



Paul K. Leary, Jr.

Member

Philadelphia

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Paul K. Leary, Jr. concentrates his practice in complex commercial and product liability litigation matters. He is co-vice chair of the firm's Business Litigation Group, and a member of the firm's board of directors.

Paul serves as a national trial counsel for multinational companies in the hospitality, transportation, construction, private equity and product manufacturing sectors. He has litigated and successfully tried to verdict multiple catastrophic product liability matters, construction actions, complex commercial transactions, and derivative and toxic tort class action lawsuits. He served as lead counsel in the defense of mass tort litigation involving dietary supplements, multi-state toxic tort claims and all litigation arising from the construction of the Comcast II tower in Philadelphia. Paul has handled several commercial litigation matters on behalf of private equity groups in contentious litigation disputes with portfolio entities concerning acquisition deals. He recently tried a hotly contested case involving fraud and misrepresentations by owners of a company purchased by a private equity group. In his role as national trial counsel, Paul partners with his clients to understand their business to help facilitate risk management protocols, contract drafting and negotiations, emergency response protocols and to implement and execute litigation/trial strategy. In 2017 alone Paul tried six cases involving catastrophic claims and a complex securities action. He secured a defense verdict after a three-week trial in the Western District of Pennsylvania involving an \$8 million claim against one of his longtime national transportation clients. In 2019 he secured a defense verdict against the top plaintiff's firm in Philadelphia involving a catastrophic accident at a construction site. Some of his noteworthy matters include a successfully tried case of first impression in Eastern District, Pennsylvania involving a multifamily plane crash, representation of a multinational hotel corporation in connection with the bombing of an Islamabad hotel, representation of several companies accused of libel and slander by competitors and successful defense of a \$60 million products claim arising from alleged contamination of a sterilization unit at a North Carolina hospital.

Outside the firm, Paul is a member of the board of directors of the Philadelphia Police Foundation, Police Athletic League (PAL) and Business Leadership Organized for Catholic Schools (BLOCS). He is a director on the Membership Development Committee for Philadelphia Country Club and mentor for the Haverford Hawks ice hockey program. He received his Bachelor of Arts from Fairfield University, where he was awarded the ECAC Medal of Merit. He earned his law degree from Pace University School of Law. Paul is a graduate of the FBI's Honors Intern Program and earned a trial certificate from the IADC Trial Academy at Stanford Law School.

Experience

Secured a defense verdict in the first personal injury case to go to trial arising from the Comcast II construction project in Philadelphia. The plaintiff sought damages of seven figures for pain and suffering, lost wages, and loss of future earnings in the wake of multiple knee injuries alleged to have been caused by the client's foreman on the job site. Social media revealed inconsistencies in the

Practice Areas

- Product Liability
- Construction Law
- Transportation & Logistics Litigation
- Class Actions

Industry Sectors

- Retail

Education

- Pace University School of Law, J.D., 1998
- Fairfield University, B.S., 1992

Bar Admissions

- New Jersey
- New York
- Pennsylvania

Court Admissions

- Court Of Common Pleas - Philadelphia County
- New York Supreme Court
- Pennsylvania Supreme Court
- Superior Court of New Jersey
- Superior Court of Pennsylvania
- Supreme Court of New Jersey
- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- New Jersey
- U.S. District Court -- Southern District of New York
- U.S. District Court -- Western District of Pennsylvania

Affiliations

- American Bar Association
- Defense Research and Trial Lawyers Association
- International Association of Defense Counsel
- Philadelphia Bar Association

Awards & Honors

- "Irish Legal 100" - 2015-2019
- "Pennsylvania Super Lawyer – Rising Star" by Law & Politics - 2007
- International Association of Defense Counsel (IADC) - accepted for membership, 2008

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- 40 Under 40 receipt by the Philadelphia Business Journal - 2009
- Pennsylvania's Super Lawyers - 2012-2017

plaintiff's case, both as to liability and damages, and the jury deliberated for only 30 minutes before returning a unanimous defense verdict.

