



# John K. McDonald

## Member

## Philadelphia

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### Practice Areas

- Business
- Class Actions
- Commercial Litigation
- Distressed Real Estate

### Industry Sectors

- Real Estate & Construction

### Education

- Georgetown University Law Center, J.D., 1990
- Haverford College, B.A., 1986

### Bar Admissions

- Pennsylvania

### Court Admissions

- U.S. District Court -- Eastern District of Pennsylvania

### Affiliations

- American Bar Association
- Pennsylvania Bar Association
- Philadelphia Bar Association
- Living Beyond Breast Cancer, Board of Directors
- Philadelphia Youth Basketball, Board of Directors

John is an experienced civil litigator and business lawyer and served as the general counsel of a Fortune 500 company for 10 years. He has extensive complex litigation experience in state and federal courts and before arbitration panels. He has litigated issues relating to real estate transactions, construction, eminent domain, securities, shareholder actions, fraud, breach of contract, and insurance coverage issues. He has also served as criminal defense counsel on selected matters for high profile clients and has experience representing companies who are being investigated by government agencies.

Most recently, John was the general counsel, corporate secretary, and chief compliance officer of a Fortune 500 residential and commercial builder. For almost 18 years, John served as a trusted counselor and adviser to the executive team, senior management, and the board of directors on all corporate, securities, crisis management, and operations issues and was responsible for oversight of the entire legal function of the \$7 billion company, including all litigation and transactional matters, regulatory, corporate governance, compliance, risk, investor relations, and board secretary duties. He managed a large legal department that included 20 attorneys of various disciplines spread across four different legal offices and advised the company's multistate operations including land use and development, litigation, transactions, and mortgage and title. With respect to litigation, John was responsible for the oversight of a significant litigation docket, which included complex civil litigation, class action and derivative litigation, government investigations, and compliance issues.

John began his legal career as an assistant district attorney at the District Attorney's Office in Philadelphia. He started his prosecutorial career in the appellate division where he handled appeals before the Pennsylvania Superior Court and then moved to the trial division where he prosecuted more than 30 jury trials and hundreds of felony bench trials, including complex and high-profile cases involving multiple defendants.

John earned his Bachelor of Arts from Haverford College and earned his law degree from Georgetown University Law Center. While in law school, John served as a lobbyist on Capitol Hill, representing the interests of the dairy and automotive parts industries on business issues. He is currently a member of the board of directors of Living Beyond Breast Cancer, a Philadelphia-based organization that connects families affected with breast cancer with resources, information, and a community of support. Over the last 20 years, John has raised hundreds of thousands of dollars for breast cancer causes through an annual fundraising event in memory of his mother. He also serves on the board of directors of Philadelphia Youth Basketball, a youth development organization that is sponsored by Cozen O'Connor and whose principal mandate is to provide positive mentoring and a strong academic influence for under-resourced girls and boys in Philadelphia in order to develop their potential as students and positive leaders.

## Experience

Initiation, management, and prosecution of high profile eminent domain case against the City of Scottsdale; jury returned verdict of \$93 million, which was not appealed.

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Managed and ultimately settled class action and related shareholder derivative litigation against a company's executive team and board of directors related to alleged violations of the Securities Exchange Act and hundreds of millions of dollars of insider trading.

Managed strategy and defense of putative consumer class action alleging violations of the Real Estate Settlement Procedures Act.

Responsible for the oversight, negotiation, and transition of a \$1.6 billion acquisition of a privately held company and the capital markets financing of the acquisition through equity and bond deals.

Directed and managed the client's response to the SEC Enforcement Division's investigation into company disclosures relating to a significant contingent liability.

Represented and negotiated favorable plea bargain for high profile Philadelphia athlete faced with criminal charges that would have interrupted and derailed his career at the peak of his earning power.

Defended major trucking company on charges of wrongful termination, intentional infliction of emotional distress, and violations of the FMLA brought by a former employee; tried the case to a complete defense verdict with partner Jeffrey Pasek before Judge George A. Yanthis of the U.S. District Court for the Southern District of New York.

Defended client on allegations of breach of contract and bad faith; tried the case to defense verdict before jury and Judge Thomas O'Neill of the U.S. District Court for the Eastern District of Pennsylvania.

Defended Gulf War veteran on a host of criminal assault charges before a jury and Judge Patricia McInerney of the Court of Common Pleas of Philadelphia County.

Defended client on allegations of breach of contract and bad faith; tried the case to defense verdict before jury and Judge Michael Barasse of the Court of Common Pleas of Lackawanna County.

Defended client on allegations of breach of contract and bad faith; tried the case to defense verdict before jury and Judge Gary Glazer of the Court of Common Pleas of Philadelphia County.

Prosecuted a high-profile case involving a Philadelphia surgeon who was charged with drugging and raping his own patient.

Prosecuted a serial rapist who was attacking female joggers on a popular running trail in the Manayunk section of Philadelphia.