MacMain Leinhauser
Attorneys at Law

**MAY 2025**
**FIRM NEWSLETTER**
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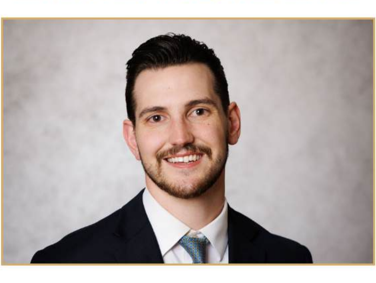
## Attorney Davis O'Leary Joins the Firm



The firm is excited to welcome new associate Davis O'Leary to the firm. Davis is a 2020 graduate of Taylor University with a Bachelor of Arts in Political Science, Philosophy, and Economics. While in school, Davis was the president of his University's American Enterprise Institute chapter and volunteered at the Boys and Girls Club of Grant County. During school, Davis worked for the Neighborhood Christian Legal Clinic in Indianapolis.

Davis attended law school at Temple University Beasley School of Law, wherein he participated in the Trial Advocacy Program. During his second year of law school, Davis was a law clerk for Anapol Weiss, LLC, assisting in matters of mass tort litigation. Davis was a recipient of the Trial Lawyer's Hall of Fame Scholarship, providing him the opportunity to work as a summer law clerk in the Issues and Appeals Section of Lanier Law, LLC. During his third year of law school, Davis interned for the Montgomery County District Attorney's Office, gaining courtroom experience.

After graduating law school in 2023 and prior to joining MacMain Leinhauser, Davis worked as a plaintiff's civil litigation attorney in Philadelphia, wherein he represented clients at all stages of litigation.

## MacMain Leinhauser Plays Large Role in DRI – Governmental Liability Conference

The firm played a large role in the DRI Governmental Liability and Civil Rights Seminar which took place from February 26 through February 28,2025, in San Antonio, Texas, with partner Tricia Ambrose serving as Program Chair, and Brian Leinhauser and David MacMain presenting as main stage speakers. Seven of the firm's lawyers attended and participated in the conference.

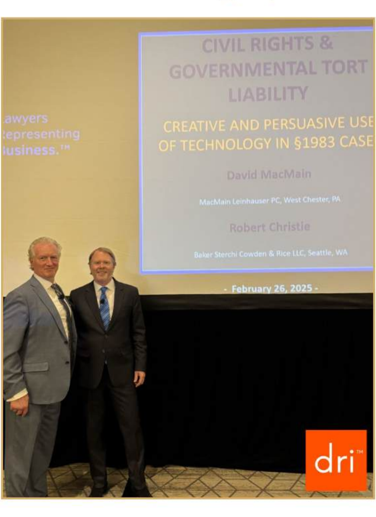
## Ambrose Served as Program Chair

Tricia Ambrose served as Program Chair for DRI which is the leading seminar for defense attorneys in the field of governmental liability and civil rights and brought hundreds of attorneys and claims professionals to San Antonio for top level CLE sessions covering topics such as mental health and de-escalation, defending prison medical claims, school bullying, unconscious bias, Title IX, and 30(b)(6) depositions with presentations from top-level experts, attorneys and claims professionals in the field. The seminar also included networking opportunities for attorneys from across the country to meet and collaborate. The seminar was a great success, and the firm continues to be actively involved in DRI.

## Leinhauser Presented on First Amendment Issues

Brian Leinhauser spoke on the recent Supreme Court decisions on First Amendment rights of public and private sector employees and government and private sector actors addressing potential government liability in the employment and civil rights sectors. Brian addressed issues that arise from employee use of social media and making sound employment decisions when employees speak out on social media in a way that is contrary to the interests of the employer. The discussion ranged from addressing elected officials' use of social media, when a public or private entity can discipline an employee for social media posts, and how to craft effective policies that establish appropriate guidance and boundaries for employee and public official use of social media. Brian also addressed religious accommodations for public sector employees after two recent Supreme Court decisions redefining the process for evaluating these claims.

## MacMain Presented on Persuasive and Creative Use of Technology in §1983 Claims




Along with Bob Christie of Baker Sterchi in Seattle, David MacMain presented on *Creative and Persuasive Use of Technology in §1983 Cases*. The course description was as follows:

*There are many ways that technology can be used for more persuasive advocacy – and not just at trial. Learn creative and effective ways that technology can and has been used to better advocate for our clients and 'tell their story' from pre-suit critical incident messaging, to pleadings, dispositive motions, discovery and depositions, mediations and settlement conferences, oral arguments and roundtable assessments.*

While at the DRI Government Liability Conference in San Antonio TX, attorneys Maeve Bain and Matthew Estberg enjoyed dinner at the historic Hotel Emma with attorneys from Kentucky, Georgia and Indiana.

