

Ray F. Middleman

MEMBER

Ray Middleman has over three decades of experience handling complex, high-end commercial litigation. His diverse practice has allowed him to hone a broad range of litigation skills, sound judgment, and the know-how to navigate intricate legal issues to win high-stakes cases. He routinely represents companies involved in significant, bet-the-company litigation and, as an accomplished trial lawyer, has tried more than 50 jury trials to verdict; numerous non-jury and administrative cases to verdict or decision; handled hundreds of arbitrations and mediated more than 20 cases to resolution.

As a veteran litigator, Ray has experience handling a wide range of disputes and has tried multiple cases to verdict involving business disputes. Among other examples of his success in the courtroom, he won a significant Lanham Act case for a local bank against a national banking entity, including holding the verdict before the United States Third Circuit Court of Appeals.

Ray's oil and gas experience encompasses corporate and litigation matters, including lease issues and leasehold development, pipeline disputes, and clearing title to oil and gas rights. He negotiates and drafts gas gathering agreements, joint development agreements, and pipeline acquisition documents for a major oil and gas company in Pennsylvania. He also litigates matters for an oil and gas support entity headquartered in Texas.

In addition to significant trial work in state and federal courts in Pennsylvania and other jurisdictions, Ray has the unique experience of representing both purchasers and sellers in multi-million dollar transportation company acquisitions and general corporate contracts with clients from a diverse array of industries and sectors. He also helps companies draft employment agreements, employee handbooks, and bonus and incentive plans. In addition to defending U.S. Equal Employment Opportunity Commission and Pennsylvania Human Relations Commission proceedings, he handles non-competition matters from negotiation and drafting contract provisions through trial for breach of same.

Ray also has considerable experience working with the Pennsylvania Public Utility Commission (PUC) on issues ranging from litigating fines and compliance matters to preserving the self-insurance status of the largest taxi company in the Commonwealth. He has appeared before the PUC to testify on Transportation Network Company (TNC) issues and works with lobbyists on various legislative initiatives. He was directly involved in drafting portions of the regulations affecting taxis, limousines and TNC operations in the Commonwealth. Early in his

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PRACTICE AREAS:

Commercial Litigation

STATE ADMISSIONS:

Pennsylvania

Ohio

COURT ADMISSIONS:

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Western District of Pennsylvania

U.S. Court of Appeals for the Third Circuit

Supreme Court of the United States

EDUCATION:

J.D., Duquesne University School of Law, 1984

B.A. Cornell University, 1981

career, he developed his trial skills representing multiple common carrier bus and taxi defendants in cases involving multiple fatalities by bringing a thoughtful, strategic and aggressive approach to litigation.

REPRESENTATIVE MATTERS

- Represented Purchaser in a $75 million gas pipeline acquisition, involving a joint-venture agreement and gas gathering agreement.
- Represented Purchaser in the acquisition of a $10 million transportation company; also represented the same party when it sold the company several years later at a significant profit.
- Represented a client in a series of cases involving the enforcement of a non-competition provision in an employment contract; successfully asserted that the covenants failed due to a lack of proper consideration.
- Represented a bank in a Lanham Act case which successfully tried for three weeks in Federal District Court. Ultimate victory was preserved before the Third Circuit. Case eventually resolved in favor of the bank with a purchase of the name by the aggressor bank for a confidential amount.
- Represented a timber company in an arbitration/administrative proceeding against the Department of Agriculture before the Civilian Board of Contract Appeals. Eventually obtained the return of $250,000 to the client and the negation of further obligation on a $4 million timber contract.
- Represented a psychiatrist in a wrongful death action brought before the United States District Court for the Middle District of Pennsylvania. Obtained a defense verdict after a one-week trial.
- Represented an insurance agency in an employment covenant violation involving encroachment and wrongdoing by two employees and a national insurance brokerage entity. Settled the case favorably after one week of trial for over $1 million.
- Represented a psychiatrist and obtained a rare TRO from Common Pleas Court when the client refused to violate his oath to protect the sanctity of psychotherapeutic records. HMO had demanded access to review the records of several patients to confirm treatment plans and billing issues, terminating the psychiatrist when he refused to comply. Achieved full reinstatement of the psychiatrist without producing confidential records.
- Represented an architect in a $20 million strip mall subsidence case. The architect was averred to have failed to note the results of carbonaceous soil testing. After seven years of litigation, obtained summary judgment for the architect.
- Represented a common carrier to a summary judgment in a case in which a pedestrian was catastrophically injured when a taxi swerved off the road and crossed a sidewalk, pinning the pedestrian against a building.
- Represented a common carrier to a defense verdict when a taxi left the roadway and crashed into the living room of a residence, injuring two people. Successfully used the “medical emergency” defense.
- Represented a psychiatrist to a verdict/dismissal at trial in a case

involving allegations of a lithium overdose with a teenage patient who sustained injuries from the overdose.

- Represented a charter bus company in a head on double fatality with a pick-up truck in Venango County. Achieved a very favorable settlement after three days of trial and cross-examination of key plaintiff witnesses.
- Represented defendant in multi-million-dollar mediation regarding construction failures at the Pittsburgh International Airport Parking Garage Facility.
- Represented common carrier defendants to multiple verdicts throughout the last 30 years.

PROFESSIONAL AFFILIATIONS

- Pennsylvania Bar Association
- Allegheny County Bar Association

AWARDS AND RECOGNITION

- Selected for inclusion as The Best Lawyers in America 2024 – 2027 for Commercial Litigation; Product Liability Litigation-Defendants
- AV® Preeminent™ rating from Martindale-Hubbell

NEWS AND INSIGHTS

SPEAKING ENGAGEMENTS

- "Legal Frontiers – The Latest in Civil Litigation 2024," co-presented at Eckert Seamans' 2024 Joel Lennen Legal Primer, August 7, 2024.
- "Legal Frontiers – The Latest in Civil Litigation 2024," panelist, Pennsylvania Bar Institute, June 2024.
- "Metadata Explained," presenter, National Business Institute, October 27, 2017.
- "Raise the Sails! Taxi & Uber Transportation Issues," speaker and panelist, National Conference of Regulatory Attorneys, June 2016.
- "The ACA's Impact on Medical Malpractice Litigation," presenter, National Business Institute, May 2016.
- "Damages in Personal Injury," presenter, National Business Institute, April 2016.
- "Advanced Trial Tactics," presenter, National Business Institute, April 2015.
- "Damages in Personal Injury," presenter, National Business Institute, October 2014.
- "Evidence and Expert Testimony," presenter, National Business Institute, April 2014.