

The Legal Intelligencer

PHILADELPHIA, WEDNESDAY, NOVEMBER 2, 2016

LEGAL & LITIGATION DEPARTMENTS OF THE YEAR



Sitting in Chairs in Front Row: Russell J. Ober, Patricia L. Dodge and Ronald L. Hicks, Jr.

Sitting in Chairs in Front Row: Anne T. Newcomer, Antoinette C. Oliver, Kate L. Stoy, Rosanne M. Penn

Third Row: Nicholas J. Bell, Elaina Smile, Chad Michaelson, Kathryn M. Kenyon, Ashley L. Wilkinson, Gary M. Sanderson, Frank Kosir, Justin N. Leonelli, Joshua R. Lorenz

Fourth Row: Caleb M. Turner, David G. Oberdick, Andrew L. Noble, James R. Mall, Brandon B. Rothey, Jason M. Yarbrough, Robert E. Dauer.

MEYER,
UNKOVIC &
SCOTT

WINNER, GENERAL LITIGATION
(SMALL FIRMS)

COVERING A LOT OF GROUND

MEYER UNKOVIC'S LITIGATION GROUP MAKES
OUTSIZED IMPACT

BY ZACK NEEDLES

Of the Legal Staff

Pittsburgh-based Meyer Unkovic & Scott's Litigation and Dispute Resolution Practice Group comprises only 29 lawyers but it manages to cover a lot of ground.

In 2015, among many notable matters battled out at both the trial and appellate levels, Meyer Unkovic litigators successfully argued cases involving radio marketing and license contracts, natural resource sales agreements, serious personal injury claims, condominium foreclosures, employee noncompetes and design patents.

Accounting for about 30 percent of the firm's annual revenue, the group counts among its clients Fortune 500 companies, banks, utilities and universities.

"We represent some very, very large clients—clients that, 10 or 20 years ago, I think would routinely be engaging the very, very large law firms," said Russell J. Ober Jr., who leads the litigation practice. "We have the capability to handle the eight-figure case or the nine-figure case because we do that regularly and we have hourly rates that are significantly lower than many larger firms."

That's why, for example, the firm counts among its clients Radio One Inc., the largest African American-owned broadcasting company in the country.

Radio One turned to Meyer Unkovic in 2014 when the company found itself embroiled in a dispute with NBN Broadcasting Inc. and Sheridan Broadcasting Networks Inc., which together own American Urban Radio Networks.

Radio One sued NBN and Sheridan in the Allegheny County Court of Common Pleas, alleging the defendants failed to pay more than \$1 million under marketing and license agreements, according to information provided by Meyer Unkovic.

Following discovery, the trial court granted Radio One's motion for summary judgment, finding that

it established all three elements of its breach of contract claim and awarding it more than \$1.1 million.

The court also found the defendants' counterclaim for tortious interference with business relations was unsupported by the evidence and time-barred by the one-year statute of limitations.

The defendants appealed to the Superior Court, but during the pendency of the appeal, Radio One was able to collect the judgment through garnishment and other proceedings. The Superior Court dismissed the appeal in January 2015.

Ober, who was the lead partner on the Radio One case, said the matter "went on a lot longer than it should have" because of one party's refusal to cooperate with discovery, but it was important for his client to press on.

Ober said knowing when a case is worth fighting is a major part of being a litigator, but a much more complex consideration today than it was when he started practicing 40 years ago.

"From 1975 until now, I've pretty much been nothing but a civil trial lawyer and the practice has changed dramatically in that time period," Ober said. "Once upon a time with a firm that was significantly larger than the one I'm with now, that firm had very large clients and handled very large litigation and I can remember there wasn't all that much consideration given to cost-justifying litigation. Nowadays—and I believe in this—litigation has to be cost-justified. You and the client have to come to an understanding about what it's going to take to litigate this case."



Ober said his firm's ability to handle cases cost-effectively without sacrificing quality is a credit to the "extremely experienced commercial litigators" in its partner ranks, as well as a

group of "outstanding" associates.

In 2015, the firm's attorneys not only achieved big, immediate wins for their clients, but also made law that will help other similarly situated clients in the future.

In *Northern Forests II v. Keta Realty*, partner Ronald L. Hicks Jr. successfully argued before a Lycoming County Common Pleas judge and, later, the state Superior Court that a property's oil and gas rights can only be adversely possessed through the continuous removal and production of oil and gas for an uninterrupted 21-year period.

The case was one of first impression in Pennsylvania that could have implications for oil and gas rights owners across the state.

Meyer Unkovic's litigation team had a busy 2015 and has several multimillion dollar cases on the horizon in Pennsylvania, Ohio and New Jersey.

Still, as we near the close of 2016, many firms are reporting a slow-down overall in litigation.

When asked whether his firm was experiencing a similar dip in litigation work, Ober was unequivocal in his response.

"Not in the least," he said. "I will tell you candidly that we have never been busier ... I haven't seen any downturn. At least with our practice, it's been an uptick." •