



**DAVID J. MacMAIN - TRIALS**

Associate Trial  
Counsel

Carita v. City of Easton, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Cahn, J.), No. 93-2850  
§1983/Excessive Force  
***Defense Verdict***

Associate Trial  
Counsel

Singer v. City of Easton, et al. – Jury Trial  
C.C.P. Northampton County, No. 1991-C644  
§1983/Excessive Force, Municipal Liability, Police Training  
***Defense Verdict***

Lead Trial Counsel

Marsicano v. City of Hazleton, et al. – Jury Trial  
U.S.D.C. for the M.D. of Pa. (Kosik, J.), No. 3:CV-93-1775  
§1983/False Arrest, Excessive Force  
***Defense Verdict***

Lead Trial Counsel

Weiner v. Borough of Norristown, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Ditter, J.), No. 94-CV-3146  
§1983/Search and Seizure, Theft  
***Defense Verdict***

Lead Trial Counsel

Cole v. Borough of Norristown, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Weiner, J.), No. 95-CV-3992  
§1983/False Arrest  
***Defense Verdict***

Lead Trial Counsel

Eric Williams v. Borough of Norristown, et al. – Bench Trial  
U.S.D.C. for the E.D. of Pa. (Yohn, J.), No. 94-CV-7046  
§1983/Excessive Force  
***Defense Verdict***

Lead Trial Counsel

Adams v. Borough of Norristown, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Bartle, J.), No. 95-CV-5756  
§1983/Excessive Force  
***Defense Verdict***

Lead Trial Counsel

Key v. City of Reading, et al. - Federal Arbitration Hearing

U.S.D.C. for the E.D. of Pa. (Van Antwerpen, Jr.),  
No. 95-CV-7642  
§1983/False Arrest  
***Defense Verdict***

Lead Trial Counsel      Mensick v. Borough of Pottstown, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Robreno, J.), No. 96-3879  
§1983/Excessive Force  
***Defense Verdict***  
***\*Fees Awarded to Defendants - \$21,000***

Lead Trial Counsel      Gonzalez v. City of Reading, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Gawthrop, J.), No. 96-CV-4880  
§1983/Excessive Force  
***Case Settled for \$25,000 inclusive of fees during Jury Deliberations***

Lead Trial Counsel      Holston v. Borough of Norristown, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (McGlynn, J.), No. 95-CV-4410  
§1983/Excessive Force/Code Enforcement/Due Process  
***Defense Verdict***

Lead Trial Counsel      Redwood v. Borough of Carlisle – Jury Trial  
C.C.P. Cumberland County, No. 96-3327  
Property Damage to 20 homes  
***Defense Verdict***

Lead Trial Counsel      Jacobs v. Borough of West Chester, et al. – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Waldman, J.), No. 97-CV-3409  
§1983/False Arrest/Search and Seizure/Excessive Force  
***Defense Verdict***

Lead Trial Counsel      Homan and Scott v. City of Reading – Bench Trial  
U.S.D.C. for the E.D. of Pa. (Joyner, J.), No. 96-CV-7782  
§1981, §1983/Racial Discrimination, Zoning  
***Summary Judgment for Defendant on §1981, Takings, Discrimination, Substantive Due Process Claims***  
***Defense Verdict at trial on remaining procedural due process claim***

Lead Trial Counsel      McNeil v. Borough of Norristown – Jury Trial  
U.S.D.C. for the E.D. of Pa. (Scuderi, M.J.), No. 98-CV-4578  
§1983 False Arrest/Excessive Force  
***Summary Judgment in favor of Defendant-Municipality***  
***Defense Verdict on False Arrest and Failure to Intervene Claims***

***Finding of Excessive Force as to one of two Defendant Officers,  
Award - \$0 Damages<sup>1</sup>***

Lead Trial Counsel	<u>Bagley v. Nether Providence Township, Brookhaven Borough and Media Borough</u> – Jury Trial U.S.D.C. for the E.D. of Pa. (Fullam, J.), No. 98-2238 §1983/Illegal Entry/False Arrest/Excessive Force/Denial of Medical Attention <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Reeves v. City of Coatesville, et al.</u> - Arbitration C.C.P. Chester County, No. 99-05503 §1983/False Arrest, Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Nathaniel Parker v. City of Coatesville Police, et al.</u> – Jury Trial U.S.D.C. for the E.D. of Pa. (Ludwig, J.), No. 98-5811 <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Simmons v. West Chester, et al.</u> – Jury Trial U.S.D.C. for the E.D. of Pa. (Surrick, J.), No. 96-8659 §1983/False Arrest, Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Golson v. Borough of Norristown</u> – Jury Trial U.S.D.C. for the E.D. of Pa. (Dubois, J.), No. 99-5050 §1983/False Arrest <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Kimble v. City of Reading</u> – Jury Trial U.S.D.C. for the E.D. of Pa. (Buckwalter, J.), No. 01-1157 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Altemose v. Ewald, et al. (Charlestown Township)</u> – Jury Trial C.C.P. Chester County, (Sanchez, J.), No. 01-08761 Malicious Prosecution/Conspiracy/Assault and Battery <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Grimm v. Borough of Norristown, et al.</u> – Bench Trial U.S.D.C. for the E.D. of Pa. (Van Antwerpen, J.), No. 01-431 Alleged Unjust Condemnation of Property <b><i>Defense Verdict</i></b>

