

## GAETAN J. ALFANO PARTNER

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GAETAN J. ALFANO is a partner with Pietragallo Gordon Alfano Bosick & Raspanti, LLP. He is a member of the Executive Committee and the Employment and Labor Practice Group.

Mr. Alfano has tried hundreds of cases to verdict and has substantial trial and appellate experience. He has represented clients in commercial and employment disputes, insurance insolvency, and receivership matters, as well as complex white collar criminal defense cases. Mr. Alfano has also litigated numerous cases involving business disputes among law firms and attorneys, including: dissolutions, separations, client retention and transition, and fee disputes. He regularly defends attorneys in professional liability and disciplinary matters. Prior to entering private practice, Mr. Alfano served as Assistant District Attorney, during which time he tried cases on a near-daily basis.

Mr. Alfano has amassed a significant record of results for his clients during his 35+ years practicing law. These matters include:

- Represented the Pennsylvania Insurance Department as Rehabilitator for the Mutual Fire, Marine and Inland Insurance Company in a reinsurance recovery case against GTE Reinsurance Company Ltd. The case resulted in a post-trial settlement of \$44.9 million — the largest reinsurance recovery in Pennsylvania history at the time.
- Appointed by the United States District Court for the Eastern District of Pennsylvania to serve as counsel for a Securities Exchange Commission Receiver in a nationwide Ponzi scheme, SEC v. Robert Stinson Jr., et al. In this context, Mr. Alfano tried to verdict a private contribution claim under Section 10(b) of the Securities Exchange Act against an international ratings agency.
- Represented the Delaware Insurance Commissioner as Receiver for National Heritage Life Insurance Company, where Mr. Alfano prosecuted a variety of professional liability and asset recovery actions.
- Represented the Pennsylvania Insurance Department as Liquidator for both Legion Insurance and Villanova Insurance Companies — a \$3 billion insolvency — for over a decade.
- Represented a law firm against employment related claims based on sexual orientation in Pennsylvania state court and received a unanimous jury verdict in favor of his client. Mr. Alfano also recently tried a case under the Pennsylvania Whistleblower Act, one of the few cases ever tried to verdict under the Act.
- Represented a national personal injury law firm in defending advertising claims under the Lanham Act and state unfair competition law.

Drawing upon his background as a former prosecutor, Mr. Alfano has widespread experience in conducting internal investigations. For example, he has represented public corporations, private businesses, and government entities in investigating claims of sexual assault, sexual misconduct, and hostile work environment. He has

conducted corporate financial integrity and compliance investigations. He also has served as counsel to special litigation committees investigating shareholder claims under Pennsylvania's Business Corporations Act. Most recently, he was appointed by the City of Philadelphia to investigate allegations of police misconduct.

Mr. Alfano has received numerous awards and honors. Specifically:

- In 2017, he was inducted in as a Fellow of the American College of Trial Lawyers, an organization dedicated to recognizing the finest criminal and civil trial lawyers in the United States and Canada.
- In 2016, he served as Chancellor of the Philadelphia Bar Association.
- He served for 10 years on the Delaware River Joint Toll Bridge Commission, a bi-state agency. He was appointed by both former Governors Edward G. Rendell and Tom Corbett as the Vice Chair of the agency, the highest Pennsylvania position.
- He served as a member of the Board of Law Examiners of the Supreme Court of Pennsylvania and as a Senior Hearing Committee Member serving the Disciplinary Board of the Supreme Court of Pennsylvania.
- In 2016, 2018, and 2019, Governor Tom Wolf appointed Mr. Alfano to serve on the statewide Judicial Selection Commission to fill vacant positions in the state appellate and trial courts.
- He has been nominated and selected by his peers as a *Pennsylvania Super Lawyer* for every year from 2004 through 2021, an honor reserved for 5% of the Pennsylvania Bar.
- In 2020, he was selected as a Top 100 *Pennsylvania Super Lawyer*.
- He has been selected by his peers for inclusion in *Best Lawyers in America*® 2022 for his work in the practice area of Bet-the-Company Litigation, Commercial Litigation, Employment, and Litigation.

Mr. Alfano has spoken frequently on federal and state court practice, commercial litigation, and employment law issues. He is a co-author of *Pennsylvania Causes of Action* (9th ed.).

