019.



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**DEREK ROWE**  
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**CODY WITMER**  
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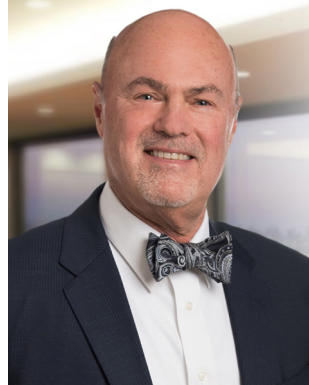
**SARAH YERGER**  
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“*Barley Snyder’s attorneys and leadership have proven to be an asset to the entire community, and it’s an honor to join their ranks.*”

– Stephen Linebaugh, Attorney and Former Judge of the York County Court of Common Pleas



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## IN *Your* COMMUNITY

Barley Snyder's attorneys and professionals consistently answer the call to service their communities. They volunteer hundreds of hours of their time and expertise to organizations that improve the collective community's way of life.



**David Freedman** is named vice president of the **Lancaster Bar Association** and is awarded the "Pro Bono Attorney of the Year" from the **Pennsylvania Immigration Resource Center**.



**John "J." Quain** is appointed to sit on the board of directors at the **Historic Harrisburg Association** and is named chair of the **Dauphin County Bar Association's** "Law Day" Committee for education of aspiring attorneys.



Military veteran **Thomas French** is named to **Army Heritage Center Foundation** board of directors in Carlisle.



**Lindsey Cook** is appointed to the board of directors at the **Coalition for Smart Growth** and also graduates from **Leadership Lancaster**.



**Daniel Frey** is elected president of the **Hanover Public Library Association Inc.**



**Elizabeth Melamed** takes a seat on the board of directors for the Lancaster division of the **American Heart Association**.



Members of the firm ran for a great cause in the **Lancaster YWCA's Race Against Racism 5k** in April.



Paralegals **Kendall Martin** (center) and **Jessika Warnick** (right) along with staff member **Carolyn Woods** (left) volunteer for Aaron's Acres.



**Jeremy Frey** volunteers to serve on the board of directors at the **Hanover Area Chamber of Commerce**.



**Abby Medin Tucker** accepts an invitation to sit on the board of directors at the **Lancaster Housing Opportunity Partnership (LHOP)**.



**Girls on the Run of Berks County** appoints **Sarah Rubright McCahon** to its board of directors.



**Maria Di Stravolo Elliott** now has a position on the board of directors at **Venture Litz**.



**Larry Heim** accepted an invitation to serve on the board of directors of **The Sisters of St. Francis Foundation** in the Philadelphia area.



**Judge Stephen Linebaugh** is elected to the board of directors of the **Margaret E. Moul Foundation** in York County.



**Keith Mooney** is named president of the board of directors at the **Berks Arts Council**.



**Reilly Noetzel** joins **Lancaster Public Library** Board of Trustees.

# LEADERSHIP UPDATES



## DAN DESMOND - NAMED PARTNER

Dan has built his business practice working with public and private companies in corporate legal matters such as mergers and acquisitions, contract review and drafting, entity formations and succession planning. He also has built a municipal practice where he is the solicitor for several local municipal authorities, as well as a lending practice as part of the firm's Finance & Creditors' Rights Practice Group where he specializes in tax-exempt and conventional financings for lenders and borrowers and regulatory matters. Dan, who is a Lancaster native and a graduate of JP McCaskey High School, is the latest in a long line of Barley Snyder attorneys who began their law careers as summer associates with the firm. He later joined the firm in 2011 after graduating from Temple University Beasley School of Law and two clerkships. Dan is a 2015 graduate of Leadership Lancaster, and is a member of the board of directors at Bent Creek Country Club and the Farm and Home Foundation of Lancaster County.



