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Professional Experience

Partner, Whiteford, Taylor & Preston, L.L.P.

Chair, Litigation Department

Member, Executive Committee

Education

Princeton University, A.B., with honors, 1976.

University of Baltimore School of Law, J.D., with honors, 1979; Editor-In-Chief, University of Baltimore Law Review, 1978-79.

Professional Activities

Fellow, American College of Trial Lawyers
Member, Complex Litigation Committee

Past Chairman, Negligence & Insurance Section of the Maryland State Bar Association

Past Member, Standing Committee on the Judiciary, Bar Association of Baltimore City, Maryland

Past Member, Advisory Board of the Advanced Real Estate Litigation Strategies Institute, Georgetown University Law Center

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Recent Speaking Engagements

- “*Financial/Business Valuation Expert Witness Testimony*,” Maryland Association of Certified Public Accountants, Columbia, Maryland, April 29, 2014.
- “*Claims Against Officers and Directors*,” Maryland and District of Columbia Bankruptcy Bar Associations, Seventeenth Annual Spring Break Weekend, May 3-4, 2013, Annapolis, Maryland (with the Honorable S. Martin Teel, Jr., U.S. Bankruptcy Court for the District of Columbia, and the Honorable Thomas J. Catliota, U.S. Bankruptcy Court for the District of Maryland, serving as panel moderators).
- “*Private Company and Non-Profit D&O Claims Activity*,” Professional Liability Underwriting Society (PLUS) D&O Symposium, Marriott Marquis, New York, New York, February 9, 2012
- “*Personal Liability for Directors and Officers: The Next Wave in 'Economic Meltdown' Litigation*,” 2010 Spring Meeting of International Law Section, American Bar Association, April 16, 2010, New York, New York
- “*Know the Mine Field: Risks for Holders of Distressed Debt*,” Fourth Annual Global Forum on Investing in Distressed Debt, March 30-31, 2009, Los Angeles, California
- “*A Primer on Disinterestedness, Conflict of Interest, The Jay Alix Protocol and Disclosure*,” American Bankruptcy Institute Ethics Panel, Winter Leadership Conference, December 2008, Tucson Arizona

Professional and Community Recognition

“State Litigation Star,” *Benchmark Litigation: The Definitive Guide to America’s Leading Litigation Firms and Attorneys*

Baltimore’s Legal Elite (Baltimore SmartCEO Magazine)

Maryland Super Lawyers (Law and Business Publishing)

“Top 50/100 Maryland Lawyers”

Best Lawyers in America

Maryland’s Leadership In Law Award, 2008 (The Daily Record)

2011 Baltimore County Good Scout Award, Baltimore Area Council of Boy Scouts

Representative Case Summaries

During more than 30 years as an active trial attorney, Mr. Ryan has handled and taken to trial a wide range of cases covering a variety of fields. In addition to being admitted to practice before the Maryland courts, the U.S. Courts of Appeals for the Second and Fourth Circuits and the U.S. Supreme Court, Mr. Ryan has represented clients in various state and federal courts, including courts in Alabama, California, Delaware, the District of Columbia, Florida, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Pennsylvania, South Carolina and

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Virginia. Mr. Ryan's practice also includes counseling regarding corporate governance matters and he is a frequent speaker on the responsibilities of corporate officers and directors. Below is a representative sampling of cases handled by Mr. Ryan.

CLASS ACTIONS

1. **In re: Liquid Aluminum Sulfate Antitrust Litigation, Multi-District Litigation, consolidated in United States District Court for the District of New Jersey, Civil Action No. 16-md-2687(JLL)(JAD) and MDL No. 2687.**

Currently representing water treatment product manufacturer in multiple putative class actions/Multi-District Litigation brought by direct and indirect purchasers alleging defendants conspired to fix prices for liquid aluminum sulfate in violation of the Sherman Act and state antitrust and trade practices laws.

2. **Harris, et al. v. Medical Transportation Management, United States District Court for the District of Columbia, Civil Action No.: 1:17-cv-01371-APM (2017-18).**

Currently defending putative class action/collective action alleging claims under the federal Fair Labor Standards Act and the District of Columbia's Minimum Wage Revision Act, Living Wage Act, and Wage Payment and Collection Law.

