

THE AXELROD FIRM, PC

A certified woman-owned law firm

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FIRM PRESIDENT SHERYL L. AXELROD provides strategic, results-driven advice and representation to companies concerning their commercial, employment, bodily injury, and appellate litigation matters. While only 5% of lawyers are recognized by their peers as Super Lawyers, Ms. Axelrod is recognized as a Super Lawyer and rated one of the Top 100 Super Lawyers in Pennsylvania. One of her trials, a David versus Goliath victory for her client-defendant, was published in “Pennsylvania Jury Verdict Review & Analysis” which catalogs the most significant state verdicts. She is a member of the Litigation Counsel of America, an honorary society of top trial lawyers that accepts less than one-half of one percent of American lawyers.

Ms. Axelrod is known for her brief writing as well as her trial work, as she has won many cases on her briefs and two of her briefs have been published. On a Superior Court of Pennsylvania television program, she explained major brief writing and Pennsylvania appellate practice to the public prior to televised oral appellate arguments before the Court.

In recognition of her skills in the courtroom and at the negotiating table, Ms. Axelrod has been appointed a Judge *Pro Tempore* of the Philadelphia Court of Common Pleas. She has also been appointed to membership on the distinguished Investigative Division of the Commission on Judicial Selection and Retention, on which she leads teams investigating those seeking to become judges.

Prior to founding The Axelrod Firm, a four-attorney Philadelphia law firm, Ms. Axelrod worked at Blank Rome LLP, one of the largest and most prestigious law firms in the country, handling some of the biggest and most complex litigation matters. Ms. Axelrod received her law degree from Temple University in 1993 after having won the 1992 Samuel J. Polsky Moot Court Competition. Upon graduation from Temple Law School, she clerked for the Honorable Sandra Mazer Moss, a distinguished and award winning (now retired) jurist. Ms. Axelrod is a past President of the Temple Law Alumni Association (TLAA), the fourth woman to hold the post in TLAA’s nearly one hundred-year history. During her Presidency of TLAA (from 2012-2013), Ms. Axelrod founded the TLAA Women’s Initiative and the TLAA Diversity Committee, the TLAA Women’s Champion Award, and the TLAA Diversity Leadership Award. She was honored by TLAA in 2009 with its Distinguished Service Award and again in 2015, with the TLAA Women’s Champion Award.

Ms. Axelrod has published beyond her legal briefs. Her post, “A Primer on Diversity, Inclusion, and Equality: From the Profitability of Diversity to Unconscious Bias to its Impact on Our Country”, was featured on the Take the Lead website for its February 7, 2014 “Take the Lead Challenge” webcast featuring Facebook COO Sheryl Sandberg. Her piece, “Banking on Diversity: Diversity and Inclusion as Profit Drivers - The Business Case for Diversity,” which was published by the American Bar Association (ABA), is listed among the ABA’s Top Resources.

In 2014, Ms. Axelrod was one of only three people appointed by the President of the ABA to the ABA’s Gender Equity Task Force, from among all those across the country who applied for the coveted positions. Ms. Axelrod currently serves on the National Association of Women Lawyers’ Diversity and Amicus Committees, and on the Executive Council of the Pennsylvania Bar Association’s Commission on Women in the Profession (WIP) in which she co-chairs the WIP Diversity Committee. She is a member of the Forum of Executive Women, an organization of locally influential women, and she serves on DirectWomen, an organization dedicated to advancing women lawyers to major corporate board positions.

Ms. Axelrod is the co-founder of the Fearless Women Network, a non-profit trade group of exceptional women lawyers in the greater Philadelphia area working to shatter glass ceilings and obliterate unequal pay. She was profiled by *Profiles in Diversity Journal*; by the American Bar Association, which published a Spotlight piece on her; by *INSIGHT into Diversity* and *Ms. JD*, each of which interviewed her; and by *Law360* which featured her in its Female Powerbrokers series. For such work, this year, Ms. Axelrod, is being recognized with the National Association of Minority and Women Owned Law Firms (NAMWOLF) Yolanda Coly Advocacy Award, and, along with only five other attorneys in the country, made the Chambers Diversity Shortlist for the Gender Diversity Lawyer of the Year.

Ms. Axelrod is licensed to practice law in Pennsylvania and New Jersey.