## JUSTIN TOMEVI - NAMED PARTNER

Since Justin joined the firm in 2012 – he was a summer associate in 2011 – he's been a tireless litigator, helping businesses score victories in and out of the courtroom in commercial, real estate, fiduciary and banking litigation. Justin has been named a "Rising Star" in the Pennsylvania "Super Lawyer" list for four consecutive years, and in 2017 he was named to the prestigious "Multi-Million Dollar Advocates Forum" for attorneys who have won multi-million-dollar cases for their clients. He is a graduate of Eastern University (summa cum laude) and earned his law degree at the Drexel University Thomas R. Kline School of Law (with honors). He is a York native and a graduate of York Suburban High School. In 2019, Justin completed his appointed term as a member of the Springettsbury Township Board of Supervisors in York County. He also completed his term of service as the vice chair of the York Area United Fire and Rescue Commission.



## JEFF LOBACH - REELECTED MANAGING PARTNER

During Jeff's first three terms as managing partner, the firm opened five new offices, expanded into Maryland and established the "regional model" that will shape future growth. For tireless effort and deft direction, the firm's partnership decided to continue with Lobach's leadership and elect him to a fourth, two-year term as Barley Snyder's managing partner. "It was humbling when our partnership elected me as the firm's managing partner six years ago," Lobach said. "To earn their trust for a fourth term suggests their approval of the course we have charted these last few years. The partners and our entire team have steadfastly supported our regional model of practice to ensure sustainability and success in our markets – and our future markets. I am grateful our partnership continues to have the confidence in me to lead the firm into the future."

**“ It was humbling when our partnership elected me as the firm’s managing partner six years ago. To earn their trust for a fourth term suggests their approval of the course we have charted these last few years ... I am grateful our partnership continues to have the confidence in me to lead the firm into the future. ”**

– Managing Partner Jeff Lobach



## JILL SEBEST WELCH - EMPLOYMENT PRACTICE GROUP CHAIR

Jill assumed the leadership of one of the firm's largest practice groups at the start of the year. She counsels a wide range of businesses in industries such as manufacturing, banking and finance, insurance, hospitals, health care, food processing and hospitality on employment law compliance and represents them in all types of employment litigation, including wage and hour class actions and non-compete cases. She has been named a Pennsylvania "Super Lawyer" seven times, and served for the past decade on the Lancaster County Workforce Development Board. More recently she has been a member of the executive board of the Pennsylvania Dutch Council of the Boy Scouts of America. Jill vows to carry on the client-focused service of her two predecessors, Dave Keller and Jennifer Craighead Carey, who began and expanded Barley Snyder's Employment Practice Group to mirror and respond to the needs of our clients.



## PAUL MINNICH - NAMED TO MANAGEMENT COMMITTEE

Paul started a two-year term on the committee, which oversees the firm's day-to-day operations and long-term planning, at the start of 2020. Paul is a past chair of firm's Litigation Practice Group, and has been named to the "Best Lawyers in America" list for three consecutive years. He is a member of the board of directors at WellSpan Health and is a member of the organization's executive committee.

## BARLEY SNYDER ON THE ROAD

Our attorneys are often asked to share their knowledge at workshops and educational events throughout our footprint and beyond. In 2019, you may have seen us speaking at events hosted by some of these organizations:

*Center for Entrepreneurial Leadership at Alvernia University*

*Central Penn Business Journal*

*Colonial Intermediate Unit*

*Federal Bar Association*

*Gettysburg-Adams Chamber of Commerce*

*Greater Harrisburg Association of Realtors*

*High Center for Family Business*

*Hospice & Community Care*

*Human Resource Professionals of Central PA Conference*

*Lancaster Chamber*

*Leadership Lancaster*

*Lincoln Intermediate Unit*

*LRP National Institute*

*National School Boards Association*

*Pennsylvania Association of Pupil Services*

*Administrators*

*Pennsylvania Automated Vehicle Summit*

*Pennsylvania Bar Institute*

*Pennsylvania Center for Employee Ownership*

*Pennsylvania Restaurant & Lodging Association*

*Pennsylvania School Boards Association*

# WORKING *for* OUR CLIENTS

## TIGER CAPITAL

When national retailer The Bon-Ton Stores closed its doors in 2018, it left about 260 large, vacant stores across its footprint, some of which were owned by the department store chain. New York City-based Tiger Capital, part of a joint venture which purchased the rights to sell dozens of the then-empty Bon-Tons, looked to Barley Snyder for help in selling those buildings. With our firm's assistance from attorneys Reilly Noetzel, Abby Tucker, Sarah Yocum Rider and Maria Di Stravolo Elliott, Tiger Capital sold seven of the stores the company owned, including The Bon-Ton Stores and other Bon-Ton-owned outparcels in Camp Hill, Pa. Many of the new owners of the buildings already have designed future uses for the buildings. The Bon-Ton's former Camp Hill location, which also included a shuttered Border's location, has been demolished to make way for a new hotel, restaurant and retail shops planned to open in 2021.



**MARIA  
DI STRAVOLO ELLIOTT**



**REILLY NOETZEL**



**ABBY MEDIN TUCKER**



**SARAH YOCUM RIDER**

## CYBERSECURITY

It's a nightmare scenario for companies in today's technology world. They're alerted that their system has been fraudulently compromised, and hundreds of thousands of dollars are missing. It happened to a Barley client in 2019, and the client's initial prognosis wasn't good to recoup any of the lost funds that reached nearly seven figures. However, the client contacted partner Tom Nehilla, who quickly fed the pertinent details to partner Don Geiter, the chair of our Cybersecurity Service Team. Geiter immediately went to work getting in touch with authorities and investigations contacts, and making claims against third parties alleged to have been partially responsible for the compromise. Geiter orchestrated a recovery for the client within several weeks of the compromise that accounted for nearly 90% of the compromised funds - including funds the client initially believed to be gone forever.



**DONALD GEITER**



**THOMAS NEHILLA**





## PATENT HARMONIZATION

Did you know that the five major patent-issuing entities around the globe all have different rules for a business or inventor to procure a patent? That forces businesses looking to sell their new product in international markets to go through the rigors of patent approval five different times. Partner Salvatore Anastasi, the chair of our Intellectual Property Practice Group, is a member of the American Intellectual Property Law Association (AIPLA) Patent Harmonization Committee and has traveled across the globe in 2019 working to create procedural and substantive harmonization among global patenting systems. His stops in 2019 have included London and South Korea. Making these patent approval processes more similar will help businesses get their products to market faster.



**SALVATORE ANASTASI**



## FIGHTING FOR HEALTH CARE PROVIDERS

The Pennsylvania Bar Association selected Katherine Kravitz, the chair of our Health Care Industry Group, to testify before the Pennsylvania Legislative Budget and Finance Committee regarding a potentially volatile rule change being contemplated by the Pennsylvania Supreme Court. The change would revoke the current rule, which requires plaintiffs in medical malpractice cases to file their lawsuits in the county where the alleged negligence occurred. In the current health care environment, where integrated health systems are an important part of ensuring access to quality health care for all Pennsylvanians, repealing the rule would allow plaintiffs to “shop” their cases to counties where jury awards are historically highest, forcing health care providers to litigate cases in foreign, higher-risk venues. Kathy advocated against this change, presenting evidence that the rule was needed to prevent a recurrence of the medical malpractice insurance crisis of the late 1990s which resulted in skyrocketing insurance costs and an exodus of doctors from Pennsylvania. Kathy was the only attorney selected by the bar association to present the defense side of this issue to the committee. Since Kravitz’s testimony in June, there has been no movement on the rule change.



# WORKING *for* OUR CLIENTS CONT'D

## TOBIAS S. FROGG SALE

One of Lancaster County's popular restaurants changed hands in 2019, and we helped put the deal together. Tobias S. Frogg in Lancaster remains one of the most recognizable hangouts in Lancaster under its new owners, who used our Real Estate and Hospitality practice groups, including Hospitality chair and partner Derek Dissinger, to help broker the deal.



DEREK DISSINGER



REILLY NOETZEL



Attorneys Derek Dissinger and Reilly Noetzel along with paralegal Jessika Warnick pose for a celebratory photo with the Tobias S. Frogg group in our Lancaster office.