---

<sup>1</sup> Settled at Third Circuit following cross-appeals for \$15,000 inclusive of fees and vacating of finding of excessive force.

Lead Trial Counsel	<u>Estate of Gilbert Carswell v. Borough of Homestead, et al.</u> Jury Trial U.S.D.C. for the W.D. of Pa. (Cindrich, J.), No. 00-1184 Fatal Police Shooting/§1983/Excessive Force <b><i>Directed Defense Verdict</i></b>
Lead Trial Counsel	<u>Burns v. City of Pottsville, et al.</u> Jury Trial C.C.P. Schuylkill County (Russell, J.), No. S-2250-1999 Slip and fall <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Associates in Obstetrics &amp; Gynecology, et al. v. Upper Merion Township, et al.</u> U.S.D.C. for the E.D. of PA (Baylson, J.), No. 03-CV-2313 Alleged Discriminatory Zoning (Abortion Clinic)/§1983 <b><i>Settled After Four Days of Trial</i></b>
Lead Trial Counsel	<u>Bowen v. City of Reading, et al.</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Savage, J.), No. 04-0030 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Deemer v. Borough of West Chester</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Hart, MJ.), No. 03-6536 §1983/Police Jail Cell Suicide <b><i>Hung Jury (7-1 in favor of defense verdict)<sup>2</sup></i></b>
Lead Trial Counsel	<u>Holmes v. McGuigan (City of Coatesville)</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Baylson, J.), No. 04-1299 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Caddell v. O’Leary, et al. (Borough of Carlisle)</u> Jury Trial U.S.D.C. for the M.D. of Pa. (Conner, J.), No. 1:03-2039 §1983/False Arrest/Excessive Force <b><i>Defense Verdict</i></b>

---

<sup>2</sup> Settled for \$40,000 inclusive of fees after hung jury.

Lead Trial Counsel	<u>Hogan v. City of Easton, et al.</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Rice, MJ.), No. 04-759 §1983/Excessive Force/SWAT/Police Shooting <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Morales v. City of Reading, et al.</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Stengel, J.), No. 05-4032 §1983/False Arrest/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Dorkoski v. Coal Township, et al.</u> Jury Trial U.S.D.C. for the M.D. of PA (Mannion, MJ.), No. 4:05-705 §False Arrest/Excessive Force/Unlawful Search <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Clark v. Edgar (Borough of Bloomsburg)</u> Jury Trial U.S.D.C. for the M.D. of PA (Conaboy, J), No.3:06-CV-1067 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Wood v. City of Lancaster, et al.</u> Bench Trial U.S.D.C. for the E.D. of PA (Dalzell, J.), No. 06-3033 §1983/Prison Death <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Fassihi v. City of Bethlehem</u> – Federal Arbitration U.S.D.C. for the E.D. of PA, No. 08-1941 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Mohoski v. City of Reading, et al.</u> Jury Trial U.S.D.C. for the M.D. of PA (Padova, J.), No. 08-2864 §1983/Excessive Force <b><i>Defense Verdict</i></b>

Lead Trial Counsel	<u>Ashford v. Hellam Township</u> Jury Trial U.S.D.C. for the M.D. of PA (Kane, J.), No. 1:04-cv-00642 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Weiner v. Frost (Phoenixville Borough)</u> Jury Trial U.S.D.C. for the E.D. of PA (Restrepo, MJ.), No. 2:07-cv-1364 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Rosenberg v. City of Easton, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Pratter, J.), No. 06-3719 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Barbacano v. Lancaster County Prison, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Brody, J.), No. 08-5098 §1983/Excessive Force <b><i>Hung Jury<sup>3</sup> - Case Settled</i></b>
Lead Trial Counsel	<u>Ortiz v. City of Vineland, et al.</u> Jury Trial U.S.D.C. for the District of NJ (Schneider, J.), No. 1:08-01485 §1983/Excessive Force <b><i>Case Settled during Jury Deliberations<sup>4</sup></i></b>
Lead Trial Counsel	<u>Shultz v. Borough of Carlisle, et al.</u> Jury Trial U.S.D.C. for the M.D. of PA (Smyser, MJ.), No. 1:08-1896 §1983/Excessive Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Dumas v. McKinney (City of Lebanon)</u> Jury Trial U.S.D.C. for the M.D. of PA (Carlson, MJ.), No. 1:09-2235 §1983/Excessive Force <b><i>Defense Verdict</i></b>