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REPRESENTATIVE LITIGATION MATTERS (SELECTED)

BACKGROUND: In recognition of my skills in the courtroom and at the negotiating table, I have been appointed a *Judge Pro Tempore* of the Philadelphia Court of Common Pleas and in the role, serve as a settlement master in complex cases. There are only 119 lawyers who have made this list. I am also a member of Litigation Counsel of America, an honorary society of top trial lawyers that accepts less than one-half of one percent of American lawyers.

A. Employment litigation and counseling

Nearly 10 years (and counting) defending my global corporate client in discrimination matters, sexual harassment actions, wage and hour (FLSA), advice and counseling, Department of Labor Audits, Family Medical Leave Act (FMLA), International Employment Law, and Whistleblower claims. For the past three years, we have also defended a global retailer in such cases. Some selected cases are described below.

- With my Firm colleague, Vanessa Snyder, I represented a global retailer in an action brought by an Asset Protection Associate (“APA”) in one of its stores. She alleged that she was terminated:
 - (1) for filing a Complaint with the EEOC for alleged gender-based pay discrimination;
 - (2) in retaliation for complaining about allegedly gender-disparate APA pay; and
 - (3) due to gender discrimination

She asserted claims against:

- (1) My client, her employer (the global retailer) for alleged:
 - a. discriminatory discharge in violation of the New Jersey Conscientious Employee Protection Act (“CEPA,” New Jersey’s Whistleblower statute);
 - b. disparate treatment based on gender discrimination in violation of the New Jersey Law Against Discrimination (“LAD”); and
 - c. unequal pay discrimination in violation of LAD; and
- (2) Certain of the retailer's representatives for alleged:
 - a. discriminatory discharge in violation of CEPA; and
 - b. aiding and abetting in violation of the LAD.

Firm attorneys Axelrod and Snyder represented the retailer and its representatives. We were able to build a strong defense that, contrary to Plaintiff’s allegations:

- (1) Plaintiff was terminated for violating the client store's policy by taking her eyes off a customer before apprehending him to check whether he was stealing;
- (2) The client-employer does not pay women APAs less than men; and
- (3) The person responsible for terminating the plaintiff did not know about her having claimed that women were paid less than men.

The case amicably resolved on the eve of trial.

- Firm attorneys Axelrod and Snyder represented my global client-retailer in an action brought against it by an employee who raised two claims: one, under CEPA and the other, for the employer's alleged Wrongful Termination of him which he claims was in Violation of Public Policy. The plaintiff former employee claimed that he was assaulted by one of his supervisors and that after he treated for the incident, and allegedly threatened to report the incident to the police, he was told to take a drug screening test in retaliation. He failed the drug test and was then terminated for violating the employer's strict, no drug use policy.

We were able to show that the plaintiff tested positive for Oxycodone and that he had no valid prescription for it. We also established that no witness (other than Plaintiff) recalled Plaintiff ever claiming he would report the incident – which was extremely minor – to the police. If the plaintiff never threatened to report the incident to the police, then there could not have been any intent to discriminate against Plaintiff or to retaliate against him for allegedly threatening to report it, as he claimed. Accordingly, shortly before the case went to trial, the matter amicably resolved.

- I obtained a highly favorable settlement for a major retailer in a product liability action brought on behalf of a young girl who was critically injured by a stroller her mother had purchased. The stroller's brand name was well known, and I argued in an extensively researched brief that the blame for the incident rested with the brand's licensor. Within two weeks of receiving my brief, the matter settled with the licensor funding the vast majority of the settlement.

B. Medical device litigation

- I am currently on the legal team defending a major insurer in an antitrust action in connection with a heart monitoring device Plaintiffs claims the company must ensure. Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint was recently granted by the United States District Court for the Eastern District of Pennsylvania. Plaintiff appealed the decision which is now before the United States Court of Appeals for the Third Circuit.

C. Product liability litigation experience

- I have 15 years of experience defending companies in product liability claims, and am currently defending my client Personal Care Products Council (“PCPC”), a non-profit trade association for the cosmetics industry, in multidistrict product liability litigation based in the District of New Jersey involving claims that plaintiffs sustained ovarian cancer from using Johnson & Johnson talc products (Baby Powder® and/or Shower to Shower®). We recently filed an omnibus motion to dismiss these claims based on a lack of personal jurisdiction over our client and pursuant to the *Noerr-Pennington* doctrine.
- I successfully defended Grover Products Company, the manufacturer of air horns on fire trucks, in 29 matters in a mass tort action brought by Philadelphia firefighters who claimed the products caused them hearing loss. I obtained summary judgment for Grover in each of the 29 cases, on multiple separate grounds.