3. **King v. Capital One Bank (USA), N.A., et al, United States District Court for the Western District of Virginia, Civil Action No.: 3:2011cv00068 NKM (2014).**

Defended putative class action by participants in credit card counseling programs, obtaining trial court's denial of request for class certification.

4. **Sternheim Family Trust, et al v. Home Federal Bancorp, Inc., et al, Circuit Court for Baltimore City, Maryland, Case No.: 24-C-13-006763 (2013-15).**

Defended bank holding company in defense of putative class action by shareholders challenging the fairness of a proposed merger.

5. **Toscano, et al v. Colonial Financial Services, Inc., et al, Circuit Court for Baltimore City, Maryland, Case No. 24-C-14-005835 (2014-15).**

Defended directors of bank holding company in shareholder class action challenging bank merger.

6. **Marshall v. Safeway, Inc., Circuit Court for Prince George's County, Maryland, Court of Special Appeals of Maryland, Court of Appeals of Maryland (2012-2014).**

Defended class action against national grocery store chain alleging improper payment of employee wages, obtaining denial of class certification and defense judgment at the trial court level and successfully defending appeals before Maryland's intermediate Court of Special Appeals, 210 Md. App. 545, 63 A.2d 672, 2013 Md. App. LEXIS 38 (2013), and Maryland's Court of Appeals, 437 Md. 542, 88 A.3d 735 (2014).

7. **Crosby, et al v. HR Stores, Inc., United States District Court for the District of New Jersey, Civil Action No.: 3:08-CV-980 GEB-JJH (2008).**

Defended consumer class action against retail shoe store chain concerning alleged violations of federal Fair Credit Reporting Act.

8. **Thompson, et al v. Mayor and City Council of Baltimore, et al, United States District Court for the District of Maryland, Civil Action No.: MJG 95-309 (2005-2008).**

Served as lead trial defense counsel in multi-week trial and obtained defense verdict for Mayor and City Council of Baltimore and Housing Authority of Baltimore City in class action by the American Civil Liberties Union on behalf of 14,000 public housing residents alleging 50 years of racial discrimination in the provision of public housing. Mr. Ryan continues to represent the City of Baltimore and its Housing Authority in related aspects of these claims.

9. **Sewell, et al v. Sprint Limited Partnership, et al, Circuit Court for Baltimore City, Maryland; Case No.: 97-188027/CC3879 (1998).**

Defended telecommunications carrier in class action brought by cell phone subscribers nationwide, alleging common law fraud, breach of contract and violation of state consumer protection laws in connection with the provision of personal communications services.

10. **Arens, et al v. Marine Engineers Benefits Association Medical & Benefits Plan, et al, United States District Court for the District of Maryland; Civil Action No.: WN 93-1796 (1994).**

Defended, and won by summary judgment, class action by 7,800 retired maritime officers against the Marine Engineers Benefit Association Medical and Benefits Plan and its trustees challenging the elimination of medical benefits under collective bargaining agreements between the maritime union and various employers.

11. **In Re Jiffy Lube Securities Litigation, interim reported decisions at 927 F.2d 155 (4th Cir. 1991); 772 F. Supp. 890 (D. Md. 1991); 772 F. Supp. 258 (D. Md. 1991); 130 F.R.D. 42 (D. Md. 1990); Fed. Sec. L. Rep. P 94,859 (D. Md. 1990).**

With two other partners, defended Ernst & Young in class action securities fraud action seeking \$100 million damages as a result of Jiffy Lube's financial collapse. After the filing of the lawsuit, all defendants, except Ernst & Young, settled for \$9.5 million, leaving Ernst & Young as the sole defendant. We successfully appealed and obtained reversal of the entry of the trial court's order approving the settlement, which order barred indemnity and contribution claims by Ernst & Young against the settling defendants. After reversal of the bar order and aggressive discovery efforts by all sides, all claims against Ernst & Young were resolved for nuisance amount.

12. **Richardson, et al v. Philip Morris, Inc., et al, Circuit Court for Baltimore City, Maryland; Case No.: 96-145050/CE212596 (2000).**

Defended The Tobacco Institute in class action on behalf of users of tobacco products, alleging common law fraud, violation of state consumer protection laws, deceptive and unfair trade practices and warranty claims.

