

# BLANKROME

Adam V. Orlacchio | Partner

Business Litigation

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With a focus on Delaware corporate litigation, Adam Orlacchio maintains a national litigation practice and provides legal counsel to clients on a wide range of business issues. Adam takes pride in providing his clients with thorough pre-litigation counseling and attempting to obtain business resolutions in a timely and cost-effective manner. He frequently advises clients on complex commercial, corporate, and employment litigation matters, including:

- Breach of contract matters
- Breach of fiduciary duty and corporate governance claims
- Shareholder/stockholder disputes, including derivative, appraisal, and quasi-appraisal claims
- Alternative entity disputes
- Merger and acquisition litigation
- Requests to inspect companies' books and records
- Business torts
- Class actions
- Mass torts and products liability defense
- Employment discrimination, harassment, and retaliation litigation
- Wage/hour compliance, employee separations/terminations, and personnel policies/procedures
- Patent infringement and intellectual property
- Trade secret and non-compete litigation
- Real estate and construction litigation
- Cybersecurity and data privacy

Adam regularly represents clients in both state and federal courts nationwide, particularly:

- The Delaware Court of Chancery, which is internationally recognized as the preeminent forum for the resolution of corporate disputes and development of corporate law
- The Superior Court for the State of Delaware, including its Complex Commercial Litigation Division
- The United States District Court for the District of Delaware

Adam has also handled appeals to the Supreme Court for the State of Delaware and before the United States Court of Appeals for the Third Circuit.

Adam is experienced with motions practice, oral argument, written discovery and taking/defending depositions, trial practice, post-trial work, and appellate work. He also has experience resolving litigation for clients via alternative dispute resolution, such as mediation and arbitration.

Adam is a recipient of Blank Rome's "Edwin P. Rome Pro Bono Achievement Award." The Edwin P. Rome Pro Bono Achievement Award was created in 2004 to recognize outstanding performance and a demonstrated commitment to pro bono legal service each year. In 2019, Adam V. Orlacchio was presented with the firm's Edwin P. Rome Pro Bono Achievement Award in recognition of his personal commitment to, and leadership in, performing pro bono litigation on behalf of indigent tenants in numerous landlord-tenant cases in Philadelphia and Wilmington over the past decade. An active and important member of Blank Rome's Bono Coordinating Committee, Adam has been a strong supporter of the firm's pro bono program and has uniformly achieved outstanding results for his many pro bono clients. Furthermore, Adam has mentored many young associates at Blank Rome and elsewhere and has fostered their interest in performing pro bono landlord-tenant matters. He has taught many CLE training sessions over the years, and he serves as a supervisor on many of the firm's landlord-tenant matters. Adam's leadership in this area is especially important at this time, as tenants all across the country face an onslaught of these sorts of landlord-tenant cases, due to the financial devastation of the COVID-19 pandemic. Adam is also participating in the firm's newly formed Housing/Eviction Protection Pro Bono Working Group, to address the impact of racism in our society.

## **Outside The Firm**

When he is away from the office, Adam focuses on spending time with his wife, daughter, and son. Adam is also an avid sports fan and enjoys playing pick up basketball.

## **Select Engagements**

- Jury trial experience in the United States District Court for the District of Delaware representing a defendant majority shareholder against a breach of contract action asserted by a minority shareholder; post-trial motions for judgment as a matter of law granted in favor of client.

