

## LITIGATION

Gross McGinley's skilled team of litigators vigorously pursues clients' interests, either by asserting claims or defending them. Our litigation attorneys represent individuals and businesses in state and federal courts as well as before administrative agencies. Our Litigation Group boasts an exceptional professional staff that fully supports our lawyers, allowing our attorneys to work efficiently and in a client's best interest.

Our litigators have an outstanding reputation both in trial appeals and at the settlement table, proving a breadth and depth of experience and knowledge. They have received prominent, national recognition as members of the Multimillion Dollar Advocates Forum and have been listed as Super Lawyers over multiple years.

Due to our team's experience before Lehigh County, Northampton County, and surrounding courts, our attorneys are frequently called upon to act as regional counsel on behalf of companies located outside of the Lehigh Valley. In this instance, we work in tandem with corporate counsel to develop strategies and provide the best possible service to their company/client.

### CIVIL LITIGATION

Representing clients before all levels of the court system, our group of litigators handles a wide variety of civil litigation disputes including:

- Contract and Commercial Disputes
- Medical Malpractice Defense
- Bankruptcy
- Real Estate Disputes
- Personal Injury
- Arbitration
- Creditors' Rights and Bankruptcy
- Defamation and Invasion of Privacy
- Employment
- Personal Injury
- Intellectual Property
- Professional Liability
- Public Utilities
- Antitrust and Securities

Gross McGinley's Litigation Group provides essential support to all practice groups within the firm. Each of our clients has the comfort of knowing that when a dispute does arise, they have a full team of experienced litigators prepared to fight for their cause.

### Our Litigation Attorneys

ADRIAN K. COUSENS  
*Group Chair*

MALCOLM J. GROSS  
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*Representative litigation matters include:*

- Won favorable decision on behalf of Easton marketing company hired to promote a planned national high school sports museum. Disputes arose over commission fees from sponsorship contracts. The decision was affirmed by the Superior Court.
- Successfully defended individual when two politicians alleged that she defamed them by sharing a URL link on her Facebook page. The court agreed that the sharing of a URL link, without anything more, communicates on the existence of the website and does not constitute republication of any defamatory content therein.
- Represented a candidate for a full-time police officer position with a local municipality who had passed all testing and was seated as number one on the list to fill the position. The case was argued before the Civil Service Commission that the candidate was subsequently disqualified due to internal politics and false allegations. The Commission unanimously voted to reinstate the client to the candidate list. Ultimately, the candidate was appointed as a full-time police officer.
- Secured favorable settlement for five teachers, all female, who were being paid at a lower pay grade than their male counterparts who had the same credentials. Negotiated settlement that included back-pay and step increases going forward.
- Prevailed in establishing jurisdiction in Northampton County on behalf of defendant after a fellow defendant (a multi-national e-commerce company) attempted to move the suit to California, per its User Agreement. Successfully established that the forum selection clause presents an unreasonable agreement and should not be enforced.
- Represented trust benefactors whose distributions were not made as intended for a trust established in 1935. Argued that the person who established the \$200,000 trust, which had grown to more than \$1M at the time of the lawsuit, could not predict a change in the law that affected the distributions. Successfully obtained a favorable verdict, requiring the bank to revise its accounting records back to 1958.