13. **Seafarers Welfare Plan, et al v. Philip Morris, Inc., et al, United States District Court for the District of Maryland, Civil Action No. MJG-97-2127 (2000).**

Defended, and obtained dismissal of, The Tobacco Institute in a putative class action alleging violations of the Federal Racketeer Influenced and Corrupt Organizations Act, violations of state and federal antitrust laws, and various common law fraud, negligent misrepresentation and warranty theories brought on behalf of Health and Welfare Trust Funds to recover health care and benefit expenditures allegedly associated with smoking related illnesses.

14. **Quest Medical, Inc. v. Kirschner Medical Corp., Inc., et al, interim decision reported at 1992 Westlaw 311193 (D. Md. 1992).**

Obtained dismissal of KPMG Peat Marwick in class action securities fraud claim.

GENERAL BUSINESS, ACCOUNTING, ANTITRUST, DIRECTOR AND OFFICER AND PROFESSIONAL LIABILITY LITIGATION

1. **Hancock Medical Center v. Quorum Health Resources, LLC, United States District Court for the Southern District of Mississippi, Case No.: 1:14-cv-00055-HSO-RHW (2015-17); American Health Lawyers Association Dispute Resolution Service, Arbitration Case No.: A-111913-2059 (2015-17).**

Represented Gulf Coast hospital in prosecution of professional liability claims against national hospital management company, obtaining 8-figure award in favor of the hospital.

2. **In re: Liquid Aluminum Sulfate Antitrust Litigation, Multi-District Litigation, consolidated in United States District Court for the District of New Jersey, Civil Action No. 16-md-2687(JLL)(JAD) and MDL No. 2687.**

Currently representing water treatment product manufacturer in multiple putative class actions brought by direct and indirect purchasers alleging defendants conspired to fix prices for liquid aluminum sulfate in violation of the Sherman Act and state antitrust and trade practices laws.

3. **DeGroote Services, LLC, as Liquidating Trustee for the BearingPoint, Inc. Liquidating Trust v. Harbach, et al, Circuit Court for Fairfax County, Virginia, Civil Action No.: 2011-01612 (2011-13).**

Prosecuted breach of fiduciary duty claims against former directors of BearingPoint, Inc., formerly one of the largest professional and IT consulting firms in the world, obtaining 8-figure recovery.

4. **SoutheastHEALTH v. Kerber, Eck & Braeckel, LLP, et al., Case No. 16CG-CC00240, Circuit Court of Cape Girardeau County, Missouri (2016-18).**

Currently representing southeast Missouri hospital system in claims of alleged professional malpractice against accounting firm.

5. **VFP Investments I LLC v. Zamarelli, Circuit Court for Palm Beach County, Florida, Case No.: 502017CA 00943XXXXMB (2018).**

Currently representing lender in claims of misrepresentation, aiding and abetting fraud, and breach of fiduciary duty.

6. **Bubba Gump Shrimp Co. Restaurants, Inc. v. AAC HP Realty, LLC, Circuit Court for Baltimore City, Maryland, Case No.: 24-C-16-005889 (2017-18).**

Currently representing retail restaurant company in claims against shopping center owner, obtaining seven-figure award following April 2018 trial.

7. **Goldstein, Chapter 7 Trustee for Just For Feet v. Ruttenberg, et al, Circuit Court for Jefferson County, Alabama CV0106833 (2007).**

Obtained recoveries of more than \$82 Million on behalf of Court appointed Trustee in prosecuting fiduciary duty and accounting claims against former directors, officers and accountants for what was the United States' second largest retailer of athletic shoes and apparel. As reported in the April 23, 2007 issue of The Wall Street Journal, the recoveries are "believed to be among the largest out-of-pocket payments by outside directors following corporate fraud allegations."

8. **St. Vincent Catholic Medical Centers of New York Litigation Trust v. McDermott, Will & Emery, LLP, et al, United States District Court for the Southern District of New York, Case No.: 08 CV 4401 (AKH) (2008-2009).**

Represented St. Vincent Catholic Medical Centers of New York Litigation Trust in prosecuting professional malpractice and breach of fiduciary duty claims against former attorneys for St. Vincent Catholic Medical Centers, obtaining multi-million dollar recovery.

