

— 2014 —

PENNSYLVANIA LITIGATION DEPARTMENTS OF THE YEAR

— ❧ —



GENERAL, MIDSIZE
— WINNER —

**Meyer, Unkovic
& Scott** LLP
ATTORNEYS AT LAW

The Legal Intelligencer
An ALM Publication

TRUSTED AND TRIAL-READY

MEYER UNKOVIC'S ATTORNEYS ARE ALWAYS UP FOR A CHALLENGE

By Zack Needles
Of the Legal Staff

The litigators at Pittsburgh-based Meyer, Unkovic & Scott are always ready to go to trial.

That's part of what has made the firm so successful, according to Russell J. Ober Jr., chair of the firm's litigation group.

"I think it's important if you're going to be a firm of trial lawyers that everybody knows you're a firm that is prepared to go to trial," Ober said, explaining that having a reputation for not being afraid of the courtroom instills confidence in the firm's clients and often goes a long way toward facilitating settlements.

But sometimes settling is simply not an option.

"I think most in-house lawyers have a natural aversion to having their cases tried, and I get that and I understand that and try to be sensitive to it, but, by the same token, there are some cases that have to be tried," Ober said.

In those cases, Ober said, the firm fights hard on behalf of its clients, digging into legal issues with zeal both at trial and beyond.

For example, when an Allegheny County judge entered a verdict of more than \$650,000 in favor of its client PPG Architectural Finishes and against defendant N. Siperstein Rt. 22E Union Paint Corp. in a breach of contract case revolving around Siperstein's failure to pay for goods PPG sold to it, both parties appealed to the state Superior Court.

While Siperstein attempted to

have the judgment tossed out in its entirety, Meyer Unkovic argued on behalf of PPG that the judgment actually should have been higher because the trial judge neglected to include the value of goods PPG

delivered to two Siperstein entities that were not named parties.

The Superior Court agreed with PPG and remanded the case for a recalculation of damages. The trial court ultimately entered an order adding more than \$200,000 to the original award.

The firm's track record of cases like that has earned it the trust of the in-house counsel it works with. Meyer Unkovic knows when pushing the envelope is in the client's best interest.

"They're willing to have the confidence in us to try their case and hopefully get a good result," Ober said.

But in order to effectively litigate a wide array of cases, lawyers must know their clients' businesses inside and out, which is something Ober said the firm excels at.

"I actually believe that a good trial lawyer can try anything," Ober said, it's just a matter of having the passion to learn about the subject matter and a willing teacher.

"We are blessed in that we work with some wonderful in-house lawyers," Ober said. "They know their industries better than we do and are willing to take the time to teach us."

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In recent months, Meyer Unkovic lawyers have had to flex their knowledge about diverse topics, ranging from oil and gas contracts to radio advertising.

Meyer Unkovic managing partner Patricia L. Dodge, herself a litigator, said the firm has been able to build a trusting relationship with its clients by being willing and able to quickly digest information about the eclectic industries in which they operate.

Knowing your clients' businesses means "really being able to have frank discussions about what their goals are and what their achievable goals might be," Dodge said. "I think by the time we then get to trial, we are really committed to understanding what they're trying to do, the value of the case and what we may or may not be able to achieve."

This willingness to delve deep into a client's business sector has made Meyer Unkovic a go-to litigation firm for companies in western Pennsylvania's rapidly expanding oil and gas industry.

"It's been interesting," Dodge said. "We would not call our firm primarily an oil and gas firm, but we truly believe that work is coming to us because of our reputations as trial lawyers."

The firm recently represented oil and gas operator EQT Production in a case that required a team of liti-

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gators to have a working knowledge of seismic testing.

Meyer Unkovic lawyers, led by Dodge, successfully convinced an Allegheny County trial court that seismic testing was reasonable and necessary for EQT to conduct on 16 properties pursuant to their leases.

Dodge also headed up a team of litigators that successfully argued on behalf of EQT that the company's decision to sell its stock in some subsidiaries did not trigger the consent right or right of first refusal under a lease agreement and joint operating agreement with another oil and gas company.

Dodge said the case involved "a

very sophisticated set of contracts we had to not only understand but explain to the court ... in a way that the judge's eyes wouldn't glaze over."

It's not just oil and gas companies that have started to come to Meyer Unkovic for its litigation prowess, Dodge said. Large businesses from an increasingly wide array of industries are finding the firm.

With that, the firm has also been approached more and more frequently to handle more sophisticated litigation, according to Dodge.

In one of the more complex matters the firm handled recently, a team of Meyer Unkovic litigators led by partners David G. Oberdick and Ronald L. Hicks Jr. successfully argued on behalf of plaintiff Biosense Webster that a former employee had breached his employee secrecy, intellectual property, noncompetition and nonsolicitation agreement.

Biosense was granted a preliminary injunction and the case ended in a settlement that involved the appointment of a special master,

who conducted e-discovery inspections of the former employee's hard drives and other devices to ensure his compliance with his employment agreement.

Dodge said that while the firm's litigation practice has retained its traditional client base, it's seeing that base branch out further and further with more high-stakes matters.

"What's been very interesting for us to watch over the last few years here is that, when you look at the kinds of litigation we have now, we have some of the old, traditional [matters], but we're also working on a different level of cases, sometimes for larger clients—clients that would not have retained us 10 years ago," Dodge said. "There's been a sea change here." ♦

MEYER UNKOVIC BY THE NUMBERS

Department Headcount 23

Department as Percent of Firm

Headcount 46

Revenue 31

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Meyer, Unkovic & Scott LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1300
Pittsburgh, PA 15222-2315
www.muslaw.com