## DUNKIN' DONUTS

Dunkin' Donuts is one of the biggest franchise names in the United States, and in 2019, the firm's Hospitality Industry Group helped one client get three new Dunkin' franchise locations off the ground. One location in Enola, Cumberland County, refurbished an old bank building and opened in the summer. The second location just west of Mountville was recently completed and opened in December 2019. The third location, in Lititz, is in the planning stages. The firm routinely works with local owners of national franchises such as Dunkin' Donuts to help them work through the legal process of getting their franchise open.



ENOLA



MOUNTVILLE



LITITZ

## EMPLOYEE TRAINING

Members of our Employment Practice Group spent hundreds of hours in 2019 training staff, management and ownership teams of our clients on the legal issues most important to them. Some of the topics they presented to employers are:

- ADA and Website Accessibility
- Americans with Disabilities Act (ADA)
- Diversity, Civility and Effective Employee Communications
- Drugs and Alcohol in the Workplace
- Family and Medical Leave Act (FMLA)
- Medical Marijuana
- Progressive Discipline
- Religious Accommodations in the Workplace
- Service Animals Under the ADA
- Social Media
- Wage and Hour Issues
- Workplace Civility
- Workplace Documentation
- Workplace Harassment
- Workplace Investigations



Partner David Freedman presenting at our annual Employment Law Seminar.

## LEGAL ALERTS

Our attorneys frequently write legal alerts and newsletters to help our clients stay up-to-date on the latest legal news and developments within their industry. In 2019, our attorneys authored nearly 100 legal alerts.

Here are the five most popular legal alerts written in 2019 on Barley.com:

1. "Gov. Wolf Signs Trauma-Informed Education Legislation," by William J. Zee, July 3
2. "DOL Opinion Letter Addresses Paid Leave Under FMLA," by Jennifer Craighead Carey, March 14
3. "Breaking News: At Long Last, DOL Issues Final Rule on OT Standards," by Jill Sebest Welch, September 24
4. "How the Federal Government Shutdown Could Affect Your Business," multiple attorneys, January 24
5. "DOL Weighs in on Additional Compensation for Professionals," by Jill Sebest Welch, January 14

Be sure to visit [barley.com](http://barley.com) to sign up for our legal alerts and newsletters to be delivered straight to your email. Simply go to the Newsletters tab in the upper right hand corner to subscribe.



# OUR CORE VALUES

Core values define a business, encapsulating exactly how people inside and outside of an organization should expect to be treated. In 2019, we confirmed our core values, defining who we are as a business and what means the most to us.

WE PUT  
*clients*  
FIRST.

Core  
Values

WE TREAT EACH  
OTHER WITH  
*respect.*

Core  
Values

WE ARE  
*team-oriented*  
AND WORK  
*collaboratively.*

Core  
Values

WE HOLD  
PEOPLE  
*accountable.*

Core  
Values

“ These values tell people exactly who we are. We want it to be clear as to what our firm stands for and to be able to relay our values in a definitive way. ”

- Dorothy Rund, Barley Snyder Chief Administrative Officer

# PRACTICE EXCELLENCE®



**DAVID CONFER**  
*Business*

## *We are pleased to introduce our new 2020 Practice Excellence® chair, David Confer!*

As our Practice Excellence legal process improvement initiative has evolved since its founding more than a decade ago, we've recognized an opportunity for a singular leader dedicated to its continued growth and advancement. In 2019, David Confer joined our firm to help guide the future direction of Practice Excellence. David has been general counsel at York County-based The Wolf Organization for nearly 40 years. His leadership, forged through decades of process improvement experience at the corporate level, will keep Practice Excellence top-of-mind for every member of our firm and will help guide our committee of "Practice Excellence Champions" both long-term and for day-to-day operations of the firm focusing on legal process improvement for the satisfaction of our clients.