Mr. Alfano has held a number of offices with the Justinian Society and Foundation. He recently served on the Board of Directors of the Global Philadelphia Association, Philadelphia Volunteers for the Indigent, The Philadelphia Bar Foundation, and the Public Interest Law Center in Philadelphia.

Mr. Alfano graduated from Villanova School of Law and graduated magna cum laude with a B.A. from Villanova University.

## **Speaking Engagements**

"Best Practices in Pretrial Litigation in the Federal Courts 2019," Pennsylvania Bar Institute (Philadelphia, PA), November 7, 2019

"Civil Practice in the Eastern District of Pennsylvania," Pennsylvania Bar Institute (Philadelphia, PA), April 11, 2019

"Don't Ask, Don't Tell: Non-Disclosure Laws and the Gender Pay Gap," Business Insurance U.S. Women to Watch Awards & Leadership Conference, (New York, NY), December 15, 2017

"Considerations When Starting Your Own Practice," Philadelphia Bar Association CLE, (Philadelphia, PA), June 15, 2017

"Hot Topics on the Horizon in the Courts," Judges and Journalists: Accuracy and Access, (Philadelphia, PA), November 14, 2016

Portrait Presentation of Honorable Annette M. Rizzo, First Judicial District of Pennsylvania, June 14, 2016

"A 360° View of a Jury Trial in Philadelphia," Philadelphia Association of Defense Counsel Annual Meeting, June 7, 2016

Portrait Presentation of the Honorable Petrese B. Tucker Chief Judge, United States District Court for the Eastern District of Pennsylvania, May 20, 2016

James E. Beasley School of Law Commencement, Honors Program, Temple University, May 19, 2016  
Supervision to Aid Re-entry Program, United States District Court for the Eastern District of Pennsylvania, March 16, 2016  
Naturalization Ceremony, Honorable L. Felipe Restrepo Presiding, United States District Court for the Eastern District of Pennsylvania, January 21, 2016  
Dr. Martin Luther King, Jr. Annual Memorial Breakfast, The Barristers' Association of Philadelphia, Inc., January 18, 2016  
Naturalization Ceremony, Honorable Cynthia M. Rufe Presiding, United States District Court for the Eastern District of Pennsylvania, December 15, 2015  
"Fisher v. University of Texas at Austin," PBI's 10th Constitutional Law Enclave (Philadelphia, PA), October 19, 2015  
Naturalization Ceremony, Honorable John R. Padova Presiding, United States District Court for the Eastern District of Pennsylvania, September 17, 2015  
Portrait Presentation of the Honorable Berle M. Schiller, United States District Court for the Eastern District of Pennsylvania, June 12, 2015  
"Trial of a Federal Court Case," Pennsylvania Bar Institute CLE (Philadelphia, PA), July 23, 2014  
Naturalization Ceremony, Honorable Eduardo C. Robreno Presiding, United States District Court for the Eastern District of Pennsylvania, July 1, 2014  
"New Commonwealth Court Rules for Insurance Insolvency," PBI 17th Annual Insurance Institute (Philadelphia, PA), May 8, 2013  
"Risk With a Twist," Willis Seminar (Pittsburgh, PA), December 9, 2009  
"Innocence (homicide/arson case): Demonstration of Direct and Cross of an Expert; Ineffective Counsel; Recanting Witness," PACDL's For the Experienced: The Ultimate Criminal Law CLE (Philadelphia, PA), November 9, 2007  
"Diversity Best Practices: What You Can Learn from Corporate Diversity Efforts," Philadelphia Bar Association's Chancellor's Forum CLE (Philadelphia, PA), April 30, 2007  
"Insolvency Issues: The Lessons of Legion," Nineteenth International Reinsurance Congress (Bermuda), October 20, 2005  
"Tort Law Update," Pennsylvania Bar Institute, August 19, 2004  
"Tort Law Update," Pennsylvania Bar Institute, November 14, 2000  
"Tort Law Update," Pennsylvania Bar Institute, August 18, 2000  
"Asset Recovery in the NHL Case: The Receiver Strikes Back," Ninth Annual Legal Seminar, NOLGA, July 20, 2000

