

**Roy W. Arnold | Partner**

Business Litigation

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## **CO-CHAIR, CLASS ACTION DEFENSE TEAM**

## **CO-CHAIR, PITTSBURGH OFFICE**

Roy serves as co-chair of the firm's national class action defense team and as co-chair of Blank Rome's Pittsburgh office. He is a trusted adviser and experienced, high-stakes litigator who is widely recognized for his trial skills, vigorous advocacy, and relentless pursuit of his clients' objectives. Clients have described him as "highly strategic," "exceptionally well prepared and thorough," and as a "pragmatic, problem solver."

He has nearly 30 years of broad experience representing clients faced with alleged class actions, shareholder derivative lawsuits, and other complex commercial litigation producing an impressive track record of favorable results. His corporate clients have spanned diverse industries, including banking and financial services, retail and luxury goods, hotels and hospitality, energy and natural resources, and technology and software.

Roy focuses his practice on defending banking and financial services litigation, mergers & acquisitions and securities litigation, general business and commercial litigation, and ADA Title III litigation and compliance. As a result of his diverse experience, Roy has defended more than 300 putative class actions in various states, including Pennsylvania, Missouri, Rhode Island, Alabama, California, Florida, Virginia, Tennessee, New Jersey, North Carolina, Indiana, Illinois, Maine, Maryland, Michigan, Nevada, New York, Ohio, Texas, Utah, West Virginia, and Washington.

While he has obtained numerous victories by way of early dismissals, he also has

acquired significant experience handling contested class certification proceedings. He has extensive experience in all aspects of class action litigation, including dismissal motions, bifurcation motions, class certification, discovery, petitions for interlocutory appeal, settlement, and trial. A complete list of such putative class actions is available upon request. He also has acted as national coordinating counsel, special class action defense counsel, and lead trial counsel in numerous jury trials, non-jury trials, appeals, arbitrations, and injunction proceedings in various state and federal courts, as well as in numerous mediations.

Roy has handled a variety of significant cases brought in the following areas:

- Banking and financial services disputes arising in the class and individual context, including the defense of all types of consumer or customer claims in the areas of consumer finance and banking, residential mortgage lending, loan servicing, automobile finance, and syndicated and commercial lending.
- Business disputes relating to mergers and acquisitions transactions, including efforts to restrain or enjoin the transaction, and breaches of contract, fraud, and business torts.
- Shareholder disputes involving public companies, closely held companies, and limited liability companies arising from issues concerning the adequacy of disclosure and other corporate governance disputes, including the exercise of fiduciary duties.
- Representation of officers and directors, as well as special committees of Boards of Directors, relating to investigations of alleged wrongdoing and/or malfeasance.
- Other complex litigation, including claims arising from the sale of investment products, such as mutual funds, by banks and registered investment companies.

Prior to entering private practice, he served as a judicial clerk to the Honorable Alan N. Bloch, U.S. District Court of the Western District of Pennsylvania. During law school, Roy served as the lead executive editor of the *University of Pittsburgh Law Review*.

## Select Engagements

### Banking and Financial Services

- As lead counsel and advocate, won dismissal of a putative class action challenging a regional bank's repossession practices and secured affirmance on appeal in a precedent-setting decision. *d'Happart v. First Commonwealth Bank*, 282 A.3d 704 (Pa. Super. 2022).
- As lead counsel, defending regional bank against customer claims that she was allegedly victimized by a third-party scammer who convinced her to authorize multiple substantial wire transfers to a cryptocurrency platform. *Clayton v. Dollar Bank*, 2021 WL 4552966 (W.D. Pa. Oct. 5, 2021).
- As lead counsel, defending a national bank in an action alleging violation of the Electronic Funds Transfer Act due to a purported inadequate

investigation of certain allegedly unauthorized transactions.

