



CATHLEEN M. DEVLIN

PARTNER

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SERVICES

Litigation
Commercial Litigation
Environmental Civil Litigation
Environmental
Class and Collective Actions
Real Estate Litigation
Corporate Governance
Appellate
Site Remediation

INDUSTRIES

Energy
Food, Beverage and
Agribusiness
Food
Agribusiness
Beverage
Higher Education
Sports and Entertainment
Sports
Gambling

Cathleen Devlin litigates a broad array of business disputes, including complex commercial contract and business tort matters as well as piercing the corporate veil and alter ego liability issues. She also handles class action defense matters and environmental cost recovery and contribution actions. In addition, she counsels clients in navigating investigations and audits arising from federal and state government inquiries.

Cathleen has over 20 years of experience pursuing and defending cases in the federal and state courts, as well as in arbitration and mediation proceedings. Favorable outcomes that she has achieved for her clients have come by way of successful motions, trial judgments, appeals, arbitration awards and negotiated settlements.

Cathleen is an avid golfer, and has a niche practice counseling golf industry clients about developments in the law as to golf course design safety issues, disputes with neighboring property owners and other contract, tort, real estate and environmental issues affecting golf course owners and operators. Beyond golf, Cathleen is passionate about supporting mixed-breed dog rescue and adoption organizations. She is also committed to serving the legal profession through active participation in the leadership of the ABA Section of Litigation, and is currently serving as a member of Council, the Section's governing body, for a three-year term through 2021.

Cathleen regularly presents to a variety of in-house counsel teams on CLE topics including ethical issues in contract negotiations, negotiating and enforcing contractual indemnification provisions, and attorney-client privilege tips for in-house counsel. Recent programs have been presented at a Fortune 500 commercial real estate services company, a leading global foodservice retail chain, and a prominent nationwide owner/operator of shopping centers.

EXPERIENCE

Business Litigation

Cathleen enjoys the exhilaration of trying and arguing cases in the courtroom, and

has substantial front-line trial and appellate argument experience. She also has extensive experience handling pre-trial phases of litigation, including managing e-discovery; pursuing and opposing pre-trial motions; collaborating on expert witness strategies, analyses and reports; readying witnesses for depositions and trial testimony; and taking and defending fact and expert depositions.

Select representations include:

- A North American funeral home and cemetery operator's defense of a proposed class action in federal court alleging mishandling of burials at multiple cemeteries.
 - An online retailer's defense of a class action alleging violations of New Jersey's Truth-In-Consumer Contract, Warranty and Notice Act (TCCWNA) based on the terms of the user agreement on the client's website.
 - A prominent gaming and entertainment client's breach of contract and defamation case in New Jersey federal court arising from an agreement to develop and implement an online gaming and gambling system for a casino.
 - A Fortune 500 waste industry client and two former corporate officers' six-month bench trial in New Jersey state court, defending against claims of fraud and breach of contract arising from the formation, operation and dissolution of a joint venture.
 - The same waste industry client's defense of a complex employee stock option contract dispute, including a bench trial and an appellate argument in Pittsburgh state court.
 - A food and agribusiness client's intellectual property dispute relating to an innovative manufacturing technology.
 - A prison commissary supplier's multiple federal court civil rights lawsuits brought by inmates concerning product quality and pricing.
 - A regional public accounting and advisory firm's responses to subpoenas issued for court appearances, depositions and production of tax and accounting records throughout Pennsylvania.
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Environmental Litigation

Cathleen has extensive experience litigating environmental disputes and representing corporate clients identified as potentially responsible parties (PRPs) at former industrial facilities, landfill sites and smelter sites. She coordinates regularly with federal and state environmental agencies and environmental experts and consultants on matters, and actively participates on PRP committees at various stages of threatened and pending enforcement, cost recovery and contribution actions. Cathleen also has substantial experience specific to negotiating and litigating corporate successor liability and alter ego liability issues, contractual indemnification claims and equitable allocation of cleanup costs.

