Dinsmore

John J. Berry

Partner
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An experienced first-chair trial and appellate lawyer, John concentrates his practice on complex commercial disputes with an emphasis on insurance law, commercial/financial litigation, and employment law.

He represents insurers facing insurance coverage, insurance bad-faith and extra-contractual claims involving both personal and commercial lines. John also represents agents and insurers facing professional negligence and Unfair Trade Practices claims.

In addition to his insurance law practice, John frequently represents businesses and financial institutions in consumer finance litigation (including FCRA, FDCPA, RESPA, and UCC matters), labor and employment litigation, commercial litigation, collection actions, and bankruptcy matters in state and federal court in Pennsylvania and throughout the United States.

John graduated with highest honors from Barry University School of Law in 2012. He graduated second in his class while working on the Executive Board of the Barry Law Review, serving on the Barry Public Leadership Initiative, and earning 15 Book Awards for his academic achievements.

John lives in the North Hills of Pittsburgh with his wife and three sons. Outside of the office, John is active in local civic organizations, coaches his local high school's mock trial team, and manages his sons' little league teams.

Services

- Litigation
- Product Liability
- Toxic Tort

Education

- Barry University School of Law (J.D., *summa cum laude*, 2012)
  - Barry Law Review
- University of Pittsburgh (B.A., 2007)

Bar Admissions

- Pennsylvania
- West Virginia

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Southern District of West Virginia
- U.S. District Court for the Western District of Pennsylvania

Affiliations/Memberships

- American Inns of Court
- Pittsburgh Ballet, Emerging Patrons Board

Distinctions

- Pennsylvania *Rising Stars*® (2021)
- *Best Lawyers*®
  - "Ones to Watch" in Pittsburgh for Commercial Litigation (2021-2024)
  - "Ones to Watch" in Pittsburgh for Insurance Law (2021-2024)
  - "Ones to Watch" in Pittsburgh for Labor and Employment Law - Management (2021-2024)

Experience

Employment Litigation
I. Secured summary judgment on behalf of client in a whistleblower case filed by a high-ranking corporate executive alleging institutional malfeasance in staffing and discipline practices.

II. Extensive experience representing employers in employment litigation, routinely defending employers facing discrimination and wage payment claims including claims raised under Title VII, ADA, ADEA, FLSA, Pregnancy Discrimination Act, and USERRA claims.

Commercial Litigation
I. Represented natural resources company in bet-the-company commercial litigation related to material misrepresentations made in the sale of said business, securing significant monetary settlement for client while also negotiating invaluable non-monetary settlement terms that allowed my client to continue their operations;

II. Represented business owner in partnership dispute after the business owner had been frozen out of his business, securing settlement fully compensating our client for his monetary damages, his interest in said business, and the litigation fees and costs he incurred in the dispute.

III. Represented Fortune 500 financial institution in commercial litigation initiated by a large regional bank concerning disputes surrounding the implementation of an Asset Purchase Agreement between the parties, successfully raising case-dispositive Preliminary Objections at the outset of the case and before our client needed to expend significant resources litigating the case.

Consumer Finance and Bankruptcy Litigation

I. Secured summary judgment for Fortune 500 financial institution in retail litigation involving unsettled issues of state law concerning Pennsylvania's presumption of payment rule.

II. Obtained dismissal of a discharge injunction suit asserted against Fortune 500 financial institution concerning the dischargability of bar exam loans.

III. Significant experience litigating FCRA cases on behalf of data furnishers. This experience includes securing summary judgment of FCRA claim asserted against mortgage servicer regarding unsettled legal issues surrounding the handling of disputed reporting and successfully moving to dismiss FCRA claim asserted against Fortune 500 financial institution.

IV. Successfully represented regional bank in tax appeal before the Pennsylvania Board of Finance and Review concerning taxation on a multi-million dollar commercial property.

Insurance Litigation

I. Secured summary judgment for commercial insurer in multi-million dollar, multi-party commercial coverage litigation involving complex insurance issues related to long-tail insurance coverage claims.

II. Secured summary judgment for Fortune 50 insurer in significant commercial insurance coverage action concerning severe structural damage to a large commercial property.

III. Obtained dismissal with prejudice of insurance bad faith and insurance coverage claims asserted against national insurer related to the partial collapse of an apartment building.

IV. Obtained dismissal with prejudice of insurance bad faith and insurance coverage claims involving trigger of coverage issues and successfully defended judgment on appeal.

V. Extensive experience representing Insurers and Agents in Unfair Trade Practice and Professional Negligence cases involving the scope and sufficiency of insurance coverage available to an insured.

Appellate Work

I. Served as lead counsel and lead appellate counsel for Fortune 500 financial institution in significant bankruptcy matter, securing dismissal of bankruptcy litigation claims and successfully defending the judgment on appeal before both the District Court and the Third Circuit Court of Appeals.

II. Served as lead counsel and lead appellate counsel for mortgage lender in high-value trade practices case, securing summary judgment on behalf of the client and successfully defending the judgment before the Fourth Circuit Court of Appeals.

Trial Work

I. Served as lead trial counsel for Fortune 50 insurer in two-week long jury trial, securing a full defense verdict in a potentially high-exposure case involving allegations of institutional malfeasance raised by a Plaintiff who was a prominent member of the Pittsburgh media.

II. Served as lead trial counsel for a retailer in a jury trial involving trade secret, defamation, unfair competition, and employment law claims, securing the dismissal of 6 claims asserted against my client and successfully prosecuting counterclaim asserted by my client.

Publications

May 28, 2020
Removal Ruling Raises Questions about Where COVID-19-Related Business Interruption Claims Should be Heard

April 8, 2020
Coronavirus-Related Business Interruption Insurance Claims In Pennsylvania