



## John G. Ebken

### PARTNER

Pittsburgh

412.316.2907

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### RELATED SERVICES

- Commercial Litigation
- Real Estate
- Trial Practice
- Class Action Defense
- Product Liability

### OFFICES

- Pittsburgh
- Philadelphia

### OVERVIEW

For nearly two decades, John Ebken has represented divergent businesses in a wide variety of commercial and civil litigation matters, focusing on disputes arising out of business agreements, real estate transactions, intellectual property rights and product liability. Beginning in 2010, John was nominated by his peers and named one of Pennsylvania's "Rising Stars" by Philadelphia Magazine in the area of business litigation, an honor bestowed upon less than 2.5 percent of Pennsylvania's lawyers. More recently, John's peers identified him as one of the Best Lawyers in America for Commercial Litigation matters.

John has represented his clients in cases filed throughout the state and federal courts situated in Pennsylvania and has appeared on their behalf before courts and quasi-judicial tribunals located in thirty-six other states around the country. He also regularly drafts and negotiates business agreements,

during which he draws upon insight gained through litigating such agreements.

John's clients operate in a number of different industries, including the energy, telecommunications, financial, steel, chemicals and health care industries, and he has developed substantive expertise in many of those areas. John has also served as outside general counsel to a multi-national tableware manufacturer and distributor for many years.

## REPRESENTATIVE EXPERIENCE

### Representative Experience

- Represented a leading, publicly traded energy producer as plaintiff in a complex, nine-figure breach of contract action filed against a subsidiary of one of the world's largest companies, ultimately obtaining a favorable contract extension after executing a successful litigation strategy.
- Served as lead counsel to a gas producer in a dispute arising out of competing claims to Marcellus and other subsurface rights, procuring a summary judgment opinion from the Western District of Pennsylvania that vindicated the client's and other producers' rights to drill under long-held oil and gas leases. *See Hoffman v. ArcelorMittal Pristine Resources Inc. et al.*, 2011 WL 1791709.
- Representation of a well-known manufacturer and distributor of tableware products against claims of trade dress infringement asserted by a competitor, prevailing after a five-day hearing on the competitor's request for injunctive relief.
- Long-term and ongoing representation of a publicly traded provider of wireless infrastructure, serving as lead counsel in disputes arising out of commercial leases and other business agreements.
- Ongoing representation of the region's largest health care insurer in a variety of commercial disputes, including a number of high profile litigations.
- Representation of a Fortune 100 manufacturer following a catastrophic industrial explosion, providing counseling on all issues arising therefrom, including preservation of evidence, investigation of root cause, disclosure to employees, litigation arising out of bodily injury, and losses associated with business interruption.
- Represented a Fortune 500 retailer in AAA arbitration arising out of a supplier's breach of contract, procuring a complete recovery of all damages, fees and costs sought by the client-retailer.
- Ongoing representation of a mid-size international manufacturer/distributor headquartered in the UK, advising on matters ranging from worldwide protection of intellectual property rights to regulations governing business dealings with casinos located in the United States.
- Representation of a Fortune 100 manufacturer in litigation arising out of its insurers' refusal to defend the manufacturer against hundreds of product liability lawsuits brought against it, ultimately obtaining the insurers' agreement to defend the manufacturer against the aforementioned lawsuits.

- Obtained dismissal, via a Rule 12 motion, of a national engineering firm in a qui tam action brought under the False Claims Act, resulting in a 22-page opinion which redefines the contours of the recently amended False Claims Act. *See U.S. Dept. of Transportation v. CMC Engineering, et. al*, 745 F.Supp.2d 637 (W.D. Pa 2010).
- In a dispute governed by Article 2 of the Uniform Commercial Code, procured a multi-million dollar settlement for a Fortune 100 manufacturing client after establishing the defendant-buyer's breach of contract via motions practice.

## CREDENTIALS

### Admissions

- Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. Court of Appeals for the Third Circuit

### Memberships

- Pennsylvania Bar Association
- Allegheny County Bar Association

### Education

- J.D., *magna cum laude*, University of Pittsburgh School of Law, 2003  
- Law Review

### Honors

- *Best Lawyers in America*® distinction in Commercial Litigation (2021-2025)
- *Rising Stars*® distinction in the fields of Business Litigation, Civil Litigation Defense and Class Action/ Mass Torts (2010, 2013-2018, *Law & Politics*)