- As lead counsel, obtained dismissal of complaint alleging fraud, breach of contract, unfair trade practices and violation of civil RICO against regional bank arising from lender placed insurance for defaulted borrower. *Lewis v. M&T Bank*, 2021 WL 1056827 (D. Conn. Mar. 19, 2021), *aff'd*, 2022 WL 775758 (2d Cir. Mar. 15, 2022).
- As lead counsel for client, successfully defended False Claims Act action filed by a former fraud investigator of the Department of Veterans' Affairs relating to 15 banks' compliance with their regulatory obligations to return government benefits payments for beneficiaries known to be deceased. *U.S. ex rel. Hendrickson v. Bank of Am., N.A., et al.*, 343 F.Supp.3d 610 (N.D. Tex. 2018), *aff'd*, 779 Fed. Appx. 250 (5th Cir. 2019).
- As lead counsel, defeated nationwide class certification in action alleging that the bank's notices of repossession violated state commercial codes. *Pinks v. M&T Bank*, 2017 U.S. Dist. LEXIS 50892 (S.D.N.Y. Mar. 31, 2017).
- As lead counsel, won dismissal of putative class action alleging claims for violation of Fair Debt Collection Practices Act and Florida Consumer Collection Practices Act. *Shore v. Wilmington Trust, N.A., for MFRA Trust 2015-1*, 2017 WL 1494509 (S.D. Fla. Apr. 20, 2017).
- As lead counsel, successfully defended and negotiated a favorable settlement for national bank in a series of putative class actions challenging its order of posting for debit transactions and overdraft fees. *Ord v. First National Bank of Pennsylvania*, 2013 WL 12141378 (W.D. Pa. June 21, 2013).
- As lead counsel, successfully defended a putative nationwide class action against a top 20 bank challenging lender-placed flood insurance; the complaint was voluntarily dismissed in response to motion to dismiss.
- As lead counsel, successfully defended a federal savings bank in a putative class action challenging its overdraft fees and order of posting of debit transactions; action voluntarily dismissed in response to motion to dismiss.
- As lead counsel, defeated class certification in a putative class action against a bank client claiming inadequate disclosures relating to requests for prequalification under the Fair Credit Reporting Act. *Daly v. Northwest Savings Bank*, 2013 WL 12291433 (W.D. Pa. Mar. 20, 2013).
- As lead counsel and advocate, obtained dismissal of a substantial commercial lender liability case against a community bank client. *Rearick v. Elderton State Bank*, 2015 WL 7301893 (Pa. Super. Nov. 19, 2015).
- As co-lead counsel, defeated class certification in a putative nationwide class action alleging violations of the Truth in Lending Act and Real Estate Settlement Procedures Act; developed a strategy leading to the interlocutory reversal of denial of motion to dismiss Illinois Interest Act claims. *Reiser v. Residential Funding Corp.*, 380 F.3d 1027 (7th Cir. 2004).
- As lead counsel, defeated class certification on behalf of a mortgage servicer in an action challenging an "expedite statement" or "fax" fee. *Davis v. Homecomings Financial Network*, 2007 WL 1600809 (W.D. Wash. 2007).

## **M&A/Shareholder Derivative and Securities Litigation**

- Successfully defended an iconic global food company and its board of directors in a shareholder derivative and class action litigation arising from a proposed \$28 billion acquisition; state court dismissed the cases based on a special litigation committee report concluding that litigation was not in the best interests of the company, and federal lawsuits were voluntarily dismissed before the decision. *In re H.J. Heinz Co. Derivative and Class Action Litig.*, 2013 WL 1905075 (Allegheny Co. Pa. Apr. 29, 2013).
- Represented a global pharmaceuticals company and its board of directors in shareholder actions in Pennsylvania challenging its creation of a stichting under Dutch law to thwart a potential hostile acquisition and in connection with its proposed \$27 billion tender offer for another company. Complaint dismissed with prejudice. *City of Riviera Beach General Employees Retirement System v. Mylan N.V.*, 2016 WL 4367549 (W.D. Pa. May 10, 2016).
- As co-lead counsel, successfully defended a leading top-10 national bank holding company and its board of directors in shareholder derivative litigation arising from various governmental investigations, settlements, and subpoenas; obtained a stay and then dismissal of state court litigation based upon the special litigation committee's report.
- As lead counsel, successfully defended a leading natural gas exploration company and its board of directors in shareholder litigation seeking to enjoin its \$6.7 billion acquisition of another Marcellus Shale gas exploration company; persuaded the court to deny an injunction request and dismiss case with prejudice; the decision was affirmed on appeal. *Garfield v. Porges*, 2019 WL 7834636 (Allegheny Co. Pa. Jan. 25, 2019), *aff'd sub nom, Garfield v. EQT Corp.*, 225 A.3d 1141 (Pa. Super. 2019).
- As lead litigation counsel, represented the special committee of the board of directors of a leading gaming and entertainment company in connection with its \$2.2 billion sale of four casinos to a related party, the bankruptcy of its operating subsidiary and an examiner's investigation.
- Lead counsel for manufacturer in shareholder litigation in Michigan seeking to enjoin its \$1.25 billion tender offer for a ball bearing manufacturer.
- Lead counsel for a bank holding company in shareholder litigation in North Carolina seeking to enjoin its \$1.4 billion acquisition of another bank. *Moss v. Towell*, 2018 WL 1189088 (Wake Co. Super. N.C. 2018).
- Lead counsel for a bank holding company in shareholder litigation in Ohio seeking to enjoin a proposed \$106 million acquisition of a Cleveland-area bank; three state court lawsuits were voluntarily dismissed in response to motions to dismiss, and the federal action was dismissed by the court. *Kugelman v. PVF Capital Corp.*, 972 F.Supp.2d 993 (N.D. Ohio 2013).
- Lead counsel for a bank holding company in shareholder litigation in Maryland seeking to enjoin its \$94 million acquisition of another bank; an injunction motion and complaint was voluntarily dismissed with a motion to dismiss pending.
- Lead counsel for a bank holding company in shareholder litigation in Maryland seeking to enjoin its \$51 million acquisition of an Annapolis-based bank; settled for supplemental disclosures and no additional deal consideration.