9. **Minibar North America v. Shulman, Rogers, Gandal, Porly & Ecker, P.A., et al, United States District Court for the District of Maryland (1995).**

Obtained seven-figure result representing a corporate plaintiff in a legal malpractice claim arising out of antitrust counseling and advice.

10. **Commercial Credit Reports, Inc. v. National Association of Credit Management, Circuit Court of Maryland for Howard County, Case No.: 13-C0458569 (2004).**

Successfully defended and won state antitrust and injunction claims against a national trade association accused of restraining commerce.

11. **Rothschild Capital Partners, L.P., et al v. Gorfine, Schiller & Gardyn, P.A., et al, Circuit Court for Baltimore County, Maryland, Case No.: 03-C-11-007033 (2011-13).**

Represented hedge fund and financial advisory firm in business tort and contract claims, obtaining 7-figure recovery.

12. **Natchez Regional Medical Center v. Quorum Health Resources, LLC, et al**, United States District Court for the Southern District of Mississippi, Case No.: 5:09-CV-207-DCB-JMR. (2010-12), interim decision ruling in client's favor to deny defendant's motion for summary judgment and motion to exclude expert testimony, reported at 879 F. Supp.2d 566 (2012).

Represented Mississippi-Louisiana community health system in prosecution of breach of contract/professional liability claims against national hospital management company, obtaining 8-figure recovery.

13. **St. Vincent Catholic Medical Centers of New York Litigation Trust v. Huron Consulting Group, et al**, Supreme Court of New York, County of New York, Commercial Law Division, Index No. 150446/07 (2007-2010).

Represented St. Vincent Catholic Medical Centers of New York Litigation Trust in professional liability claims against turnaround and crisis management professionals, obtaining multi-million dollar recovery.

14. **Ruffalo, et al v. TransTech Services Partners, Inc., et al**, Court of Chancery, Delaware, Civil Action No.: 5039-VCP (2011).

Defended development stage company and officers against claims alleging improper use of proceeds from initial public offering.

15. **Land & Buildings Capital Growth, L.P., et al. v. Coppola, et al.**, Case No. 24-C-15-001842 (2015), and **The Macerich Company v. Land & Buildings Capital Growth Fund, L.P.**, Case No. 24-C-15-001843, Circuit Court for Baltimore City, Maryland (2015).

Represented activist shareholder/investor group in proxy fight to counter attempt to block shareholder's board nominations and allow company's shareholders to vote on slate of new board nominees at annual meeting.

16. **Reston Town Center Property, LLC v. McCormick and Schmick Restaurant Corp.**, Circuit Court for Fairfax County, Virginia, Civil Action No.: 2014-14959 (2014-15).

Representing national restaurant chain in commercial lease dispute.

17. **VFP Investments I, LLC v. Foot Locker, Inc., et al.**, Supreme Court of New York, County of New York, Commercial Law Division, Index No. 152153/2015 (2015).

Representing asset-based lender in commercial tort claims.

18. **Council of Unit Owners of The Residences at The Colonnade, a Condominium, Inc. v. Council of Owners of The Inn and Shops at The Colonnade**, American Arbitration Association (2015).

Represented condominium association in litigation regarding reciprocal easement agreement.

19. **Stout v. SC&H Group, et al**, Circuit Court for Baltimore County, Maryland, Case No.: 03-C-14-006700 (2014-15).

Represented shareholder in derivative action regarding commercial real estate investment.

20. **Mizell v. SunTrust Bank, United States District Court for the District of Columbia, Civil Action No.: 1:13-cv-01077-KBJ (2013-14).**

Defended SunTrust Bank against alleged business tort/defamation claims, obtaining dismissal of all claims on motion to dismiss.

21. **In Re Just For Feet, Inc. v. Bank of America Securities, LLC, et al, United States Bankruptcy Court for the District of Delaware, AP No. 08-50275-JKF (2008-2010).**

Represented Court-appointed Trustee in adversary proceeding brought against underwriters and bondholders of bonds issued in a \$200 million bond offering.

