



JOHN F. STOVIAK

PARTNER

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SERVICES

Bankruptcy Litigation
Brownfields
Antitrust
Corporate Governance
Environmental Transactional
Counseling
Clean Air Act
Environment and Natural
Resources
Environmental Administrative
Appeals
Appellate
Litigation
Commercial Litigation
Environmental Civil Litigation
Securities Litigation
Family Business
Real Estate Litigation
Utilities
Site Remediation

INDUSTRIES

Energy
Energy Extraction
Energy Transmission /
Pipelines
Food and Beverage
Higher Education
K-12 Schools
Independent K-12 Schools

John Stoviak primarily handles high-stakes litigation for business, energy and environmental clients in courts throughout the United States, and he represents colleges and universities in delicate governance matters and issues. In the past decade, he has achieved two \$100 million+ recoveries for clients in nationally noteworthy cases in which he was lead trial counsel. In addition, John has served as lead trial counsel in cases involving antitrust, securities, RICO, theft of trade secrets, contract and tort claims.

Over the course of his legal career, John has argued appeals in the United States Courts of Appeal for the Third, Second and DC Circuits. He has also defended clients in the following federal district courts: Eastern District of Pennsylvania, Middle District of Pennsylvania, Southern District of New York, Northern District of New York, Western District of New York, District of New Jersey, District of Delaware, District of Maryland, Northern District of Ohio, Northern District of Illinois, Northern District of Oklahoma, Northern District of Georgia. He also has handled and/or tried cases in state courts in Pennsylvania, New Jersey, New York, and Delaware.

John is the former Chair of the Board of Trustees of The Haverford School, a prominent independent school located in suburban Philadelphia.

EXPERIENCE

Significant business litigation

- In December 2013, John successfully concluded the representation of Cantor Fitzgerald in its effort to recover for business interruption losses due to the 9/11 terrorist attacks that killed 658 Cantor employees. John was lead trial counsel for Cantor in its suit in federal court in New York City charging American Airlines with negligence in its handling of checkpoint security at Logan Airport on the morning of September 11, 2001. On the eve of the trial in January 2014, Cantor and American Airlines' insurers reached a settlement for Cantor to receive \$135 million. This settlement was widely reported in the national media including articles in the New York Times, Wall Street Journal, Bloomberg, Reuters, among others. The case involved novel issues regarding American Airlines' duties in operating checkpoint

screening at Logan Airport, the impact of a planned terrorist attack on negligence liability, the applicable standard of care and the ways to measure business damages separately from the tragic loss of life of so many Cantor employees.

John previously achieved another \$100 million recovery for the Trust Preferred Holders in the Conseco bankruptcy in federal bankruptcy court in Chicago in 2005. John led a team that tried a business valuation case concerning the value of the entity to emerge from bankruptcy. On the day before the bankruptcy court was to issue a ruling, the parties reached a settlement. The settlement provided that the Trust Preferred Holders, who were scheduled to receive nothing under the debtor's proposed plan, would receive \$100 million as part of a revised plan based on a higher valuation.

Also, in the last decade, John has led a trial team which tried two federal superfund cases to verdict in federal courts in New York. He also was lead trial counsel in a six-month trial in which he and his team successfully defended a public company and its former CEO and CFO against fraud and negligent misrepresentation claims. This case settled after completion of the trial and statements by the trial judge that she would not find fraud against the clients.

In addition to these major business valuation cases, recently, John won a defense verdict as the lead trial lawyer in a complex products liability claim asserted by a Tyco subsidiary in Centre County, Pennsylvania.

Energy and environmental litigation

In 2013, John led a trial team representing Kinder Morgan subsidiary Tennessee Gas Pipeline in its effort to defeat a series of challenges by environmental groups attempting to stop construction of a natural gas pipeline across northern Pennsylvania into New Jersey. John and his team tried and successfully defeated the environmental groups' effort to get a supersedeas from the Pennsylvania Environmental Hearing Board and they won a preliminary injunction from federal court in Pennsylvania to stop the challenges by the environmental groups other than appeals authorized by federal statute in the federal courts of appeal.

Recently, John has defended various public utilities in Superfund contribution claims arising out of the operation of former manufactured gas plants in federal courts in Delaware and New York. He was the lead lawyer and head of the Industrial Solvents & Chemical Group of companies that successfully worked with the Pennsylvania Department of Environmental Protection to implement a timely and cost effective remediation of #1 Pennsylvania Superfund Site in York County. This case, which initially involved over 1,000 potentially responsible parties, was managed by John and PaDEP to a cooperative clean up which minimized the cost exposure of the companies that agreed to cooperate and fund the emergency removal of over 4,000 drums and over 100 silo tanks.

Higher education

In addition to his considerable trial and litigation experience, John provides corporate governance and business advice to universities, colleges and private businesses. In the past few years, he has helped universities with mergers of professional schools, issues of fraternities on campus and transitions from single sex to co-ed undergraduate programs.

HONORS

Selected as a "2013 Top Rated Lawyer in Energy/Environmental law," American Lawyer Media and Martindale-Hubbell®

Named to the "Top Rated Lawyers Guide to Energy/Environmental/Natural Resources Law," *The American Lawyer* and *Corporate Counsel*, 2012

Fellow, Litigation Counsel of America, 2010

Named a "Local Litigation Star" in Pennsylvania by *Benchmark Litigation*, 2011 to present

Designated a Who's Who Legal by *The International Who's Who of Business Lawyers*, Environment, 2006

Named to *The Best Lawyers in America* list, Environmental Litigation, 1993 to present

Named one of "America's Leading Lawyers in Environmental Law" by *Chambers USA*, 2005-2006

Named to the *Pennsylvania Super Lawyers* List for Business Litigation, 2004 to present

MEMBERSHIPS AND AFFILIATIONS

Trustee, Executive Committee Member, Secretary and Chair of the Nominating & Governance Committee of Willistown Conservation Trust

Trustee, Philadelphia Union Foundation

Trustee, YSC Academy

Former Chair, Board of Trustees, The Haverford School

Adjunct Faculty Member, Trial Practice, Villanova University Law School

Member, ABA Section of Litigation

Former Member, Pennsylvania Bar Association's Judicial Evaluation Commission

Former President, Harvard-Radcliffe Club of Philadelphia

Former Regional Director, Harvard Alumni Association

Former Member, Board of Directors, Bryn Mawr Rehabilitation Hospital

Former Board Member, Infocore, Inc.

Former Board Member and Chair, Finance Committee, Starfinder Foundation

EDUCATION

J.D., Penn State The Dickinson School of Law, 1976

- Projects Editor, *Dickinson Law Review*

B.A., Harvard University, 1973

BAR ADMISSION

Pennsylvania

FIRM MANAGEMENT POSITIONS

Environmental Civil Litigation, Chair