## **Publications**

"Uncertain Future: Rethinking the Law Firm Lease Post-COVID-19," *The Legal Intelligencer*, March 26, 2021  
"Should I Stay or Should I Go? Managing Your Law Firm Separation," *The Legal Intelligencer*, January 5, 2021  
"Pa. Justices' Ruling May Rein In Grand Jury Report Releases," *Law360*, February 11, 2020, <https://www.law360.com/articles/1242712>  
"A Guide to Mergers of Nonprofit Entities," *The Pennsylvania Lawyer*, January/February 2020  
"In Wake of Passcode Ruling, Fifth Amendment Jurisprudence May Need an Update," *The Legal Intelligencer*, December 4, 2019  
"Pennsylvania Causes of Action" *ALM*, 8th Edition, 2018  
"A Shift Away From Exclusive Regulation of Attorney Conduct by the Courts?" *The Legal Intelligencer*, August 09, 2017  
"McGuire V. Russo and Legal Malpractice Claims: Clairty or Chaos?" *Philadelphia Bar Association*, July 23, 2017  
"Pennsylvania Supreme Court Confronts Fee Sharing Issues When Client Changes Firms" *Philadelphia Bar Association*, November 21, 2015

## **Representative Matters**

*In re Natl. Football League Players' Concussion Injury Litig.*, 18-2012, 2020 WL 2214131 (3d Cir. May 7, 2020)