Select representations include:

- A Fortune 500 waste management client's defense of proposed class actions in Pennsylvania state court alleging odors arising from landfill construction, operation and maintenance.
- An international specialty metals and chemicals manufacturer's defense of a CERCLA and HSCA cost recovery and contribution action initiated by PADEP, seeking to fund cleanup of industrial solvents in groundwater alleged to have discharged from operations of former facility in suburban Philadelphia.
- A leading manufacturer of electronic components navigating its response to claims filed in Canada alleging PCB contamination arising from the operations of a former subsidiary.
- An international flooring manufacturer's pursuit of a RCRA citizens' suit against the current owner of a former manufacturing facility site based on the current

owner's failure to comply with RCRA permit obligations.

- A mining and minerals industry client's pursuit of CERCLA contribution claims for costs of cleanup of lead, arsenic and cadmium in soil on residential properties alleged to have been caused by historical zinc smelting operations in Oklahoma.
 - A landfill operator client facing a proposed class action initiated by area residents in New Jersey alleging negligence and public and private nuisance claims arising from alleged landfill odors.
 - An international industrial manufacturing client defending against CERCLA contribution claims for costs of remediating soil and groundwater contamination alleged to arise from historical operation of a steel fabrication facility in western Pennsylvania.
 - An energy industry client defending against CERCLA cost recovery and contribution claims stemming from cleanup of coal tar contamination at multiple former manufactured gas plant sites, including a two-week bench trial in federal court in New York.
 - A Fortune 500 waste industry client negotiating with federal and state agencies and PRP groups to address costs of remediating closed municipal landfill sites in Pennsylvania, New Jersey, New York and Delaware.
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Government Investigations and Audits

Cathleen is a seasoned team leader in representing institutions of higher education, media companies and other clients in conjunction with large-scale investigations and audits undertaken to address both actual and anticipated government inquiries. These matters have involved extensive interview sessions, strategy development and preparation of comprehensive investigative reports for submission to government agencies and courts.

Select representations include:

- Two major public university systems undertaking internal investigations and audits concerning alleged non-compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the anti-harassment provisions of Title IX.
 - A bankruptcy court-appointed independent examiner investigating creditors' allegations of wrongdoing in the \$3.6 billion leveraged buyout of the Tribune Company.
 - An SEC-appointed independent examiner investigating Time Warner/AOL's historical accounting for online advertising revenues, which led to a revenue restatement of over \$500 million by the company.
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HONORS

Named a "Local Litigation Star" in Pennsylvania by *Benchmark Litigation*, 2020 to present

Named a "Future Star" in Pennsylvania by *Benchmark Litigation*, 2011 to 2019

Member of *U.S. News - Best Lawyers*® "Best Law Firms" National Tier 1 ranked Environmental Law Practice

Named one of Pennsylvania's "Lawyers on the Fast Track," *American Lawyer Media*, 2008

Selected to the *Rising Stars* list, *Pennsylvania Super Lawyers*, 2005 and 2006

MEMBERSHIPS AND AFFILIATIONS

Adjunct Professor, Trial Advocacy, Villanova Law School, 2008-2014

Member, Drew University Philadelphia Alumni Club

Member, National Parks Conservation Association

Member, Litigation Section, American Bar Association

- Council Member, 2019 to 2021
- Managing Director, 2017 to 2018
- Managing Director Designate, 2015 to 2016
- Division VI Director, 2014 to 2015
- Corporate Counsel Committee, Co-Chair, 2011 to 2013

Member, Business Law Section, American Bar Association

- Business and Corporate Litigation Committee

Member, Civil Litigation Section, Pennsylvania Bar Association

Member, Business Law Section, Philadelphia Bar Association

- Federal Courts Committee
- Women in the Profession Committee

Member, New Jersey State Bar Association

- Civil Trial Bar Section
- Dispute Resolution Section

EDUCATION

J.D., Villanova University School of Law, 1994, *cum laude*

- Managing Editor of Student Work, *Villanova Law Review*

B.A., Drew University, 1990, *summa cum laude*

- *Phi Beta Kappa*
- Psi Chi Psychology Honor Society

BAR ADMISSION

New Jersey

Pennsylvania

FIRM INVOLVEMENT

Executive Committee Member

Vice Chair, Litigation

Co-Chair, Environmental