Secured a \$3 million jury verdict on behalf of a company that stores and handles petroleum products in a lawsuit it filed against a company that mishandled a hydrostatic pressure test on a major pipeline, resulting in a significant oil spill. The spill was investigated by the U.S. Coast Guard and the California Department of Fish and Wildlife, and the defendant disclaimed all responsibility and called investigators to testify against the client at trial. During the four-day trial, the Cozen O'Connor team examined 25 witnesses, including experts, under court-imposed time restrictions, and the jury returned a unanimous verdict in the client's favor.

Obtained a unanimous defense verdict in favor of our client, a global transportation company, which faced millions of dollars in alleged damages stemming from a horrific motor vehicle accident in which the plaintiff suffered catastrophic injuries. The plaintiff's estate alleged that our client's employee caused the accident by running plaintiff's vehicle off the road, and then fled the scene. After winning summary judgment on claims of negligent entrustment and negligent supervision, the matter was tried over 2 weeks before Judge Gibson in the Western District of PA. This victory hinged on meticulous accident reconstruction, coupled with several critical evidentiary rulings in our favor on issues such as witness competency, excited utterance, admissibility of Facebook and other internet postings, admissibility of cell phone records, and hearsay.

Won summary judgment to defeat claims of negligence and breach of implied warranty of fitness for a particular purpose in a personal injury case in which the plaintiff was struck by a forklift sold by our client. In doing so, we convinced the court that a machinery seller has no duty to educate and inform a buyer about the product's safety accessories.

Obtained favorable settlement of a personal injury claim, for a fraction of the plaintiff's multimillion dollar demand, after presenting evidence during mediation that the plaintiff's alleged injuries to his neck and back pre-existed the auto accident at issue, and that the plaintiff's own reckless and negligent conduct caused the accident.

Won summary judgment on behalf of Marriott International in a multimillion-dollar wrongful death lawsuit brought by the family of a man who died when a suicide bomber drove into a Marriott hotel in Pakistan. We successfully argued that, under the operative franchise agreement, the franchisee was responsible (under either U.S. or Pakistani law) for handling all security measures at the hotel. This result was affirmed on appeal to the U.S. Court of Appeals for the Fourth Circuit.

Secured multiple dismissals for Marriott International and Ritz Carlton based on the doctrine of forum non conveniens, defeating forum shopping efforts by plaintiffs to litigate in the U.S.

Obtained dismissal of a defamation claim brought against our clients, a national association for amateur radio operators and three of its officers, by a former regional chair of the association. The plaintiff filed the lawsuit in the wake of an article the association published on its website explaining that his chairmanship had been terminated because of repeated unauthorized communications on the association's behalf with the Federal Emergency Management Agency. In dismissing the claim, the district court accepted our argument that the affirmative defense of truth was appropriately raised at the motion to dismiss stage because the defense was apparent on the face of the complaint, including undisputedly authentic documents integral to the allegations. This victory was affirmed by the U.S. Court of Appeals for the Third Circuit.

Successfully represented a nutritional supplement company sued for false advertising throughout the United States. After performing a detailed preliminary investigation, and conducting discovery, we

secured a favorable resolution at the Early Neutral Evaluation conference.

Obtained dismissal, on the grounds of *forum non conveniens*, of a personal injury suit brought against an international hotel company by a New Jersey resident who was injured at a company-branded resort in Spain.

Secured dismissal of a large putative class action centering on allegations that our dietary supplement industry client sold multiple supplements containing two unlawful ingredients in violation of unfair competition and false advertising statutes. Arguments in the case centered on cutting-edge legal questions about requisite pleading standards regarding standing to bring consumer protection claims.

Successfully moved to dismiss a complaint on grounds of *forum non conveniens* on behalf of a trucking company, a railroad, and individual defendants in a wrongful death and survival action filed in Philadelphia County stemming from an accident that occurred in New Jersey.

Represented a large international financial institution (bank) in litigation involving the enforcement of an interest rate swap between the bank and a large central Pennsylvania area school district. After the swap agreements were executed and performed under for some time, the school district filed a declaratory judgment action to void the agreements, in an attempt to avoid payment of a significant termination fee. An issue of first impression involving cross-motions for summary judgment, the federal court in Harrisburg, Pa., ruled against the school district's argument that the agreements were unenforceable because the related bonds had never been issued.