22. **Berger Industries, et al v. Steiner, et al, Case No.: CV 95-1630(RR), United States District Court for the Eastern District of New York.**

Represented and obtained defense judgment for corporate directors in a suit by shareholders alleging common law breach of fiduciary duty and federal RICO claims.

23. **S.J. Wolfe & Co., et al v. Chesapeake & Ohio Railway Co., (Consolidated Case No.: 87139046/CE65863), Circuit Court for Baltimore City – (1987-1988) (Kaplan, J.)**

With two other partners, defended and obtained defense verdict after trial in an action by shareholders of Baltimore & Ohio Railroad Company who claimed the price paid for their shares following the merger of the B&O into a wholly-owned subsidiary of CSX Corporation was inadequate.

A related appeal from an order dismissing several other thousand shares from the action was affirmed on appeal to the Maryland Court of Special Appeals in Sornberger v. Chesapeake & Ohio Railway Co., 81 Md. App. 14, 566 A.2d 503 (1989), cert. denied, (1990).

24. **Receivables Outsourcing, Inc., et al v. Fries, Circuit Court for Baltimore County, Maryland, Case No. 03-c-08-006385 PS, and Fries v. Wunder, et al, Circuit Court for Baltimore County, Maryland (2009).**

Defended corporations in civil actions regarding purchase and transfer of stock interests and related stockholder issues.

25. **The HealthEssentials Solutions, Inc. Creditors Trust v. Ernst & Young, LLP, Supreme Court of New York, County of New York, Commercial Law Division, Index No.: 601313/07 (2007-2008).**

Represented Creditors Trust in connection with prosecution of professional liability claims against Ernst & Young arising out of purchase of securities.

26. **The Education Loan Zone, LLC v. SunTrust Bank, Civil Action No.: 1:09-cv-993 (CCB), United States District Court for the District of Maryland (2009-2010).**

Defended SunTrust in defamation and breach of contract claims concerning marketing of private student loan program via on-line lending systems.

27. **Paul v. Sutton, et al, Circuit Court for Montgomery County, Maryland, Case No.: 355019-V (2012).**

Defended limited partner of commercial real estate/office condominium project in breach of contract and related claims concerning the development project.

28. **Wrapco Packaging Technology, Inc. v. Burger King Corporation**, Case No.: 97-2211 CA 13, Dade County, Florida. (1999).

Obtained seven-figure result against national franchise chain in breach of contract claim.

29. **Tesco v. Pricewaterhouse Coopers**, Circuit Court for Washington County, Maryland, Case No.: 21-C-02-13640 OT (2003).

Represented plaintiff corporation and obtained favorable settlement in auditing malpractice claim against corporation's accounting/auditing firm.

30. **Sheer Partners, Inc. v. Sutton & Associates, et al**, Circuit Court for Montgomery County, Maryland, Case No.: 278210-V (2007).

Successfully represented developer/property manager in winning injunctive proceedings regarding various real estate developments in Washington Metropolitan region.

31. **Black Diamond Builders v. PSI Construction Management, Inc., et al**, Circuit Court for Worcester County, Maryland, Case No. 23-C-00276 CN (2007).

Represented investors regarding residential development projects in Ocean City, Maryland and Delaware.

32. **Rainforest Café, Inc. v. Tyson's Corner Holdings, LLC**, Circuit Court for Fairfax County, Virginia, Chancery No.: 2005-2150 and 2005-4172 (2005).

Represented national restaurant chain in lease/contract dispute.

33. **Kirkpatrick v. Canam Steel Corporation**, United States District Court for the District of Maryland, Civil Action No.: 1:05-CV-02582-WMN (2005).

Represented steel fabricator in employment related claim.

34. **Rouse-Teachers Properties, Inc. v. Maryland Casualty Co.**, 358 Md. 575, 750 A.2d 1281(2000).

Successfully defended corporate joint venture in eight-figure claim for alleged defective design and construction of Maryland Casualty's corporate headquarters.

35. **Helinski v. Appleton Papers Inc., et al**, United States District Court for the District of Maryland, Civil Action No.: JFM-93-3784, 1993 - 1998.