## 2020 PRACTICE EXCELLENCE® CHAMPIONS



**MICHAEL CROCENZI**  
*Employment*



**DAN DESMOND**  
*Business*



**TIMOTHY DIETRICH**  
*Food & Agribusiness*



**DEREK DISSINGER**  
*Immediate Past Chair*



**SARAH MCCAHERN**  
*Trusts & Estates*



**KEVIN MYHRE**  
*Intellectual Property*



**MEGHAN NEFF**  
*Client Development*



**THOMAS NEHILLA**  
*Real Estate*



**DOROTHY RUND**  
*Management*



**JOSEPH SCHALK**  
*Finance & Creditors' Rights*



**JOSHUA SCHWARTZ**  
*Employment*



**DAVID WALKER**  
*Education*

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# LITIGATION VICTORIES

*Our litigators aggressively defend our clients:*

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## ***Business Litigation***

**Stephanie DiVittore** and **Lindsey Cook** represented a California corporation which entered into a series of large equipment leases with several related companies. When the lessees defaulted on payments under the lease agreements, the company filed suit in California and obtained a default judgment against the related companies and the individual owners of the companies. The company transferred the judgment to Pennsylvania, the location of the defendants, for execution proceedings. One of the corporate defendants and its owner filed a petition to strike the judgment, contending that the California court lacked personal jurisdiction over them. The trial court denied the petition, and that decision was appealed. The Pennsylvania Superior Court, after briefing and oral argument, determined that the foreign judgment was, in fact, entitled to full faith and credit with respect to the appellants. The Superior Court determined that the lower court properly determined that the California court had specific jurisdiction over the appellants. It upheld the determination that, per the effects test, appellants purposefully availed themselves of California's benefits, the California action was related to appellants' contacts with California and the exercise of jurisdiction comported with fair play and substantial justice as required by the Due Process Clause of the 14th Amendment to the U.S. Constitution.

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## ***Commercial Litigation***

**Justin Tomevi** represented a minority shareholder in a manufacturing organization. The minority shareholder was concerned about the lack of information the majority shareholder was sharing regarding the business operations and had concerns about the financial condition of the business. Justin conducted an investigation of the corporate records and financials and discovered that almost \$400,000 had been improperly withheld from the entity for which Justin's client owned an interest. Instead, the majority shareholder retained the funds in separate entities which he controlled and was using those funds for his personal expenses. Justin negotiated the repayment of 100% of the amount owed to his minority shareholder client, plus interest. Justin also negotiated the purchase of his client's interest in the company at an above market valuation and secured a generous severance package for the client to be able to retire from the company.

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## ***Employment Litigation***

**Michael Crocenzi** successfully defended a regional architectural and engineering company in federal court. A former employee of the company sued claiming violations of the Americans with Disabilities Act, the Family and Medical Leave Act, the Genetic Information Nondiscrimination Act, the Pennsylvania Human Relations Act and Title VII (sex discrimination). Mike successfully convinced the federal judge that there was no basis for these multiple claims and the judge dismissed the case before trial.

## *Fiduciary Litigation*

**Justin Tomevi** represented two beneficiaries of their late aunt's estate. The beneficiaries' aunt passed away in 2005, but the estate administration was delayed for over a decade by the executor of the estate. The beneficiaries asked Justin to investigate when their proposed distributions seemed to be far less than anticipated. When Justin's initial demand for information on the finances of the estate was ignored, Justin initiated an accounting action in the Lebanon County Court of Common Pleas' Orphan's Court Division. After having the court-ordered production of the finances, Justin uncovered that nearly \$300,000 had been misappropriated by the executor and used to fund the executor's business for the past decade. Justin negotiated the immediate return of 100% of the misappropriated funds at a heightened interest rate and payment by the executor of all attorney's fees and court costs incurred in uncovering the misappropriation. The total amount recovered by Justin's clients totaled nearly \$500,000.

## *Intellectual Property*

In 2018, **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. In 2019, the case made it to the U.S. Supreme Court, and the Court agreed with the Barley team's original premise, that the U.S. Patent and Trademark Office should not collect attorney fees in certain appeals cases.