Commonwealth v. DeWeese, 1811 MDA 2018, 2020 WL 2046055 (Pa. Super. Apr. 28, 2020)  
*In re Natl. Football League Players' Concussion Injury Litig.*, 18-2361, 2019 WL 5618161 (3d Cir. Oct. 31, 2019)  
*In re Lincoln Natl. COI Litig.*, 16-CV-06605-GJP, 2019 WL 3940912 (E.D. Pa. Aug. 21, 2019)  
Leonard v. TJUH System, CV 17-2023, 2019 WL 3802024 (E.D. Pa. Aug. 13, 2019)  
Aetna, Inc. v. Whatley Kallas, LLP, CV 18-2172, 2019 WL 1437916 (E.D. Pa. Mar. 29, 2019)  
Franklin Towne Charter High School v. Arsenal Associates, L.P., 2306 EDA 2017, 2019 WL 1125638 (Pa. Super. Mar. 11, 2019)  
Rosenbaum & Associates, P.C. v. Morgan & Morgan, CV 17-4250, 2018 WL 1768050 (E.D. Pa. Apr. 12, 2018)  
Bronson v. SEPTA, CV 17-0114, 2018 WL 1456660 (E.D. Pa. Mar. 23, 2018)  
Thornton v. Temple U. Health System, Inc., CV 17-5419, 2018 WL 585488 (E.D. Pa. Jan. 29, 2018)  
Boykins v. SEPTA, 17-1980, 2018 WL 460652 (3d Cir. Jan. 17, 2018)  
Rosenbaum & Associates, P.C. v. Morgan & Morgan, CV 17-4250, 2018 WL 327167 (E.D. Pa. Jan. 8, 2018)  
Commonwealth of Pennsylvania v. DeWeese, 1998 MDA 2016, 2017 WL 1906106 (Pa. Super. May 8, 2017)  
Boykins v. SEPTA, CV 16-985, 2017 WL 1355036 (E.D. Pa. Apr. 13, 2017)  
Dupell v. Franklin Towne Charter Sch., 16-278 (RBK/KMW), 2016 WL 7042068 (D.N.J. Dec. 2, 2016)  
Ioven v. Nestel, 150 A.3d 571 (Pa. Cmmw. 2016)  
Forba v. Thomas Jefferson U. Hosp., CV 15-1722, 2016 WL 3661760 (E.D. Pa. July 8, 2016), *aff'd*, 666 Fed. Appx. 106 (3d Cir. 2016)(unpublished)  
Davis v. Pennsylvania Turnpike Commn., 204 F. Supp. 3d 793 (M.D. Pa. 2016)  
Selvato v. SEPTA, 658 Fed. Appx. 52 (3d Cir. 2016)(unpublished)  
Gardner-Lozada v. SEPTA, No. 15-2799, 2016 WL 873650 (3d Cir. Mar. 8, 2016)  
Downs v. Anapol Schwartz, 2015 WL 4770711 (E.D. Pa. Aug 12, 2015)  
Bailets v. Pennsylvania Turnpike Commission, 123 A. 3d 300 (Pa. 2015)  
Miller v. Se. Pennsylvania Transp. Auth., 2014 WL 5485692 (Oct. 30, 2014)  
Schwartzman v. Morningstar, Inc., 2014 WL 3843875 (E.D. Pa. Aug. 5, 2014)  
Wallet v. Pennsylvania Turnpike Comm'n, 528 Fed. Appx. 175 (3d Cir. 2013)  
U.S. ex rel. DePace v. Cooper Health Sys., 940 F. Supp. 2d 208 (D.N.J. 2013)  
U.S. ex rel. DePace v. Cooper Health Sys., 958 F. Supp. 2d 564 (D.N.J. 2013)  
Miller v. SEPTA, No. 1876 C.D. 2011, 2013 WL 830715, (Pa.Cmwlt., March 07, 2013)  
Warfield v. SEPTA, No. 11-2606, 2012 WL 363062 (3d Cir. February 6, 2012)  
Klina v. SEPTA, No. 10-5106, 2011 WL 4572064 (E.D. Pa. October 3, 2011)  
Schwartzman v. Hutchinson, No. 11-1349, 2011 WL 4471059 (E.D. Pa. September 27, 2011)  
Schwartzman v. Talking Water, LLC, No. 11-3934, 2011 WL 3497762, (E.D. Pa. August 9, 2011)  
S.E.C. v. Stinson, No. 10-3130, 2011 WL 2462038 (E.D. Pa. June 20, 2011)  
Warfield v. SEPTA, No. 10-3023, 2011 WL 1899148 (E.D. Pa, May 19, 2011)  
Walleth v. Pennsylvania Turnpike Commission, No. 1:10-CV-2092, 2011 WL 864405 (M.D. Pa., March 10, 2011)  
Jordan v. SEPTA, No. 10-3470, 2011 WL 346836 (E.D. Pa., February 4, 2011)  
Ober v. Miller, 395 Fed.Appx. 849 (3d Cir. 2010)  
Pennsylvania Turnpike Commission v. Teamsters Local 250, 988 A.2d 789 (Pa. Commw. Ct., 2010)  
General Reinsurance Corp. v. American Bankers Ins. Co. of Florida, 996 A.2d 26 (Pa. Commw. Ct., 2009)  
Harmelin v. Man Financial Inc., No. 06-1944, 05-2973, 2007 WL 4571021 (E.D. Pa., December 28, 2007)  
Koken v. Legion Ins. Co., 941 A.2d 60 (Pa. Commw. Ct., 2007)  
Koken v. Legion Ins. Co., No. 183, 2006 WL 1389102 (Pa. Cmwlt. Ct., Mar. 3, 2006)  
Koken v. Villanova Ins. Co., 583 Pa. 400 (Pa. 2005)  
Koken v. Legion Ins. Co., 865 A.2d 1 (Pa. Commw. Ct. 2004)  
Koken v. Legion Ins. Co., 831 A.2d 1196 (Pa. Commw. Ct., 2003)  
City of Philadelphia v. Consolidated Rail Corp., 560 Pa. 587 (Pa. 2000)  
Manir Prop. v. Resolution Trust Corp., No. Civ. A. 93-3271, 1993 WL 381445 (E.D. Pa., Sept. 29, 1993)

Maleski v. The Mut. Fire, Marine & Inland Ins. Co., 633 A.2d 1143 (Pa. 1993)

Foster v. Chesapeake Ins. Co., No. 89-7468, 1991 WL 224568 (E.D. Pa., Oct. 24, 1991)

Foster v. Chesapeake Ins. Co., 933 F.2d 1207 (3d Cir. 1991), cert. denied, 502 U.S. 908 (1991)

## **Bar Admissions**

U.S. Supreme Court

Pennsylvania

New Jersey

U.S. Court of Appeals for the Third Circuit

U.S. District Court - Eastern District of Pennsylvania