



# John M. McIntyre

*partner*

John is co-partner-in-charge of the Pittsburgh office and a seasoned litigator and trial lawyer. He has established an impressive track record of results in a variety of high-stakes litigation matters. From class actions and appeals to financial services litigation, he has successfully resolved some of his clients' most challenging legal issues in state and federal courts across the country.

Among other things, John has successfully defended several leading financial services companies in dozens of class actions alleging predatory lending practices. He also has substantial expertise litigating and trying complex breach-of-contract matters, including prevailing in an international patent license dispute in both U.S. District Court and the U.S. Court of Appeals for the Third Circuit.

Recently, John negotiated and settled the largest case of its type in U.S. history, which involved \$175 million in claims against the federal government following more than 10 years of litigation. John's team also achieved a complete defense verdict for his client in February 2021 following a four-day trial that he first-chaired in federal court in Delaware, defeating breach of fiduciary duty and breach of contract claims seeking more than \$19 million.

John also has considerable appellate experience, successfully representing clients in the U.S. Court of Appeals for the Third and Fourth Circuits and in the Maryland Court of Appeals. He is also very active in the community and recently served as the chairman of the Board of Directors of the Greater Pittsburgh Community Food Bank.

As a reflection of his strong standing in the legal community, John was one of only eight Pittsburgh attorneys to be recognized by *Chambers USA*® in the area of commercial litigation. He also received an AV Preeminent rating as result of a peer review conducted by *Martindale-Hubbell*®.

## REPRESENTATIVE MATTERS

- Achieved a complete defense verdict as lead trial counsel representing a prominent financial services company against breach of fiduciary duty and breach of contract claims seeking more than \$19 million in damages.

## CONTACT

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## EDUCATION

Temple University James E. Beasley School of Law, J.D., *magna cum laude*, 1996

Pennsylvania State University, B.S., 1986

## SERVICES

### Litigation

- Appellate & Supreme Court practice
- Intellectual Property litigation
- Class actions, mass torts and MDLs
- Commercial litigation
- Financial services litigation
- Probate, trust and guardianship litigation

### International Business & Trade

### Business Competition, Advice & Litigation

- Lead counsel for a significant life sciences company in the largest case of its type in U.S. history. Among other things, the case concerned the client's entitlement to more than \$175 million in research tax credits. After more than a decade of litigation, John negotiated a favorable settlement with the Department of Justice. By statute, the settlement required approval by the United States Congress Joint Committee on Taxation due to the magnitude of the recovery.
- Successfully argued before the U.S. Court of Appeals for the Third Circuit to affirm the district court's grant of summary judgment for a chemical industry client in a patent license dispute. The case involved the client's right to produce and market a key product in China and 12 other Asian countries. The resolution was particularly critical to the client's business operations given its recent investment in a new plant in China to manufacture the product at issue. During the litigation, John uncovered evidence to support a second case against a business competitor for tortious interference.
- Successfully advocated before the Fourth Circuit to uphold a district court's dismissal of putative class actions against two clients, each alleging claims seeking more than \$400 million.
- Secured the dismissal of eight statewide putative class actions on motions to dismiss in Maryland state court. The complaints alleged that the defendants had issued second mortgage loans with improper and excessive closing costs. Following John's argument on behalf of more than 15 financial institutions, Maryland's highest court upheld the dismissals of all of the pending class actions. John also secured the dismissal of a related statewide putative class action in federal court, which was affirmed by the Fourth Circuit, based on similar allegations related to second mortgage loans in Maryland.
- Successfully argued before the Third Circuit to reverse a district court ruling awarding significant damages arising from a \$4 million commercial development agreement. The Third Circuit agreed with John's argument that the district court had improperly disregarded the terms of a liquidated damages provision in the agreement that barred the plaintiff's claims.
- Prevailed on a motion to dismiss a putative statewide class action against a financial institution premised on alleged predatory lending practices. Successfully led the appeal before Maryland's highest court to affirm the lower court's order.
- Successfully tried a three-week breach of contract action in Pennsylvania state court, representing a large manufacturing company. The plaintiff in the case sought several millions of dollars in damages for what it alleged was a wrongful termination of a contract for logistics services. The court not only issued a defense verdict on the plaintiff's claim, but also awarded damages on the counterclaim.

#### BAR ADMISSIONS

- Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania

#### SERVICES CONTINUED

##### Intellectual Property

- Enforcement, disputes and litigation
- Patents

##### Automotive & Mobility Emerging Technologies

- Litigation
- Intellectual property

##### Business Growth & Operation

- Chemicals

##### Environmental

- Chemical industry

##### Tax, Estate Planning & Personal Wealth

- Probate, trust and guardianship litigation

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- Supreme Court of Pennsylvania
- U.S. Patent and Trademark Office
- Supreme Court of the United States

## PUBLICATIONS

- “Courts are excusing contract nonperformance due to the pandemic,” *Bloomberg Law*, April 8, 2021
- “The hurdles in defending COVID-19 contract nonperformance,” *Law360*, Sept. 15, 2020

## PRESENTATIONS

- “Protecting Trade Secrets in Pennsylvania Federal Courts,” Association of Corporate Counsel - Western Pennsylvania Chapter, Feb. 7, 2023
- “Litigation Best Practices,” Association of Corporate Counsel – Western Pennsylvania Chapter, Sept. 29, 2021
- “Navigating Contract Performance Issues During a Pandemic,” March 19, 2021
- “How To Maximize Your Attorney-Client Privilege and Work Product Protection,” Association of Corporate Counsel - Western Pennsylvania Chapter, Dec. 10, 2019
- “Crisis Management Webinar Series: Data Breach & Cyber Attack,” Nov. 6, 2019
- “Supreme Endeavor: An Analysis Of Major Business Cases Accepted By The U.S. Supreme Court With Opinions Expected To Be Issued In The 2019-2020 Term,” Association of Corporate Counsel - Western Pennsylvania Chapter, Oct. 16, 2019
- “Advanced Planning For Rapid Response: Staying Prepared For Data Security Breach Litigation,” Association of Corporate Counsel - Western Pennsylvania Chapter, Nov. 9, 2017

## HONORS | AWARDS

- *Chambers USA*, Litigation/General Commercial
- *The Best Lawyers in America*®
- *Martindale-Hubbell*®, AV Preeminent
- National Association of Corporate Directors, Private Company Board of the Year 2023

## COMMUNITY

- Greater Pittsburgh Community Food Bank, Board of Directors, Chair, 2018-present
- Western Pennsylvania Division of the March of Dimes, Board of Trustees, Chair, 2005-2011
- Pennsylvania State Chapter of the March of Dimes, Board of Trustees, Chair, 2008-2011
- Republican National Convention, Delegate, 2008
- Lawyers in the Classroom and Neighborhood Legal Services, Volunteer