



## Richard T. Victoria

### PARTNER

Pittsburgh

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### RELATED SERVICES

- Commercial Litigation
- Appellate
- Consumer Financial Services

### OFFICES

- Pittsburgh

### OVERVIEW

Richard T. Victoria is a partner in the GRSM's Pittsburgh office and a member of the firm's Commercial Litigation, Insurance, and Appellate sections.

In his more than 25 years of practice, Richard has developed broad and deep experience counseling and fighting for his clients which, year after year, has garnered him an AV® Preeminent™ Martindale-Hubbell peer rating. His diverse litigation practice includes significant experience in commercial business and corporate litigation, class action and civil litigation, consumer protection and data privacy, construction, real estate litigation, insurance coverage, and health and personal care.

Richard has litigated cases in state and federal trial and appellate courts throughout Pennsylvania and other jurisdictions across the United States, as well as in American Arbitration Association (AAA), International Institute for Conflict Prevention & Resolution (CPR), and FINRA arbitrations. He has advised and fought for a wide array of clients of all sizes, both publicly traded and privately held, in the retail, construction, banking, financing, health care, energy, telecommunications, technology and

software, and insurance industries. In so doing, not only does he zealously advocate for his clients across the country, but he provides objective and practical advice and guidance regarding risk and litigation management strategies to avoid and minimize the costs, stresses, and inconveniences of litigation.

In his insurance practice, Richard uses both his ongoing diverse litigation experience along with his career-long study and practice in insurance law to provide insurers both practical and informed advice and representation in a varied array insurance matters. Thus, his experience ranges from cases involving soliciting and securing insurance coverage to evaluating and defending claims under a variety of insurance policies, including general liability, excess and umbrella, directors and officers, errors and omissions, business, homeowners, life and health, disability, and employers' practices liability insurance.

He is also a trained and qualified mediator for the U.S. District Court for the Western District of Pennsylvania.

Richard has been privileged to be a resident of the City of Pittsburgh throughout his career and to be active in the local community as a board member or volunteer with several organizations. He currently serves as Secretary of the Board of Directors of A+ Schools, a community advocacy organization and leader for educational equity and excellence in Pittsburgh's public schools.

## REPRESENTATIVE EXPERIENCE

### Representative Experience

- Serves with others at GRSM as outside litigation counsel managing and litigating a variety of commercial and real estate disputes for a large, NYSE traded company operating tens of thousands of commercial properties throughout the United States.
- In a complex appeal spanning over four years, prevailed by having a \$2.25 million jury verdict disregarded and a new trial awarded. See *Temple v. Providence Care Ctr., LLC*, No. 87 WDA 2017, 2021 WL 37552 (Pa. Super. Ct. Jan. 5, 2021), petition for allowance of appeal denied, 31 WAL 2021 (Pa. August 3, 2021).
- Successfully defended and resolved seven-year, multi-case class actions alleging hundreds of millions in damages under the Telephone Consumer Protection Act.
- Overcame motion to dismiss CNX Resources Corp.'s more than \$700,000 dollar counterclaim in *EIG Credit Mgmt. Co., LLC v. CNX Resources Corp.*, No. 20-CV-2887 (AJN), 2021 WL 1226415 (S.D.N.Y. Mar. 31, 2021) in response to opposing party's claim for approximately \$650,000 in original complaint.

- Defended and successfully resolved a complex, multi-million-dollar lawsuit involving disputes arising from alleged contract breaches and defective custom software design and services.
- Defeated repeated attempts to preclude and dismiss client's multi-million-dollar claims against vendor for breach of contract and seeking indemnification relating to SMS/text messaging services and Telephone Consumer Protection Act claims. *Melito v. American Eagle Outfitters, Inc.*, No. 14-CV-2440 (VEC), 2016 WL 6584482 (S.D.N.Y. Nov. 7, 2016).
- Efficiently and effectively represented a national retailer and resolved complex securities claims involving more than \$250 million in Auction Rate Securities.
- Served as a member of a team and then as lead counsel for a former asbestos manufacturer and injured asbestos claimants' trust leading to the recovery of more than \$100 million in insurance proceeds.
- Successfully pursued multi-million-dollar claim on behalf of the bankruptcy estate of Youngstown Osteopathic Hospital Association arising from the alleged fraud, negligence, and/or conspiracy of hospital manager and alleged negligence or former directors and officers. *Youngstown Osteopathic Hospital Assoc. v. Ventresco, et al.*, 02-06118-rk (N.D. Ohio Bankr. March 18, 2005) (granting, in part, summary judgment in favor of hospital).
- Obtained reversal of trial court's entry of judgment notwithstanding the verdict resulting in the reinstatement of client's more than \$600,000 jury verdict. *Green Valley Dry Cleaning v. Westmoreland County Industrial Development Corporation*, 832 A.2d 1143 (Pa. Cmwlth. 2003).

## PUBLICATIONS

Mr. Victoria has published articles in the various publications, including the following:

- *Pittsburgh Post-Gazette*
- *Mealey's Litigation Reports*
- *The Journal of Insurance Coverage*

He was also the author of "Insurance Law Notes," a blog dedicated to insurance coverage issues in Pennsylvania and selected as a Lexis-Nexis Top 50 Blog for Insurance (2008) and former Associate Editor of the ABA Litigation Update and Author of its "Sidebar" column, an advice column for new lawyers.

## PRESENTATIONS

Mr. Victoria has presented seminars on international contracts, import and export regulation, insurance coverage, and restrictive covenants.

## CREDENTIALS

### Admissions

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

### Memberships

- Allegheny County Bar Association

### Education

- J.D., Vanderbilt University School of Law, Nashville, TN (1995)
- B.B.A., *high honors*, University of Notre Dame Finance and Business Economics, 1992
  - Beta Gamma Sigma (collegiate business national honor society)
  - Financial Management Association National Honor Society

### Honors

- *Best Lawyers in America*® distinction in Litigation – Banking and Finance (2023-2024)
- AV Peer Review Rated by Martindale-Hubbell Lawyer Ratings
- Pittsburgh's Top Rated Lawyers in Commercial Litigation, 2012
- SuperLawyers Rising Star in Pennsylvania (2010)