---

<sup>3</sup> Case later settled for 1/3 of plaintiff's counsel fees, revision to internal prison policy, and no recovery for plaintiff.

<sup>4</sup> Case settled for 1/2 of plaintiff's pretrial demand when it became apparent that jury was likely to be hung.

Lead Trial Counsel	<u>Santiago v. Reading Police Department, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Sitarski, MJ.) No. 5:10-3419 §1983/Excessive Force <i><b>Defense Verdict</b></i>
Lead Trial Counsel	<u>Olah v. Shultz (Borough of Berwick)</u> Jury Trial U.S.D.C. for the M.D. of PA (Mannion, MJ.) No. 4:10-1001 §1983 alleged unlawful seizure/excessive force/malicious Prosecution/First Amendment <i><b>Defense Verdict</b></i>
Lead Trial Counsel	<u>Hrezik v. Moyer (City of Reading)</u> Jury Trial U.S.D.C. for the E.D. of PA (Gardner, J.) No. 10-4251 §1983 alleged excessive force <i><b>Defense Verdict</b></i>
Lead Trial Counsel	<u>Kelly v. Rogers (Borough of Carlisle)</u> Jury Trial U.S.D.C. for the M.D. of PA (Kane, J.), No. 1:07-01573 §1983/False Arrest <sup>5</sup> <i><b>Defense Verdict</b></i>
Lead Trial Counsel	<u>Mendoza v. Campos (City of Reading)</u> Jury Trial U.S.D.C. for the E.D. of PA (Perkin, MJ.) No. 10-2688 §1983 alleged excessive force <i><b>Defense Verdict</b></i>
Lead Trial Counsel	<u>Garcia v. Bentz (City of Reading)</u> Jury Trial U.S.D.C. for the E.D. of PA (Pratter, J.) No. 08-3590 §1983 alleged excessive force <i><b>Defense Verdict</b></i>

---

<sup>5</sup> Summary Judgment was granted on all claims by the District Court. The Third Circuit upheld dismissal on most claims but remanded to the District Court to hold a trial on certain factual disputes and then re-apply the qualified immunity analysis. Trial was held on 5 specific factual issues on which the jury found in Defendant's favor.

Lead Trial Counsel	<u>Wright v. Springettsbury</u> Jury Trial U.S.D.C. for the M.D. of PA (Blewitt, MJ.) No. 1:09-2436 §1983 alleged excessive force <b><i>Defense Verdict (5 minutes)</i></b>
Lead Trial Counsel	<u>Estate of Joseph Keohane v. Lancaster County</u> Jury Trial U.S.D.C. for the E.D. of PA (Goldberg, J.) No. 07-3175 <sup>6</sup> §1983 prison suicide <b><i>Settled During Trial</i></b>
Lead Trial Counsel	<u>Sharif v. Northampton County Prison, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Kelly, J.) No. 09-cv-2501 §1983 prison excessive force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Brown v. City of Vineland (NJ), et al.</u> Jury Trial Superior Court of New Jersey – Cumberland County New Jersey Constitutional Claim/search and seizure <b><i>Voluntary Dismissal at Close of Trial</i></b> <b><i>(case proceeded to verdict against co-defendants)</i></b>
Lead Trial Counsel	<u>Shrey v. Kontz (City of Williamsport).</u> Jury Trial U.S.D.C. for the M.D. of PA (Brann, J.) No. 4:10 – CV - 1420 §1983 search and seizure, and state law claims for conversion <b><i>Plaintiff's Verdict</i></b>
Lead Trial Counsel	<u>Diaz v. Lancaster County Prison, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (O'Neill, J.) No. 10-5939 §1983 prison excessive force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Lazarde v. City of Reading, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Perkin, MJ) No. 10-5139 §1983 excessive force, motor vehicle – 2 separate incidents combined in one case <b><i>Defense Verdict</i></b>

---

<sup>6</sup> Summary Judgment on *Monell* claims; case tried as to mental health counselor and 2 corrections officers



