



## **John R. Gotaskie, Jr.**

Partner

**Pittsburgh, PA**

Tel: 412.394.5528

Fax: 412.391.6984

[jgotaskie@foxrothschild.com](mailto:jgotaskie@foxrothschild.com)

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John represents individuals, partnerships and companies in diverse legal matters including complex commercial litigation, bankruptcy litigation and franchising issues. He represents both franchisors and franchisees in litigation and general corporate matters, including advice respecting Franchise Disclosure Documents, franchise agreements and related contracts. In addition to his litigation practice, John serves as trusted advisor to several companies and individuals, assisting his clients in developing a carefully coordinated approach to identify and address legal issues effectively and efficiently. He believes that a carefully coordinated approach to legal services is necessary not only to help his clients solve their legal problems but also to help his clients become more successful.

John's broad background in litigation matters, in both federal and state courts, includes cases involving contracts, partnership and shareholder agreements, trade secrets, restrictive covenants, trademarks and copyrights, construction, antitrust, employment, protection of creditors' interests in bankruptcy and governmental oversight of regulated industries.

Among his professional successes, John has:

- Successfully represented a franchisor of outlets providing emergency and regular maintenance services for the over-the-road trucking industry in a lawsuit in the Southern District of Florida involving violation of noncompete and nonsolicitation clauses of a terminated franchise agreement.
- Represented a franchisor in the insurance adjuster industry in the process of terminating a franchisee that was in violation of their franchise agreement. Defended the franchisor in a countersuit for allegations of fraud under New York law, to the satisfaction of the client.
- Served as co-counsel for the parent developer of the third largest auto dealer management software in the United States. In this case, licensed distributors of the software objected to termination, claiming the existence of perpetual right to renew their software license and distribution agreements on the same terms as the original agreements. Successfully convinced the arbitrator that the license and distribution agreements were of indefinite duration and therefore terminable by the parent developer after a reasonable period of time.
- Executed a litigation plan that resulted in a negotiated settlement in which the stated desire of the membership of a non-profit corporation to merge with the firm's not-for-profit client was realized despite the trenchant and dogged opposition of the board of directors. The litigation effort included the coordination of actions in two different counties, the removal of recalcitrant board members, and the protection of assets that the objecting

board sought to alienate, as well as enlisting the support of the Pennsylvania Department of Public Welfare and Attorney General's Office.

- Represented a pre-eminent not-for-profit organization as an interested party opposing the bankruptcy petition of another non-profit serving individuals with intellectual disabilities, mental health needs and behavioral issues. After an evidentiary hearing, the United States Bankruptcy Court for the Western District of Pennsylvania dismissed the bankruptcy petition and issued an opinion published at 473 B.R. 641 stating the opposing party's actions were in bad faith.
- Obtained a \$12 million federal jury verdict in a breach of contract action involving unpaid commissions owed to a clean coal technology company.
- Obtained affirmation from the Court of Appeals for the Third Circuit in an opinion published at 614 F.3d 57 of an award of summary judgment in favor of an auto racing sanctioning body in an antitrust case of first impression involving single tire rules in the auto racing and race tire industry.
- Favorably resolved claims of software copyright infringement brought by our client against a former franchisee.
- Obtained a nearly full recovery of amounts owed to a manufacturer that supplied stadium seating for PNC Park, the Pirates baseball stadium.
- Resolved favorably claims against the general contractor of a baggage conveyor system at the Pittsburgh International Airport.
- Obtained an injunction against a former vice president of sales and chief engineer who had abruptly left their employment and started a new division at a competing company.
- Obtained the dismissal of a suit brought by a property owner against a national supplier of flood plain insurance in a case of first impression.
- Resolved favorably numerous preference claims brought against creditors in bankruptcy proceedings.
- Resolved successfully claims prosecuted against a company violating a client's trademark registrations.

## **Beyond Fox Rothschild**

John is an active volunteer with the Boy Scouts of America, serving on the Board of Directors of the Laurel Highlands Council and on the Committee for Area 4 of the Northeast Region, where he is the Youth Protection Champion.

John is a current Senator and former member of the Executive Committee of the Georgetown University Alumni Association and the former President of the Georgetown Alumni Club of Pittsburgh. Additionally, he is a member of the Parents Advisory Council of the Campus School of Carlow University, which is an independent Catholic school serving children in pre-school through grade eight.

John presently serves as a Member of the Bankruptcy and Commercial Law Section of the Allegheny County Bar Association (ACBA) and has previously served as the Chair of the ACBA's Federal Court Practice Section and on its Nominating Committee. The role of the committee is to review nominations and develop an official slate of candidates for the positions of ACBA President-Elect, Treasurer, governors and members of the Judiciary Committee.

## **Client Resources**

John is the editor of the firm's [Franchise Law Update blog](#), which highlights not only the regulatory aspects of franchising but also diverse topics such as business finance, employment, litigation and the protection of intellectual property including trademarks and copyrights. He also regularly records [podcasts](#) on a variety of topics.



### Franchise 101 - PowerPoint

John presented at the University of Pittsburgh's Joseph M. Katz Graduate School of Business on the ins and outs of franchise law.

[View the PowerPoint that accompanied the presentation.](#)

### Honors & Awards

- Named a "Legal Eagle" by the *Franchise Times* (2014-2018)
- Named among the Pennsylvania "Super Lawyers" in the area of Business Litigation (2015-2018)
- Named to "Pennsylvania Lawyers on the Fast Track" by *The Legal Intelligencer* and *Pennsylvania Law Weekly* (2009)
- Recipient of the Georgetown University Reed Alumni Service Award (2008)
- Named a "Pennsylvania Rising Star" by *Philadelphia Magazine* and *Law & Politics Magazine* (2005-2008, 2010, 2011)
- Named to the Order of the Barristers by the faculty of the University of Pittsburgh School of Law (1997)
- Named a "Legal Player" by *1851Franchise* (2018)

### Practice Areas

- Litigation
- Franchising & Distribution
- Financial Restructuring & Bankruptcy
- Antitrust
- Directors' & Officers' Liability & Corporate Governance
- E-Discovery
- Food & Beverage
- Privacy & Data Security

### Bar Admissions

- Pennsylvania

### Court Admissions

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

### Education

- University of Pittsburgh School of Law (J.D., *cum laude*, 1997)
- Georgetown University Edmund A. Walsh School of Foreign Service (B.S., *cum laude*, 1994)

### Memberships

- American Bar Association

- Allegheny County Bar Association, ACBA Audit Committee (2015-2018)
- Edward W. Sell American Inn of Court
- Past Chair, Federal Court Section, Allegheny County Bar Association
- Lexwork Litigation Practice Group
- Parents Advisory Council, Campus School of Carlow University

#### **Board of Directors**

- Active Senator, Georgetown University Alumni Association
- Laurel Highlands Council, Boy Scouts of America