

## The McNees Litigation Group

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# LITIGATION

Whether you're a part of a business or nonprofit institution defending a claim, or need a legal team to prosecute a claim on your behalf, McNees Wallace & Nurick offers the support you need to resolve your dispute. We recognize that when a dispute occurs, you need to get back to business-as-usual as soon as possible, and mitigate the drain on company resources, including the valuable time of executives, that can result from litigation. Our goal is to provide clients with an effective, positive, and speedy resolution. Our advocates begin by thoroughly understanding your business objectives and developing a litigation strategy. We then work with you to implement a plan that meets those objectives. And, while aggressively representing our clients' positions in court, we actively engage in counseling to help clients periodically reassess their business objectives as a case develops.

Business or commercial disputes evoke an overwhelming number of legal questions. What are the implications of a particular contract? What rights can be enforced? What damages can be recovered? What remedies are available? We combine our broad experience with personalized attention to help answer all your questions about business disputes. Our team of litigation attorneys offers sound advice to resolve your dispute through creative thinking and negotiation, alternative dispute resolution procedures (mediation and arbitration), or formal court proceedings. Our Team combines extensive experience litigating in state and federal courts, arbitration and mediation proceedings, and before administrative tribunals.

We recognize that electronic discovery and data management have been and continue to present emerging challenges for clients involved in disputes or government investigations. The McNees e-Discovery team provides practical and efficient guidance on current e-Discovery strategies and best practices through all phases of disputes, from identification and preservation of electronically stored information through collection, processing, review, and production.

## Alcoholic Beverage & Liquor License

Whether you need to acquire a liquor license, sell a liquor license, keep a liquor license, move a liquor license, expand the use of a liquor license, restrict a liquor license, or just need some advice about what you can do with a liquor license, McNees attorneys are ready and able to assist you. We are familiar with the workings of both the Pennsylvania Liquor Control Board (PLCB) and the Pennsylvania Bureau of Liquor Control Enforcement, and routinely interface with personnel at both agencies.

## Automotive Dealership

McNees counsels to the Pennsylvania Automotive Association (PAA), assists dealers with the host of legal challenges found in today's highly regulated business environment. From buys and sells to franchise terminations; from environmental to employee relations; from consumer complaints to problems with PennDOT; from formation of a new dealership to successor planning; from taxes to tags.

## Appellate and Post-Trial

We represent parties and amici curiae in both state and federal appellate courts. We provide effective legal advocacy in all aspects of the appellate process, from advising on preservations of issues in the trial court or other original tribunal through post-trial practice and all appeal levels.

## Business and Commercial Litigation

The firm's litigators represent businesses in all manner of disputes: corporate and business entity control litigation, shareholder, member and partner disputes, directors and officers liability, contract and warranty claims, transactional disputes, and business torts. We provide our business clients with defense in cases ranging from single-claimant actions through class actions.

## Construction

Our construction law team represents owners, construction managers, contractors and subcontractors in arbitrations, local, state and federal courts, before state licensure boards and the Commonwealth of Pennsylvania Board of Claims. To handle construction disputes with the Federal Government, we are admitted to practice before the United States District Court for the Federal District. We regularly advocate the interests of contractors in bid protests and other actions involving agencies of the Commonwealth of Pennsylvania and the federal government.

## Education

Through decades of experience in serving public school districts, charter schools, intermediate units, colleges, universities, and other providers of educational services, McNees has developed superior technical expertise in the full gamut of education law issues that arise for educational institutions not only in the board room and the classroom, but also in the courtroom. We provide counsel on compliance with federal and state laws and issues involving student and faculty rights and discipline. When claims are asserted, we defend our clients with zeal and professionalism, and, when necessary, we do not hesitate to protect our clients' rights through litigation.

## Eminent Domain

We work to guide our clients through the eminent domain process. At times, we are engaged to assist a condemning authority to complete an acquisition of needed property legally and efficiently. Other times, we are engaged to protect clients from the unlawful taking of their property by state and federal condemning authorities. In cases where the court grants the condemning authority the right to condemn the property, we then work to secure the constitutional guarantee of payment of just compensation for the taking of property and damages to the remainder property caused by the condemnation.

## Environmental & Toxic Tort

We provide a full spectrum of environmental law services ranging from compliance counseling and auditing to state and federal litigation regarding environmental and toxic tort matters. Our attorneys routinely litigate environmental matters in state courts, federal courts, and administrative venues, including defending superfund claims brought by government or private parties, litigating government and private party claims, criminal defense of environmental crimes, and tort litigation involving personal injury claims, medical monitoring, and wrongful death due to exposure to toxic substances or contamination.