- At the appellate stage, I successfully defended Macrotech Fluid Sealing, Inc. (“Macrotech”) against claims brought by the estates of two Boeing employees who died when an Osprey helicopter caught fire and crashed. The plaintiffs claimed that a Macrotech seal aboard the aircraft was defective, leaked combustible fluid into the engine manifold, and thereby caused the crash. Macrotech prevailed at trial and I obtained affirmances on all the appeals.
- I obtained a highly favorable settlement for a major client-retailer in a product liability action brought on behalf of a young girl who was critically injured by a stroller her mother had purchased. The stroller’s brand name was well known, and I argued in an extensively researched brief that the blame for the incident rested with the brand’s licensor. Within two weeks of receiving my brief, the matter settled with the licensor funding the vast majority of the settlement.

D. Premises liability experience

- Nearly 10 years defending my global corporate client in a wide variety of premises liability matters, both inside their buildings and on the premises outside of them, on properties my client leases and on those it owns. For instance, I defended this client from claims brought against it in the Philadelphia Court of Common Pleas by a man in his mid-forties who sustained serious injuries to his right elbow. He claimed he sustained them as a result of falling on a broken grate on the client’s premises. Following the fall, the plaintiff underwent multiple right elbow surgeries, and claimed that he lost all use of his right (and dominant) arm. We mounted a strong defense including by retaining:
 - (4) an investigator who uncovered a damaging photograph of the plaintiff, showing him lifting with his allegedly unusable arm, an over 50 lb. snapper turtle; and
 - (5) an independent medical examiner who found Plaintiff’s claims to be contradicted by the size of the musculature in both of his arms.

The case amicably resolved for a confidential sum shortly before trial.

E. General bodily injury litigation experience

- With my team at The Axelrod Firm, PC, I defended a global corporate client and one of its employees in an action brought in the Court of Common Pleas of Philadelphia on behalf of a teenager who collapsed on its premises from a cardiac incident and died. The young man’s administratrix claimed that the client-defendant, by and through its employees, endeavored to rescue the child, but did so negligently. We obtained discovery demonstrating that Plaintiff’s decedent had two distinct heart defects, which each contributed to his passing. We were also able to develop very strong statutory and case law support for there being no duty beyond calling 911 within a reasonable amount of time, which we felt confident was done. That said, there was damning discoverable evidence against our client. The matter amicably resolved for a confidential sum before trial.
- I defended a global corporate client from claims brought in the Philadelphia Court of Common Pleas by a man in his thirties who was allegedly hit head-on as a result of one of its drivers making an illegal U-turn. Plaintiff retained six (6) experts. Plaintiff’s economic expert contended that

Plaintiff sustained a loss of earning and earning capacity of approximately \$675,000 to \$1.4 million, and future medical expenses of \$1.8 to 2.5 million. The matter amicably resolved for a confidential sum shortly before trial. Following my defense of this matter, the global corporation was so pleased with my work, that the Firm began to receive all of a certain line of its general liability matters in Philadelphia.

- I defended a global corporation from claims brought against it in the Philadelphia Court of Common Pleas by an elderly couple. They claimed they were hit head-on and severely injured by one of the corporation's drivers, who was allegedly texting on his cellular telephone while driving towards them. Among the claims asserted against my client, were claims for punitive damages. After all depositions took place, over multiple briefs, I successfully got Plaintiffs' punitive damages stricken. Once that occurred, the matter amicably resolved.
- I defended an electric company in two potentially enormous contact with powerline cases, obtaining highly favorable settlements in each at the close of discovery.

F. Commercial litigation experience

- I represented an individual, Carmelo Gaudite ("Gaudite"), who had owned one-third of the shares of a nursing company, Visiting Nurse Group (VNG), in an action brought against him by VNG. Before the lawsuit was filed, Gaudite had leased another nursing company, ACT Home Health Services, Inc. ("ACT"), the nearby building from which it operated. When VNG found out about the lease, VNG purchased Gaudite's shares in VNG in exchange for him signing a non-compete agreement with it. In the lawsuit, VNG claimed that Gaudite breached his fiduciary duty to it during his term as a VNG shareholder, by leasing ACT its offices. VNG also claimed that Gaudite violated the parties' non-compete agreement by funneling nurses to transfer their employment from VNG to ACT. I represented Gaudite through to a bench trial before the Honorable Albert W. Sheppard (deceased), winning Gaudite a defense verdict on all claims. The case was published in "Pennsylvania Jury Verdict Review and Analysis," which covers the largest cases in Pennsylvania. Plaintiff VNG never appealed.

