



Gerald E. Arth

Partner

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Jerry's practice encompasses all forms of complex commercial litigation on behalf of both plaintiffs and defendants, with an emphasis on:

- insurance insolvency
- defense of consumer, privacy and securities class actions
- fraud and civil racketeering
- business divorce
- corporate and partnership governance
- securities and financial services
- hedge funds
- health care
- real estate

Jerry has tried and arbitrated cases and argued matters in federal and state courts throughout the country and counsels business clients on a wide range of issues.

Jerry is the past chair of Fox Rothschild's Electronic Discovery Committee.

Before Fox Rothschild

At Villanova Law School, Jerry was a member of the Moot Court Board and a finalist in the prestigious Theodore S. Reimel Moot Court Competition. Following law school, Jerry served as a judicial law clerk to the Hon. Joseph T. Doyle, the former President Judge of the Commonwealth Court of Pennsylvania.

Beyond Fox Rothschild

Jerry has published a number of articles in legal publications and lectured on a variety of topics including class action defense, TCPA, electronic discovery, the Sarbanes-Oxley Act, RICO and civil procedure. He is active in Democratic politics, particularly at the local and state levels.

Representative Matters

Jerry has handled a broad array of complicated, multi-faceted litigation matters, including:

- representation of Pennsylvania Insurance Department in connection with numerous insurance insolvencies, most notably Reliance Insurance Company and Summit National Life Insurance Company, handling dozens of cases leading to recovery of tens of millions of dollars on behalf of insurers' estates from officers and directors, auditors, attorneys, defaulting agents and policyholders
- acting as counsel for insurance regulatory body as *amicus curiae* in appeal to Pennsylvania Supreme Court, resulting in court's adoption of client's position in precedent-setting decision regarding priority of subrogation claims in insurance insolvencies
- defense of nationwide TCPA and FDCPA class action against leading debt collection company, resulting in striking of all class allegations, dismissal of claims against deep-pocket parent company, and *de minimis* settlement of individual plaintiff's claims
- defense of a nationwide consumer class action involving allegedly mislabeled olive oil and hundreds of millions of dollars of claimed damages, ultimately ending in a settlement for less than 1 percent of damages sought
- defense of nationwide consumer class action against computer software company, resolving tens of thousands of potential claims for a nominal payment
- representation of publicly-traded holding company of mutual insurance company and its officers and directors in parallel shareholder and policyholder litigations arising from merger with top-five U.S. mutual insurer
- defense of officers and directors of environmental controls company in connection with shareholder litigation to enjoin merger with environmental services company
- defense of savings-and-loan and officers and directors in shareholder litigation in connection with merger transaction
- trial of multimillion-dollar dispute concerning break-up of real estate partnership comprising dozens of properties
- international arbitration on behalf of leading generic drug company against Indian contract manufacturer ending in multimillion-dollar settlement in favor of client
- representation of major defense contractor as independent counsel in dispute between majority and minority owners spawning competing lawsuits and arbitration proceedings
- trial of federal bankruptcy court adversary action regarding right to millions of dollars of condemnation proceedings from aborted real estate development
- defense of multimillion-dollar claim against major credit card processor by terminated merchant, resulting in court's granting motion to dismiss all claims with prejudice

Honors & Awards

- Multi-year inclusion on list of "Super Lawyers" by *Philadelphia Magazine* and *Law & Politics Magazine*
- Recipient of "Pro Bono Roll of Honor" award from First Judicial District of Pennsylvania

Practice Areas

- Litigation
- Directors' & Officers' Liability & Corporate Governance
- Insurance
- IP Litigation



- Law Firms & Attorneys
- Class Actions
- E-Discovery

Bar Admissions

- Pennsylvania
- New York

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Eastern District of Pennsylvania
- U.S. Court of Federal Claims

Education

- Villanova University School of Law (J.D., 1986)
- Villanova University (B.A., *with honors*, 1983)

Memberships

- American Bar Association
- Pennsylvania Bar Association (Judicial Administration Committee)
- Philadelphia Bar Association (Federal Courts Committee)

Board of Directors

- The Rock School (former)
- United Way of Southeastern Pennsylvania (former)

Publications

June 10, 2019

FCC Allows Use of Preemptive Blocks on Robocalls

April 24, 2019

Another Anti-Cannabis RICO Case Goes Up in Smoke, But an Existential Threat Remains
Cannabis Law Journal

September 24, 2018

Courts Split on Definition of 'Automatic Telephone Dialing System,' Creating Confusion

February 12, 2016

The Supreme Court's Class-Action Decision: All Is Not Lost For Business Defendants
Philadelphia Business Journal

January 21, 2016

Supreme Court Limits Defendants' Use of Offers of Judgment to Moot Class Actions

Litigation Alert

October 16, 2015

Businesses That Place Telemarketing Calls Face Expanded Liability

Litigation Alert

August 11, 2015

Seventh Circuit Rules Unaccepted Offer of Judgment Cannot Moot TCPA Class Action

Litigation Alert

July 22, 2015

FCC Declaratory Ruling on Telephone Consumer Protection Act Underscores Compliance Hurdles

Litigation Alert

June 10, 2015

What In-House Counsel Need To Know About Challenging Ascertainability in Class Actions

Inside Counsel

April/May 2015

Challenging Class Actions Standing and Ascertainability

Practical Law The Journal

January 22, 2015

EDPA Strikes Class Claims Filed Under Telephone Consumer Protection Act and Fair Debt Collection Practices Act

Litigation Alert

September 29, 2011

Corporate Litigants Going on the Offensive: Using E-Discovery Cost Shifting to Gain a Strategic Advantage

Corporate Counsel

Events

What Every Business Needs to Know About the TCPA

November 16, 2016

Wanamaker Bldg., 10th FL, Ste. 1010 Juniper Street Entrance, Philadelphia, PA 19107

Hosted by: Pennsylvania Bar Institute

News

March 30, 2016

Pa. High Court Delays \$450M Philly Casino Plan

Law360



Fox Rothschild LLP
ATTORNEYS AT LAW

February 23, 2016

Authority: PPL Plaza Hurt by 'Bad Business Judgment,' Not NIZ

The Morning Call

January 31, 2016

Ruling Maps Out Class Action Defense Plan: Plaintiffs Win, but Court Exposes Weak Points

Business Insurance

January 22, 2015

Debt Collector Beats Class Claims in FDCPA, TCPA Suit

Law360