## Family Law

McNees provides personalized understanding and knowledgeable, efficient service through all phases of family law. While we are fully prepared to litigate every case through the appellate courts, we also recognize that your interests may be better served by fair settlement than protracted litigation. We provide counsel and advice to our clients to make informed decisions on whether to settle or proceed with court resolution of disputed issues.

## Financial Services & Public Finance

We represent financial institutions in federal or state courts in matters involving lender liability, securities, loan enforcement, negotiable instruments, or trust and fiduciary matters? Our bankruptcy attorneys can successfully represent your interests in local and national bankruptcy cases, including lawsuits from Chapter 11 debtors and creditors' committees in preference, fraudulent transfer and turnover proceedings.

## Injunction

Our Injunction Group attorneys know that the normal litigation process and timeline can often be ineffective in protecting certain rights and assets. When disputes arise and involve harm that cannot be corrected later, we move quickly to pursue or defend claims that demand immediate attention, which often means court appearances within days, or sometimes hours, of the dispute arising. Applying our extensive experience, resources, and technologies, we are able to move quickly throughout the country to obtain court protection of trade secrets, intellectual property, confidential business information and customer relationships, and to address other matters requiring emergency attention.

## Insurance Recovery and Counseling

Our insurance attorneys represent insured businesses, public entities, and individuals in insurance recovery matters involving all types of insurance products, including commercial property, professional negligence, directors and officers, errors and omissions, employment-related, intellectual property, disability, life, accident, health, and long-term care. We represent clients in bad faith and other claim denial cases, at the negotiating table, in court, and before the Pennsylvania Insurance Department.

## Intellectual Property

McNees has an extensive intellectual property litigation practice and regularly appears in courts throughout the country both asserting and defending our clients' rights in all types of intellectual property disputes, including patent, trademark, copyright, and trade secret litigation.

## Labor & Employment

We provide detailed, effective legal representation and counseling in all facets of labor and employment matters, including: employer representation during collective bargaining negotiations and labor arbitrations, employment discrimination, occupational health and safety issues, affirmative action, unemployment compensation, workers' compensation, wage and hour regulation, wrongful discharge, statutory and regulatory compliance, governmental filings and representation before regulatory agencies, employee benefits law, multiemployer pension and executive compensation programs and litigation, guidance and representation in matters regarding the Americans with Disabilities Act and the Family and Medical Leave Act

## Orphans' Court Litigation

We assist clients in adversarial and nonadversarial Orphans' Court proceedings such as will contests, surcharge actions, reformations, fee and commission disputes, cy pres, accountings, adjudications, civil settlements, and guardianships for incapacitated individuals and minors. We also litigate issues involving long-term care and special needs trusts, decedents' estate administration, and appeals from the Register of Wills.

## Personal Injury

We understand that the time after an accident is often one of the most challenging and frightening that an individual or family will ever experience. Navigating the maze of problems you will be confronted with is made infinitely easier with the guidance of the experienced and trusted attorneys at McNees. Our attorneys can help you when you or a family member has been injured by another's negligence, you have property damaged by another's negligence, you have been injured by a defective product, you have been injured by an underinsured or uninsured driver, you have been improperly denied insurance coverage after an accident, your insurance carrier has dealt with you in "bad faith".

## Professional Licensure

We routinely assist clients with professional licensing issues involving the Bureau of Professional and Occupational Affairs, which licenses a plethora of health and business professionals, including, accountants, architects, auctioneers, barbers, certified real estate appraisers, chiropractors, cosmetologists, dentists, engineers, funeral directors, geologists, land surveyors, landscape architects, massage therapists, nurses, occupational therapists, optometrists, pharmacists, physical therapists, physicians, psychologists, social workers and professional counselors, speech language and hearing examiners, and veterinarians.

## Transportation Distribution and Logistics

Our transportation litigation focuses on representing clients with regulatory compliance concerns and with issues involving transportation agreements, broker issues, third party logistics, warehousing and storage issues, bills of lading, and various types of contractual disputes. We routinely defend clients in issues involving compliance with the Pennsylvania Vehicle Code, the Pennsylvania Public Utility Code, and the Federal Motor Carrier Safety Regulations.