## ADA Title III Litigation and Compliance

- As lead counsel, successfully defended and resolved ADA claims brought against more than 25 bank and credit union clients by vision-impaired individuals seeking "voice guidance technology," and claiming that automated teller machines were not accessible and independently useable.
- As lead counsel, defended more than 75 banks, retailers and other businesses in putative ADA class actions and other claims alleging that their websites and/or mobile apps were inaccessible to vision impaired persons.
- As lead counsel, defending restaurants, bars, and franchisors against claims that their public facilities lack sufficient accessible bar and dining space for wheelchair bound patrons.
- As lead counsel, defended numerous banks and REITs in numerous putative ADA class actions alleging that parking lots and paths of travel were inaccessible to wheelchair bound customers.
- As lead counsel, successfully defended and resolved numerous putative ADA class actions against various national retailers alleging point of sale devices were inaccessible to blind customers.

## Other Complex Litigation

- As lead trial counsel, represented a multinational commodity producer in a six-day commercial arbitration defending claim for breach of confidentiality agreement arising from evaluation of potential acquisition of a failed developmental project.
- As lead trial counsel for the plaintiff, successfully tried to a federal court jury claims of breach of fiduciary duty against a majority partner arising from improper related-party payments. The highly favorable trial outcome led to the client's collection of millions of dollars, the forced divestiture of the majority partner's partnership interest in a leading urban radio network, and the ouster of the majority partner from the partnership. *See, e.g., NBN Broadcasting, Inc. v. Sheridan Broadcasting Networks, Inc.*, 2015 WL 10986405 (W.D. Pa. 2015).
- As co-lead litigation and class counsel, representing recording artists suing Universal Music Group and Sony Music Entertainment in two separate class actions due to the record labels' failure to honor the artists' terminations of their copyright grants, including successfully arguing against dismissal of the plaintiffs' complaints and securing landmark rulings in favor of the artists. *Waite v. UMG Recordings, Inc.*, 450 F.Supp.3d 430 (S.D.N.Y. 2021); 477 F. Supp.3d (S.D.N.Y. 2020); *Johansen v. Sony Music Entertainment, Inc.*, 2020 WL 1529442 (S.D.N.Y. Mar. 31, 2020).
- As lead counsel, successfully defended iconic Las Vegas hotel in putative class action asserting claims relating to disclosure of "resort fee." *Wilson v. Stratosphere Corp.*, 2006 WL 1134169 (W.D. Pa. Apr. 24, 2006).
- As lead counsel, obtained dismissal of a putative class action allegedly on behalf of two million customers that claimed a water company's billing practices were unlawful. *Pettko v. Pennsylvania American Water Co.*, 2010 WL 5576230 (Wash. Co. Pa. Aug. 27, 2010), *aff'd*, 39 A.3d 473 (Pa.

Commw. 2012).

## Admissions

- Pennsylvania
- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Ninth Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - Western District of Pennsylvania
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Tenth Circuit

## Memberships

- Allegheny County (PA) Bar Association
- Pennsylvania Bar Association
- Allegheny County Bar Foundation

## Education

- University of Pennsylvania, BA, with honors
- University of Pittsburgh School of Law, JD, with honors

## Recognitions

- 2024, Commercial Litigation, Pittsburgh, listed in *Best Lawyers in America*®
- 2022–2024, Pennsylvania “Super Lawyer” in Class Actions, listed in *Super Lawyers*
- 2022–2024, “Top 500 Leading Litigators in America,” listed in *Lawdragon*
- 2019, Inducted as Fellow of Litigation Counsel of America (peer-selected, invitation-only, trial lawyer national honorary society based on evaluation for effectiveness, ethical reputation, and trial accomplishments)
- M&A Litigation Defense, listed in *The Legal 500 United States*
- AV Preeminent®, listed by Martindale-Hubbell®

## Professional Activities

Roy is active in the Pittsburgh community and frequently presents to clients, attorneys, and law students on a variety of topics, including risk assessment and mitigation, corporate governance, and strategies for avoiding class action litigation.



As a member of the Allegheny County Bar Association, he previously served on the Federal Court Section Council from 2005 to 2008. He taught as an adjunct professor at the University of Pittsburgh School of Law in the Spring of 2003 and was an advisory board member for the Duquesne University Economics Department for several years. For over 20 years, he has been a director of the Pittsburgh International Children's Theater, which is now part of the Pittsburgh Cultural Trust. Roy also is a graduate of Leadership Pittsburgh, Inc., a nonprofit organization dedicated to developing a diverse group of leaders to serve Southwestern Pennsylvania. He has taught trial advocacy and deposition skills for more than 10 years at a variety of CLEs, and he has been invited to serve as a guest lecturer on class action litigation and other topics at the University of Pittsburgh School of Law, Penn State University School of Law, and University of Pittsburgh Katz School of Business. Additionally, Roy has devoted pro bono time to handling adoptions, advocating for women seeking protection from abuse orders, and representing high school athletes seeking to preserve their athletic eligibility. He is a court-approved mediator and neutral evaluator in the Western District of Pennsylvania.