## *Landlord-Tenant Matters*

**Joshua Knapp** successfully prosecuted an emergency injunction petition for his landlord client. The court imposed restrictions on potentially disruptive behaviors and limited the tenant's rights to possess firearms on the landlord's property.



**SALVATORE ANASTASI**  
*Intellectual Property*



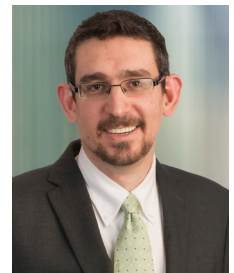
**LINDSEY COOK**  
*Litigation*



**MICHAEL CROCENZI**  
*Employment*



**STEPHANIE DIVITTORE**  
*Finance & Creditors' Rights*



**JOSHUA SCHWARTZ**  
*Employment*

## *Medical Malpractice*

In a nearly two-week trial, **Lauralee Baker** and her team successfully defended a pediatrician who allegedly missed a bowel abnormality in a newborn child that led to a bowel rupture, bowel resection and ostomy placement. Despite being called to testify over four days of the trial, the pediatrician remained consistent and credible. Defense experts from Massachusetts, Florida and Pennsylvania further bolstered the pediatrician's testimony to ultimately convince the jury that the standard of care was met in the treatment of this child.

## *Medical Non-compete*

**David Freedman** and **David Walker** convinced the Adams County Court of Common Pleas to enter a permanent injunction preventing an endocrinologist formerly employed by our client from setting up a nearby competing practice. The endocrinologist appealed the decision to the Pennsylvania Superior Court, but the Superior Court dismissed the appeal. Freedman also teamed with **Erica Townes** to convince the York County Court of Common Pleas to reject a former employee's request for a preliminary injunction that would have permitted our client's former employee, a neurosurgeon, to work for a competing health care system in violation of the neurosurgeon's non-competition agreement with our client.

## *Municipal Zoning and Pennsylvania Supreme Court*

Pennsylvania's Supreme Court set an important precedent in 2019 when it agreed with **Matthew Hennesy's** argument in a long-running case that will have a significant positive impact for animal agricultural operations throughout Pennsylvania. The case began when **Michael Davis** successfully assisted a property owner near Bloomsburg in receiving a special exception from a municipal zoning hearing board to build a swine nursery barn. Local residents appealed the special exception, arguing that the barn was prohibited by local zoning regulations that were stricter than the statewide regulations in the Nutrient Management Act that apply to the largest, most intense animal operations. The case took on statewide focus because the outcome potentially impacted thousands of Pennsylvania farmers who faced the prospect of stringent local regulation or meeting the regulatory requirements imposed on the largest animal operations. Hennesy convinced the Pennsylvania Supreme Court that Pennsylvania's Nutrient Management Act prevented municipalities from imposing upon small agricultural operations standards that were more burdensome than those applied to larger operations under the act.



**LAURALEE BAKER**  
*Health Care*



**MICHAEL DAVIS**  
*Real Estate*



**DAVID FREEDMAN**  
*Employment*



**MATTHEW HENNESY**  
*Litigation*



**JOSHUA KNAPP**  
*Litigation*



## *Non-competes Contracts*

**Joshua Knapp** successfully represented a full-service drilling contractor and several of its employees on appeal before the Superior Court of Pennsylvania in a non-competition and misappropriation of trade secrets case brought by the employees' former employer. The Superior Court of Pennsylvania affirmed the trial court's complete denial of preliminary injunctive relief, noting that the case presented a factually and procedurally complex history and concerned the interaction between contractual restrictive covenants and relevant provisions of the Pennsylvania Uniform Trade Secrets Act. At the trial court level, Joshua first obtained the denial of emergency injunctive relief, then the complete denial of preliminary injunctive relief after extensive discovery and evidentiary hearing. **Jill Welch** also successfully secured a preliminary injunction for a medical supply manufacturer seeking to enforce a non-competes, non-solicitation and confidentiality agreement in the York County Court of Common Pleas against a former national sales director working for a competitor.