Lead Trial Counsel	<u>Berete v. City of Reading, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Joyner, J.) 11-4111 §1983 police excessive force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Tran v. City of Easton, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Dalzell, J.) No. 12-5867 §1983 police excessive force <b><i>Defense Verdict (15 minutes)</i></b>
Lead Trial Counsel	<u>Austin v. Northampton County Prison, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (O’Neill, J.) No. 11-2847 §1983 prison failure to protect <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Stroud v. City of Easton, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Surrick, J.) No. 10-3355 §1983 police excessive force and theft of property <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Sudler v. West Chester Borough, et al.</u> Jury Trial U.S.D.C. for the E.D. of PA (Robreno, J.) No. 12-5084 §1983 police wrongful conviction <b><i>Hung Jury</i></b> <b><i>(settled for 50% of Plaintiff’s pre-trial demand)</i></b>
Lead Trial Counsel	<u>Asquith v. Reading</u> Jury Trial U.S.D.C for the E.D. of PA (Heffley, MJ.) No. 14-cv-4439 §1983 police excessive force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Estate of Alphie Herrera v. Lehigh County Prison, et al.</u> Jury Trial U.S.D.C for the E.D. of PA (Gardner, J.) No. 13-4748 and 14-3883 §1983 Prison in-custody death / excessive force / medical attention <b><i>Defense Verdict</i></b>

Lead Trial Counsel	<u>Ray Arditi v. Upland Borough, et al.</u> Jury Trial U.S.D.C for the E.D. of PA (Pratter, J.) No. 15-05511 §1983 Unlawful Seizure <sup>7</sup> <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>James Osche v. Officer Robert Busch (Allentown PD).</u> Jury Trial U.S.D.C for the E.D. of PA (Schmehl, J.) No. 16-04269 §1983 Use of Force <sup>8</sup> <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Jeremy Barney v. Off. Maldonado et al (Lancaster County Prison).</u> Jury Trial U.S.D.C for the E.D. of PA (Rufe J.) No. 13-7236 §1983 Use of Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Anthony Rivera v. Officer Joshua Hobson (Bethlehem PD).</u> Jury Trial U.S.D.C for the E.D. of PA (Kearney, J.) No. 16-05003 Police Pursuit/Auto Accident <sup>9</sup> <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Charlene Klein v. Officer Steven Madison, et al. (Allentown PD)</u> Jury Trial U.S.D.C for the E.D. of PA (Smith, J.) No. 17-04507 §1983 Police Unlawful Entry, False Arrest, Use of Force, <i>Monell</i> <b><i>Plaintiff's Verdict</i></b>
Lead Trial Counsel	<u>Thomas Olick v. Sgt. Nicholas Marriccini (Easton PD)</u> Jury Trial U.S.D.C for the E.D. of PA (Schmehl, J.) No. 15-05820 §1983 Police Use of Force <b><i>Defense Verdict</i></b>

---

<sup>7</sup> Excessive force/handcuffing claim dismissed on summary judgment.

<sup>8</sup> First Amendment/false arrest claim dismissed on summary judgment.

<sup>9</sup> §1983 claims for excessive force, 14<sup>th</sup> Amendment and *Monell* dismissed after summary judgment filing.

Lead Trial Counsel	<u>Jeffrey McClintock v. Caln Township</u> Bench Trial (Tunnell, J.) Chester County CCP No. 2017-07608-MJ <sup>10</sup> Whistleblower Claim <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Jessica Lopez v. City of Lancaster, et al.</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Marston, J.) No. 19-cv-05104 §1983 Police Use of Force <sup>11</sup> <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>William Medina v. City of Allentown, et al.</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Kearney, J.) No. 20-cv-05734 §1983 Police Use of Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Richard Dent v. Officer Morris et al (City of Reading)</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Kearney, J.) No. 22-cv-0756 §1983 Police Use of Force <b><i>Dismissed at start of trial by Plaintiff</i></b>
Lead Trial Counsel	<u>Ramona Colon v. City of Easton, et al.</u> Jury Trial U.S.D.C. for the E.D. of Pa. (Gallagher, J.) No. 21-3337 §1983 Police - Unlawful Entry and Use of Force <b><i>Defense Verdict</i></b>
Lead Trial Counsel	<u>Javen Jackson v. Lancaster County Prison</u> Bench Trial U.S.D.C. for the E.D. of Pa. (Leeson, J.) No. 20-cv-5207 §1983 Prison - Use of Force <b><i>Defense Verdict</i></b>

---

<sup>10</sup> Federal Age Discrimination Claim dismissed at summary judgment stage.

<sup>11</sup> Unlawful Search claim dismissed at summary judgment stage.