- Obtained dismissal with prejudice in Delaware's Court of Chancery of a putative shareholder class action suit filed against Directors alleging breach of fiduciary duties in a merger transaction.
- Obtained a significant monetary recovery for a global chemical company in an International Centre for Dispute Resolution arbitration governed by Delaware law.
- A minority LLC member, obtained a Status Quo Order to immediately restore client as the sole provider of the LLC's management/operations; Court also granted client's Motion to Expedite and ordered a full trial on the merits of all of client's claims to be held within 60 days; matter resolved via settlement.
- Bench trial experience in the United States District Court for The District of Delaware representing a maritime defense contractor in a suit brought against the United States of America alleging wrongful termination of a government contract; matter resolved during trial via a settlement for \$5.2 million.
- Successfully obtained a judgment in the Delaware Court of Chancery for the full amount of damages sought by members of a limited liability company based on breaches of fiduciary duties and fraudulent inducement claims asserted against the company's managing member.
- Lead counsel in a construction defect arbitration before the American Arbitration Association; matter resolved via settlement.
- A Delaware limited liability company and its managing members, defended in an action alleging breaches of fiduciary duties and breaches of the company's operating agreement; matter resolved via settlement.
- A shipbuilding contractor, defended in a breach of contract and conspiracy action before the Superior Court of Delaware stemming from a \$122 million shipbuilding project; matter resolved via settlement.
- Successfully moved for reconsideration of an order issued by the United States District Court for the District of Delaware that had effectively revised a \$1 verdict against Blank Rome's client to be a \$200,000 judgment.
- An international roofing supply manufacturer, defended in breach of contract, negligence, and products liability actions in the U.S. District Court for the District of Maryland and the Circuit Court for Baltimore County, Maryland; matters resolved via settlement.
- An apparel company, in a commercial arbitration before the American Arbitration Association concerning a software development dispute; matter resolved via settlement.
- A distributor of agricultural products, in Pennsylvania state court and before OSHA; matter resolved via settlement.
- A commercial data services company, in a breach of contract, breach of warranty and negligence action in the United States District Court for the Eastern District of Virginia; matter resolved via settlement.
- A global chemical manufacturer as a member of a national coordinating legal team, defended in multidistrict environmental pollution and product liability litigation involving water contamination.
- A cemeterial services company, defended in a labor and employment class action suit involving discrimination, harassment, retaliation, and wage/hour claims; matter resolved via settlement.

- Residential and commercial mortgage lenders, in federal and state courts throughout the nation and successfully obtained dismissals of various federal and state law claims.
- Successfully argued before the Delaware Board of Examiners of Private Investigators and Private Security Agencies and convinced the Board to unanimously agree to rescind its intent to revoke client's private investigator license.
- Obtained settlement for an employer in connection with a sexual harassment charge before the EEOC.
- Obtained settlement for an employer in connection with a disability discrimination charge before the EEOC.
- A manufacturer of medical devices, in prosecuting violations of non-compete and non-solicit agreements and theft of trade secrets and confidential information in state and federal courts throughout the United States.
- A payment processing company, in prosecuting violations of non-compete and non-solicit agreements.

## **Admissions**

- Pennsylvania
- New Jersey
- United States Court of Appeals for the Third Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - New Jersey
- Delaware
- U.S. District Court - Delaware

## **Memberships**

- American Bar Association
- Delaware State Bar Association
- Pennsylvania Bar Association

## **Education**

- Susquehanna University, BA, summa cum laude
- Rutgers University School of Law, Camden, JD, honors

## **Recognitions**

- 2019, "Edwin P. Rome Pro Bono Achievement Award," by Blank Rome LLP.

## **Professional Activities**

Adam handles a number of pro bono matters each year on behalf of indigent clients. In conjunction with the SeniorLaw Center in Philadelphia, Adam represents

senior citizens facing eviction and defends their interests in Landlord/Tenant Court in order to keep the seniors in their homes. He has also taught a landlord/tenant law continuing legal education seminar with Philadelphia VIP, as well as volunteered at the Landlord/Tenant Help Center. In recognition of his service, Adam has been named to the First Judicial District of Pennsylvania Pro Bono Roll of Honor every year since 2011.

Adam also serves on Blank Rome's Pro Bono Committee for its Wilmington, Delaware, office and previously served on the firm's Associates Committee.

Adam has been active in the Delaware State Bar Association for nearly 10 years, currently serving on its Executive Committee. In 2016, he was elected to serve as chair for its Litigation Section, and previously served one term as vice-chair, one term as secretary, and two terms as a council member for the Litigation Section.