## *Shareholder Litigation*

**Justin Tomevi** and **Christopher Naylor** represented a shareholder of a construction company in a complex shareholder dispute. The shareholder owned 50% of the company with his co-owner, who passed away unexpectedly. The co-owner controlled the finances of the company and had brought the company to the brink of financial insolvency due to poor decision making. Despite this, the shareholder agreement permitted the co-owner's estate to receive \$2 million from a key man life insurance policy. By alleging fiduciary duty breaches by the co-owner, Justin and Chris negotiated for their client to receive \$500,000 of the key man life insurance policy to reinvest in turning around the company. Several months later, the shareholder was able to return the company to profitability.

## *Tax Exemption Litigation*

**Justin Tomevi** and **Christopher Naylor** represented a faith-based non-profit organization in York County when a local school district challenged the organization's tax exempt status. The school district challenged the organization's exemption based on allegations that the organization competed with for-profit organizations for certain services. Justin and Chris ultimately convinced the school district to withdraw its challenge, which resulted in the return to the organization of over \$100,000 in taxes.



**CHRISTOPHER NAYLOR**  
*Business*



**JUSTIN TOMEVI**  
*Litigation*



**ERICA TOWNES**  
*Real Estate*



**DAVID WALKER**  
*Employment*



**JILL SEBEST WELCH**  
*Employment*



# BARLEYFIT IN 2019



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.



Pj Kubaitis, our IT Systems Administrator, dished up a healthy meal from the BarleyFit salad bar.



Staff member Catherine Natarian shows off her new, collapsible salad bowl courtesy of BarleyFit.

## *Our employees share about their positive experiences with BarleyFit...*

"For me, BarleyFit equals accountability. Participating on a 'Target 150' team makes me accountable to my team members; taking up a 'Step Challenge' or 'Water Works Challenge' makes me accountable to myself. And BarleyFit offers different programs in health, wellness and nutrition throughout the year, so that I know whenever I participate, I'll always be doing something good for my health!"

*- Jill Sebest Welch, partner*

"Always hearing about BarleyFit at work has helped me stay on my wellness course. Seeing people coming together as a way to help their coworkers and friends achieve their fitness and wellness goals is really inspiring to see and hear."

*- Jennifer Good, Director of Human Resources*

"Being on the Wellness Committee at Barley Snyder has helped me to stay aware of my own wellness goals. I can see the positive effects of happiness and well-being effecting our York office. During our Wellness week this year it was nice to get a group of employees together and take a break outside on a beautiful Friday afternoon. We have great programs throughout the year which help to keep employees motivated and engaged while benefiting the individual's overall well-being."

*- Rebecca Munscher, paralegal*

## **LANCASTER**

126 East King Street, Lancaster, PA 17602  
717-299-5201

## **YORK**

100 East Market Street, York, PA 17401  
717-846-8888

## **HARRISBURG**

213 Market Street, 12th Floor, Harrisburg, PA 17101  
717-231-6603

## **READING**

50 North Fifth Street, 2nd Floor, Reading, PA 19601  
610-376-6651

## **MALVERN**

2 Great Valley Parkway, Suite 110, Malvern, PA 19355  
610-889-3699

## **HANOVER**

14 Center Square, Hanover, PA 17331  
717-637-6239

## **GETTYSBURG**

123 Baltimore Street, Suite 101, Gettysburg, PA 17325  
717-253-9012

## **SCHUYLKILL HAVEN**

950 East Main Street, Suite 212, Schuylkill Haven, PA 17972  
570-391-0116

## **HUNT VALLEY**

201 International Circle, Suite 230, Hunt Valley, MD 21030  
410-891-5714

## **COLUMBIA**

6700 Alexander Bell Drive, Suite 200, Columbia, MD 21046  
410-884-3150

## 2020 FIRM EVENTS & SEMINARS

**MARCH 26**

*LendiCon*

**APRIL 30**

*Food & Ag Summit*

**MAY 8**

*Employment Law Seminar*

**JUNE 3**

*Real Estate Seminar*

**FALL 2020**

*Business Seminar Series*

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

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