G. Alternative dispute resolution

- As noted above, I am court appointed to serve as a *Judge Pro Tempore*. I have assisted parties in settling a host of disputes, and I would be delighted to assist in resolving matters.

NOTE: If permitted by my clients, I would be happy to have you discuss our defense of them directly with their representatives.

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LISA J. SAVITT is a Partner in The Axelrod Firm's Washington, DC office where she handles international and domestic litigation and alternative dispute resolution, representing foreign and domestic companies in matters involving complex legal, regulatory and technical issues in state and federal courts around the U.S. Her extensive industry experience includes representing clients in the aviation, insurance, chemical, agriculture and manufacturing sectors. Lisa has handled employment discrimination matters for multi-national and domestic U.S. companies. In her commercial litigation work, she counsels clients on commercial and business related issues, often in the context of product liability and risk management. She has represented Fortune 500 companies in contract disputes.

Ms. Savitt's litigation experience includes working with experts in a number of fields including economic experts, medical experts, fire experts, forensic pathologists and electrical experts. She has handled employment matters ranging from a lawsuit involving claims by employees of an airline catering company of racial, ethnic and age discrimination to assisting a company to provide training relating to the Americans with Disabilities Act.

Much of her international work involves issues relating to the Foreign Sovereign Immunities Act, application of various treaties, jurisdictional challenges, the doctrine of *forum non conveniens* and enforcement of foreign judgments. Ms. Savitt's work has included counseling clients and working with counsel globally on matters involving cross border litigation and application of law from both civil and common law jurisdictions.

Her foreign legal experience spans work in many jurisdictions including Belize, Brazil, Canada, Colombia, England, Ethiopia, France, Greece, India, Ireland, Italy, Japan, Peru, Poland, Taiwan, and the Turks and Caicos Islands.

Ms. Savitt started her legal career at the Regional Counsel's Office of the Federal Aviation Administration, and is a founding member and former President of the International Aviation Women's Association. Ms. Savitt worked for three years in London for a British law firm supervising claims and litigation around the world. Ms. Savitt clerked for Magistrate Shira Scheindlin of the United States District Court for the Eastern District of New York. She received her J.D. from New York Law School and her B.A. in East Asian studies from George Washington University.

Lisa is the immediate past Chair of the American Bar Association (ABA) Section of International Law and currently serves on the ABA Rule of Law Initiative Council for the Middle East and North Africa and is the Section's liaison to the ABA Commission on Women in the Profession. Lisa is the Chair of the International Committee of DirectWomen, a national non-profit that works to increase the number of women lawyers on corporate boards. Lisa is also on the Board of the non-profit organization A Child for All (www.acfacorp.org) which helps vulnerable children in Mali.

Lisa is a frequent speaker and writer on litigation issues as well as the importance of diversity in the legal profession and in the workplace. Presentations in which she has served as a panelist include "The Attorney-Client Privilege and Privacy Laws in the Global Economy," Washington Metropolitan Area Corporate Counsel Association and DC Bar, Corporate, Finance and Securities Section Joint Program," "The Challenges of Defending Litigation in the Mexican, Canadian and U.S. Judicial Systems" at the ABA Section of International Law North American Forum in Vancouver, "Concept of Personal Jurisdiction in the United States," at the IBA/ABA Transnational Litigation Conference in Vienna, Austria, and "In the Tentacles of the U.S. Civil Justice System and How EU Companies Can Prepare For It – An Update," at the Wolf Theiss Litigation Forum in Vienna. She has also served as moderator at a number of other international and commercial litigation forums.

Ms. Savitt has received numerous special honors and opportunities to travel to foreign nations to participate in delegations of the American Bar Association, including the American Bar Association International Legal Briefing Trip to Turkey (2016), Cuba (2015) and Myanmar and Cambodia (2014). She also was one of three ABA panelists in a public session on mediation and dispute resolution together with Polish journalists and lawyers (2013) during the American Bar Association International Legal Briefing Trip on Dispute Resolution to Warsaw and Vienna.

Ms. Savitt is licensed to practice law in several U.S. jurisdictions including New York, Pennsylvania, and Washington D.C. and is qualified as a solicitor in England and Wales.