Defended and obtained judgments in favor of paper manufacturer in four related consolidated product liability lawsuits seeking damages for personal injuries allegedly sustained as a result of workplace exposure to carbonless copy paper.

36. **Doshi v. Maryland Orthotics & Prosthetics Co., Inc.**, Circuit Court for Baltimore County, Maryland, Case No.: 03-C-98-011642 (1998-1999).

Represented shareholder of corporation in petition for involuntary dissolution of corporation, accounting of corporation's assets and appointment of a Receiver.

37. Canet v. Travelstead, interim liability decision reported at 917 F. Supp. 969 (United States District Court for the Eastern District of New York 1996).

Took over defense, from a New York firm, of damages phase of approximate \$26 million breach of contract action arising out of various construction projects in New York City, London and Barcelona, Spain *after* the trial court found in Plaintiff's favor at the liability phase of a bifurcated trial, which decision is reported at 917 F. Supp. 969. After a subsequent trial on damages in April and May 1997, the trial court entered judgment in Plaintiff's favor for the principal sum of approximately \$1.7 million, an amount considerably less than both the more than \$26 million claim and the pretrial 8-figure settlement demands.

38. Words, Inc. v. Singer, et al, Civil No.: 00-05875, Superior Court for the District of Columbia (2003). Affirmed on appeal (2003).

Defended and obtained summary judgment in legal malpractice claim alleging that attorneys were negligent in handling lawsuit between a national franchisor and a franchisee.

39. Clapp v. Legg Mason, et al, Arbitration before National Association of Securities Dealers, Case No.: 02-05456 (2003).

Represented and obtained favorable settlement for investor in professional liability claim against investment broker.

40. In Re CVEO Corporation f/k/a Converse, Inc., United States Bankruptcy Court for the District of Delaware, General Case No.: 01-0223 (MFW) (2004).

Represented Trustee for Creditors Reserve Trust of the former Converse shoe company regarding claims concerning former professional advisors to the company.

41. Suburban Club of Baltimore County v. Oxbridge Development @ Slade, L.C., Circuit Court for Baltimore County, Maryland, Case No.: 03-C-02-004959 (2003).

Represented country club landowner in declaratory judgment action against land developer.

42. CompanyValue.Com v. Association for Financial Professionals, Inc., Circuit Court for Montgomery County, Maryland, Case No.: 222581-V (2001-2003).

Successfully defended joint venture partner against claims by other partner.

43. Torino Holdings, Inc. v. Grabush Newman, United States Bankruptcy Court for the District of Maryland, Case No.: 99-6-4784-JFS (2002).

Defended accounting firm against professional liability claim arising out of services provided in connection with purchase of a business.

44. Ramdat v. Educational Commission for Foreign Medical Graduates, United States District Court for the District of Maryland; United States Court of Appeals for the Fourth Circuit (Case No.: 01-1827, 2001).

Defended and obtained judgment for Educational Commission for Foreign Medical Graduates in action by foreign medical school graduate who claimed Commission's testing process wrongfully precluded him from medical licensure in the United States.

45. **All Risks, Ltd. v. Equitable Life Assurance Society of the United States, et al**, interim decision reported at 931 F. Supp. 409 (D. Md. 1996).

Obtained judgment on behalf of defendants sued under ERISA and the common law for alleged acts and omissions in connection with adoption and administration of a defined contribution employee benefit plan.

46. **Franklin v. Gupta, et al.**, 81 Md. App. 345, 567 A.2d 524 (1990).

Defended and obtained defense jury verdict in Baltimore City in favor of orthopedic surgeon after a six-week medical malpractice trial. Affirmed on appeal.

47. **Dristas v. Good Samaritan Hospital, et al**, Circuit Court for Baltimore City, Maryland (1986).

Defended and obtained defense jury verdict in Baltimore City in favor of general surgeon after a three and one-half week medical malpractice trial. No appeal filed.

48. **Rosenberg v. Helinski**, 328 Md. 664, 616 A.2d 866 (1992), **cert. denied**, 113 S. Ct. 3041 (1993).

Defended and obtained a defense verdict in a defamation action in the Circuit Court for Baltimore City brought by the son of a Maryland judge against the Chief of Child Psychology at Johns Hopkins Hospital and School of Medicine who repeated outside the courthouse to the press his in-court expert opinion that Plaintiff had sexually abused his child.

