



Appellate

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**STRADLEY
SR
RONON**

Our Practice

Appellate litigation is high-stakes litigation. The bigger the monetary judgment, the more likely it will be appealed. Even without a direct financial impact, the legal precedent set by an appellate court may influence an entity's or industry's course for years – or possibly decades. Given the stakes involved, having skilled counsel known and trusted by the appellate courts may be crucial.

Those attributes describe the Stradley attorneys who regularly handle state and federal court appeals, where we have amassed an impressive appellate record in scores of federal and state courts and administrative agencies. This includes the United States Supreme Court, the United States Courts of Appeals, the Pennsylvania Supreme, Superior and Commonwealth Courts, the New Jersey Supreme Court and Appellate Division, and other state appellate courts. Our abilities in the appellate arena have earned us a reputation as a reliable ally for our clients – and a formidable opponent for their adversaries.

Our impressive record of success leads litigants to seek us out as counsel for their appeals, including industry, trade and interest groups engaging us to file “friend of the court” (amicus curiae) briefs with appellate courts across the



country. Through these briefs, we give a voice to entire business communities and interest groups on critical issues affecting those segments of our society.

Members of the legal profession hold Stradley Ronon's appellate skills in high regard. They have chosen our attorneys for appellate leadership positions in bar associations and other appellate-related legal bodies. We have often written, spoken and commented on appellate matters – both to train other lawyers in the art of appellate advocacy and as a service to inform the public about the appellate courts.

Our Services

We see every case through, from start to finish. Beyond writing briefs and presenting oral arguments in numerous appeals, we handle every conceivable facet of appellate practice, including pursuing and opposing:

- petitions for **discretionary review** filed with the United States Supreme Court (petitions for writs of certiorari) and state appellate courts of last resort;
- motions for **stays** or **supersedeas** of execution on underlying civil judgments;
- motions for panel or en banc (full-court) **reconsideration** and **rehearing**;
- motions for **certification of questions** for review by an appellate court; and
- petitions for **extraordinary relief** or **special writs** filed with the state appellate courts.

We also have a unique history of handling many cases before the Pennsylvania Commonwealth Court – a specialized court with a government-focused jurisdiction. As a result of our many state government-related engagements, we have litigated

OUR RESULTS

Defeated a \$200 million **class-wide constitutional challenge to Pennsylvania budget enactments** by the Pennsylvania General Assembly appropriating tobacco settlement funds – first by obtaining the Commonwealth Court's denial of multiple injunction requests, and then by obtaining a unanimous Pennsylvania Supreme Court decision in the client's favor after televised oral arguments.

Secured victories for several health insurance plans seeking to protect marketplace competition by preventing public disclosure of their proprietary Medicaid payment rate information in **Right-to-Know Law disputes** before the Commonwealth Court and Pennsylvania Supreme Court.

Prevailed in a **series of cases for the Pennsylvania Insurance Department** in an insolvent insurance company's liquidation proceedings, including defeating nearly all of a \$12 million claim through a unanimous Pennsylvania Supreme Court decision and a \$700,000 state guaranty association claim in a 4-to-3 Commonwealth Court decision.

Protected a **patent holder from an award of attorneys' fees** by obtaining a precedent-setting Federal Circuit decision rejecting a fee award when a patent owner sought to defend its intellectual property rights.

Obtained a Third Circuit decision blocking an alleged participant in the **Luzerne County, Pennsylvania "Kids for Cash" scandal** from obtaining insurance coverage.

Halted a lawsuit that would have violated the **First Amendment right to administer clergy discipline** by securing an extraordinary writ of prohibition directing a trial court to preclude further litigation.

disputes before that court in almost every conceivable posture, including:

- **original jurisdiction** proceedings against Commonwealth officials and entities;
- **appellate jurisdiction** matters in cases appealed from Commonwealth agencies;
- **injunction, summary relief** and other **expedited** and **unusual** procedures involving Commonwealth actors; and
- cases heard by **single judges, three-judge panels** and the **en banc court**.

We take pride in how efficiently we deliver our appellate services as compared to other firms. And we are willing to craft a variety of alternative fee arrangements tailored to our clients' needs, including the need to control and predict legal spend.

Our Experience

Stradley Ronon represents clients in virtually every kind of appeal. Our experience covers traditional appellate matters, such as:

- **complex civil and commercial** actions appealed to the federal circuit courts and state appellate courts, including the Pennsylvania Superior Court;

- **criminal defense** matters appealed to the state appellate courts and federal circuit courts;
- **intellectual property** matters appealed to the Federal Circuit;
- **religious institution** disputes appealed to the federal appellate courts and Pennsylvania Commonwealth Court;
- **construction** litigation appealed to the state and federal appellate courts;
- **employment** disputes, including discrimination matters, appealed to the federal and state appellate courts; and
- **consumer finance** cases appealed to the Pennsylvania Superior Court.

As noted above, we also have particular experience in appeals involving agencies and other bodies of the Pennsylvania government. Those agencies regulate, contract with, and otherwise interface with many industries, including the insurance, health care and corrections businesses. Our skill and depth of knowledge in state government-related appeals includes:

- federal and state **constitutional law** disputes, including challenges to enactments passed by the Pennsylvania General Assembly;

- **insurance regulatory** matters, including rehabilitation and liquidation proceedings conducted by the Pennsylvania Insurance Department and appeals concerning agency licensing, policy cancellation and fair hearing decisions by the Departments of Insurance and Human Services;
- **Right-to-Know Law** requests submitted to Pennsylvania agencies, including the Department of Human Services and ensuing decisions by the Office of Open Records;
- **bid protests** arising from procurement and contracting decisions by Pennsylvania state and local agencies, including the Department of Corrections;
- **licensing and permitting** decisions by Pennsylvania agencies, including the Department of Transportation (PennDOT);
- **nonprofit** disputes, including those requiring coordinated, national and long-term strategies;
- **tax** disputes appealed from decisions by the Department of Revenue; and
- **construction administration** disputes, including those appealed to the Prevailing Wage Appeals Board.

Shielded the confidential financial statements, tax returns and other sensitive materials submitted by an agency contractor as part of its bid package by obtaining a **precedential Right-to-Know Law decision** in the contractor's favor from the Commonwealth Court.

Secured a **precedential Third Circuit decision in an insurance client's favor** that agreed with the client's position on the meaning and application of a flood insurance policy's terms and conditions.

Preserved \$11 million in public funding awarded to convert a former school building to apartments for lower-income senior citizens by obtaining a Pennsylvania Supreme Court decision awarding zoning to the project after televised arguments.

Achieved a **Third Circuit victory for an institution of higher learning** after a district court judgment in the client's favor rejecting claims of age and race discrimination.

Defended against a **challenge to a General Assembly statute** permitting counties to abolish the office of jury commissioner in expedited election-related proceedings that started before the Pennsylvania Commonwealth Court and ended with a Pennsylvania Supreme Court decision in the client's favor following televised arguments.

Prevailed in a **Third Circuit appeal for a surety client** that had denied a performance bond claim arising from a substantial public works project.

For more information on our Appellate practice, visit www.stradley.com/appellate.



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ABOUT STRADLEY RONON

For more than 95 years, Stradley Ronon has helped private and public companies – from small businesses to Fortune 500 corporations – achieve their goals. With nine offices and more than 200 attorneys, Stradley Ronon is proud to help companies manage their legal challenges and grow their businesses.

www.stradley.com

LOCATIONS

Pennsylvania
Washington, D.C.
New York
California
New Jersey
Illinois
Delaware



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