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SELECTED REPRESENTATIVE MATTERS

- Currently acting as expert in a breach of contract claim in an international arbitration between two multinational companies. Focus of expertise is validity of exculpatory clauses in an international sales contract.
- Currently counseling major international manufacturer in breach of contract claim and mitigation of damages in matter where alleged damages are \$13 million.
- Represented major retail company in facilitating settlement of employment discrimination claim including ensuring accommodations by employer such as training of management and posting of ADA notices.
- Represented airlines in issues arising out of Air Carrier Access Act compliance, including wheelchair access, passenger assistance, and treatment of disabled passengers.
- Defended international catering company in employment litigation in the Eastern District of New York for claims of discrimination based upon age, race and ethnic origin; successfully defeated class action certification; after trial by four plaintiffs received dismissal on two cases and nominal verdicts for other two plaintiffs.
- Represented foreign bank in claims of employment discrimination arising out of actions by foreign managers working in the U.S. that were rooted in cultural differences including successful resolution through agreement to provide cultural awareness training to managers.
- Successfully represented companies, including major health care provider, in advice and litigation for, inter alia, breach of contract and breach of warranty claims arising out of licensing agreements with software vendors; one case resulted in often cited opinion on breach of warranty issues - *Caudill Seed & Warehouse Co. v. Prophet 21, Inc.*, 123 F.Supp.2d 826 (E.D. Pa. 2000).
- Represented Fortune 500 company in investigating and defending claims and litigation brought around the United States arising from alleged damage from a commercial herbicide; developed and launched complex claims management process to resolve more than 35,000 claims including supervising a team of thirty (30) lawyers and working closely with in-house counsel and business unit on strategy, including review of distributor agreements.

- Represented major defense contractor in several lawsuits including claims of misappropriation of trade secrets and breach of contract.
- Successfully converted \$24 million foreign judgment of shipping company against Yugoslavian bank into U.S. judgment and represented shipping company in enforcement of judgment including dealing with OFAC provisions and attempts by Yugoslavian bank to transfer assets from the United States in U.S. Bankruptcy Court ancillary proceeding.
- Represented Belgian company in contract dispute with Elvis Presley Enterprises.
- Represented component part manufacturer nationally and in multidistrict litigation including challenge on the basis of *forum non conveniens*.
- Represented Aeroports de Paris and its insurers in claims in United States arising out of collapse of terminal at Charles de Gaulle Airport in Paris.

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VANESSA SNYDER is an attorney in the Firm's Philadelphia office. Ms. Snyder focuses her practice on representing corporations and non-profits in their litigation matters in both Pennsylvania and New Jersey state and federal court.

Ms. Snyder's practice focuses primarily on defending corporations in a variety of litigation matters, including employment, general liability, and commercial suits.

Before joining the firm, Ms. Snyder practiced at a regional Philadelphia-based law firm, representing clients in complex commercial litigation, matters in both state and federal courts in Pennsylvania and New Jersey.

After law school, Ms. Snyder served on the Pennsylvania Supreme Court¹ as a law clerk to the Honorable Justice Thomas G. Saylor, who was then installed as the Court's Chief Justice. As a law clerk, Ms. Snyder assisted the Justice in drafting majority, concurring, and dissenting opinions. Her duties also included evaluating petitions for allowance of appeal and making recommendations regarding granting allocotur; reviewing circulating majority, concurring, and dissenting opinions from other chambers and making recommendations on whether the Justice should join; and preparing bench memoranda to prepare the Justice for oral argument.

Ms. Snyder graduated *cum laude* from the Temple University Beasley School of Law, where she was an editor for the Temple Law Review, President of the Student Bar Association, and recipient of the Captain Miller Knox Award for outstanding contribution to the law school community. Additionally, she was a member of the Rubin Public Interest Law Honor Society, in recognition of pro bono work during law school, which included working on habeas corpus petitions and other appeals for the Pennsylvania Innocence Project.

Ms. Snyder graduated *magna cum laude* with a Bachelor of Arts in English from Ursinus College, where she was elected to Phi Beta Kappa and received the Robin Blood Harris '56 Memorial Prize, an annual award given to one woman in the graduating class who exemplifies excellence in leadership and scholarship.

In terms of representative matters, Ms. Snyder has:

- Assisted in defending global companies in numerous general liability and employment matters, and obtained a defense verdict in an alleged slip and fall matter brought against a global non-profit company;
- Obtained voluntary dismissal of fraudulent suit against global non-profit company; and
- Assisted in defending multiple appeals regarding a request for new trial and Sanctions in a medical malpractice suit.

¹ The Supreme Court is the highest court in the Commonwealth of Pennsylvania.