49. **Garland, et al v. Miles & Stockbridge, et al**, Circuit Court for Baltimore City, Maryland (1996).

Defended legal malpractice action against Baltimore law firm arising out of estate and tax planning.

INTELLECTUAL PROPERTY

1. **Bond v. Blum, et al**, United States District Court for the District of Maryland, Civil Action No.: 01-2600-MJG, **affirmed** 317 F.3d 385 (4th Cir. 2003).

Successfully defended and won on appeal copyright infringement claim against law firm sued for unauthorized use of copyrighted material in judicial proceedings.

2. **Progress Software Corporation v. MySQL AB**, United States District Court for the District of Massachusetts, Civil Action No. 01-CV-11031 (PBS) (2002).

Represented, and obtained preliminary injunction, for open source software database developer in first case involving interpretation of the general public license.

3. **Hunt Masters Inc. v. Landry's Trademark, Inc., United States District Court for the District of South Carolina, (Charleston Division) 240 F.3d 251 (4th Cir. 2001).**

Successfully defended at trial and won on appeal a trademark infringement action seeking to prohibit national restaurant chain from using its name and logo in a local market.

4. **InCharge Institute of America, Inc. v. Garden State Credit Counseling, Inc., United States District Court for the District of New Jersey (Newark) (2000).**

Successfully defended injunction action, and obtained reversal of temporary restraining order, for alleged copyright infringement of computer software program for credit counseling services.

5. **Construction Science Research Foundation, Inc. v. Building Systems Design, Civil Action No.: 98-3202, United States District Court for the District of Maryland (1998).**

Defended copyright infringement action against developer and marketer of software program for specification writing systems for construction industry.

6. **Maine Avenue Seafood, Inc. d/b/a Bethesda Crab House v. The Crab House, Inc., et al; United States District Court for the District of Maryland; Civil Action No.: 97-640 (1998).**

Obtained summary judgment on behalf of publicly traded restaurant chain in a federal and state common law trademark, trade dress and unfair trade practices suit brought by a competitor.

7. **Pure Software, Inc. v. AIB Software, Inc., Case No.: 95-319-A, United States District Court for the District of Virginia; transferred to United States District Court for the Northern District of California (Oakland Division) (1996).**

Defended software developer in patent infringement action.

8. **Siquis Limited v. Alpha Industries, Inc., Civil Action No.: L 99CV1753, United States District Court for the District of Maryland (Northern Division) (1999).**

Defended clothing manufacturer in copyright and trademark infringement action regarding manufacturer's logo and marketing materials.

9. **Penril Datacomm Networks, Inc. v. Rockwell International Corp. and U.S. Robotics, interim decision reported at 934 F. Supp. 708 (United States District Court for the District of Maryland 1995).**

Represented Plaintiff and obtained favorable settlement in patent infringement litigation regarding precoding scheme for transmitting data over intersymbol-interference channels.

10. **Gable Signs & Graphics, Inc. v. Buddy's Late Night Corporation, et al**, Civil Action No.: CCB 95-3389, United States District Court for the District of Maryland (1995).

Defended copyright infringement action regarding advertising materials.

11. **Goodier Builders, Inc. v. Awalt, et al**, Civil Action No.: B 94-2635, United States District Court for the District of Maryland (Northern Division) (1994).

Defended home builder in copyright infringement action regarding construction plans.

ENVIRONMENTAL

1. **United States of America, et al v. The Kasper (1977) Irrevocable Trusts, et al**, United States District Court for the Eastern District of New York, Case No. 2:07-cv-00541-SJF-ETB (2007-2010).

Successfully defended and obtained summary judgment in favor of owner of commercial property in Long Island, New York in civil actions by the United States of America and the State of New York arising out of alleged environmental contamination.

2. **PRSC, LLC v. Admiral, Inc.**, Civil Action No.: 8:08-cv-01379-DKC, United States District Court for the District of Maryland (2008-2009).

Defended and obtained judgment in favor of leasee of shopping center in environmental cost recovery and common law nuisance claims.

3. **Alcolac, Inc. v. St. Paul Fire & Marine Ins. Co.**, United States District Court for the District of Maryland, 716 F. Supp. 1541 (D.Md. 1989).

Defended, and won by summary judgment, a declaratory judgment action by a chemical manufacturer seeking insurance coverage for an underlying toxic tort suit in Missouri that resulted in a jury verdict of approximately \$48 million in favor of numerous plaintiffs who claimed they sustained chemical poisoning from chemical discharges at the manufacturer's plant. The evidence in the underlying case is described in a more than 200-page opinion of the Missouri Court of Appeals, reported as **Elam v. Alcolac, Inc.**, 765 S.W.2d 42 (1988).

4. **CAE-Link Corporation v. Washington Suburban Sanitary Commission**, 90 Md. App. 604, 602 A.2d 239 (1992), **aff'd**, 330 Md. 115, 622 A.2d 745 (1993), **cert. denied**, 114 S.Ct. 288 (1993).

Defended the Washington Suburban Sanitary Commission and obtained defense jury verdict after a six-week trial in action brought by 13 corporations – including the Washington Post and the Singer Company – to recover damages for inverse condemnation and nuisance claims arising out of sewage sludge facility owned and operated by WSSC.

5. **State of Maryland and Twelve Knotts Limited Partnership v. Amoco Oil Co., Circuit Court for Baltimore County, Maryland (1994).**

Defended Amoco Oil Company in environmental contamination case by the State of Maryland and other private parties regarding damages to public natural resources and private property interests.

6. **King v. Dryden Oil Company, et al, Civil Action No.: 90-2613, Superior Court of Worcester County, Massachusetts.**

Defended Dryden Oil Company in an action concerning environmental contamination allegedly resulting from the 100 year operation of a petroleum product manufacturing facility.

7. **Southern Fuel Company v. Amoco Oil Company, Civil Action No.: WN-92-3322, United States District Court for the District of Maryland.**

Defended Amoco Oil Company against claims arising out of releases of petroleum products from a regional petroleum distribution and storage facility.

8. **United States of America v. Berks Associates, et al, Civil Action No. 91-4868, United States District Court for the Eastern District of Pennsylvania.**

Defended Castrol North America in a Superfund cost recovery action by EPA to recover the costs of cleaning up a former waste oil and solvent reprocessing facility in Pennsylvania, and a related natural resources damages claim by the Commonwealth of Pennsylvania for alleged pollution of the Schuylkill River.

9. **Bahura, et al v. Armstrong World Industries, et al, Civil Action No.: 90-CA10594, United States District Court for the District of Columbia.**

Defended, and obtained judgment in favor of, Armstrong World Industries in a toxic tort action by numerous employees of the United States Environmental Protection Agency who claimed they sustained bodily injuries as a result of indoor air pollution at EPA's headquarters in Washington, D.C.

10. **Allegany Holding Company v. Cumberland Sand Co., Circuit Court for Allegany County, Maryland, Civil Action No.: 01-C-02-021177 OC.**

Defended sand and gravel company in defense of governmental and private party environmental claims.

11. **Maryland Department of the Environment v. Sparrows Point, et al, Waste Management Administration, Maryland Department of the Environment Case No.: C-0-00-039.**

Defended administrative proceeding alleging hazardous waste and water pollution violations.

12. **In the Matter of U.S. Aluminate Company, Inc., CERCLA-05-2004-0004, EPCRA-05-2004-0018, United States Environmental Protection Agency, Region 5, Chicago, Illinois (2004).**

Defended respondent/manufacturer in civil administrative enforcement proceeding for alleged violations of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act in connection with an accidental release in Ohio.

13. **In the Matter of The American Drive-In Cleaners Site, CERCLA-02-2002-2027, United States Environmental Protection Agency, Region II, New York, New York (2002 to present).**

Defended respondent/property owner in civil administrative order proceeding under Section 106 of CERCLA for performance of a removal action at a site on Long Island, New York.

14. **In Re Riviera Beach Foods, Control No. 01-1-GSD-61, Department of Community Affairs, State of Florida (2001).**

Defended manufacturer in civil proceedings by State of Florida for alleged violations of the Florida Hazardous Materials Emergency Response & Community Right-to-Know Act.

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