## Bain and Harris Support Wills for Heroes

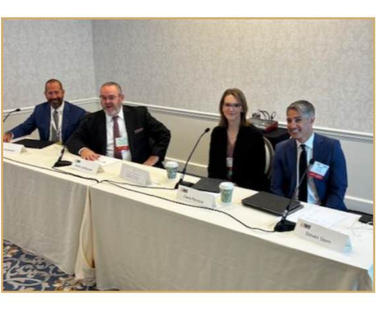
On March 22, 2025, Practice Manager Lise Harris and Attorney Maeve Bain volunteered for Wills for Heroes at the Chester County Bar Association. Wills for Heroes is a program of the statewide Pennsylvania Bar Association which provides estate planning documents such as wills and powers of attorney to first responders, veterans, and their spouses. The MLPC Team enjoyed the opportunity to give back to heroes in our community.

https://www.pabar.org/site/for-public/wills-for-heroes

## MacMain and Conley Achieve Defense Verdict at Trial

Following a four-day trial, David MacMain and Brian Conley secured a defense verdict for two Northampton County Sheriff's deputies on March 11 in the Eastern District of Pennsylvania in the matter of *Giammarinaro v. Lt. George Volpe, et. al.* Tried before United States District Judge John Gallagher, the case involved Federal §1983 claims of excessive force and state law assault and battery claims against two Sheriff's Deputies who arrested Plaintiff in the Northampton County Sheriff's Office on an outstanding warrant after Plaintiff appeared late for a hearing, refused to voluntarily comply with the Deputies' orders, and resisted the Deputies' efforts to place him into custody. Plaintiff claimed that the Deputies, who were aware of Plaintiff's repeated flaunting of Court orders and who had already spent more than 10 minutes listening to his explanations for failing to timely appear, should have allowed him to continue arguing rather than placing him into custody as the Judge-issued warrant required, which would have only led to Plaintiff further escalating the situation and delaying use of the Sheriff's lobby from the public. After Plaintiff failed to voluntarily be taken into custody, the Deputies attempted to place him in handcuffs and Plaintiff physically resisted, causing a brief struggle in the confined space, during the course of which he claimed to have suffered a broken arm and other injuries of questionable origin, and argued that the force used was excessive. The Deputies countered that they had no choice but to use minimal, and reasonable, force to secure Plaintiff, whose resistance threatened their safety and that of others in the area. The jury returned a defense verdict on all counts.

## Leinhauser Does Double-Duty at FDCC Conference



Brian Leinhauser was asked to speak at the Federation of Defense and Corporate Counsel winter meeting in February. Brian spoke on two panels. The first addressed employment law issues related to the uses and pitfalls of arbitration in the employment agreements and relationships. The Employment Law group had a lively discussion of the pros and cons of arbitration in the employment arena. Brian and the panels he spoke with shared insights into the essential elements of quality arbitration agreements, the difficulties of effectively obtaining favorable arbitration settings, and when arbitration can be effectively utilized by employers.

On the second panel, he shared his insight and knowledge with the Government Liability group, addressing First Amendment Claims and Student Disciplinary Issues after a recent Supreme Court Decision in *Mahanoy v. B.L.(a minor)*. This panel focused on the history of student free speech cases, student discipline, the impact of the recent Mahanoy decision, and what the new boundaries are for First Amendment Rights for students in school districts.

## MacMain and Fiore Obtain Summary Judgement in ADA/PHRA Case

David MacMain and Laurie Fiore successfully defended a Police Department against claims of discrimination and retaliation in a Title II ADA case of purported denial of police services involving a dispute between a private business and disabled Plaintiff who utilized a service animal. The Middle District Court granted summary judgement and agreed that the Police Department did not discriminate against the Plaintiff and remarked favorably on how the responding officer addressed the dispute consistent with the requirements of the ADA and PHRA.

## Maeve Bain Selected to Attend Leadership Training

Attorney Maeve Bain attended the 59th Annual Conference of County Bar Leaders, "CCBWell," hosted in Gettysburg, Pennsylvania by the PA Bar Association. Maeve attended with fellow Chester County Bar Association leaders in her role as the Secretary/Treasurer of the Young Lawyer Division. Topics of the conference included attorney wellbeing and leadership development.

## Fiore Secures Dismissal of ADA Claim

Laurie Fiore obtained a finding of *no probable cause* at PHRC on ADA discrimination and retaliation claim demonstrating that client took all appropriate measures in response to a complaint of discrimination and took no adverse employment action against employee in connection with the complaint.

## Leinhauser Speaks at ExecuSummit Employment Conference

ExecuSummit EPLI Spring Seminar featured Bran Leinhauser speaking on the defense of disparate impact claims, the obligations associated with current local and potential state laws associated with auditing the use of Artificial Intelligence in hiring practices, and how the audit process can be used to defend a disparate impact claim. The panel also addressed the recent Executive Order from the Trump Administration that directed the EEOC to cease enforcement actions based on disparate impact, which will impact the how litigation in this area will commence. The audit process, conducted by an outside expert, can provide employers with information that they can rely upon to avoid errors in their AI assisted hiring practices, and protect employers from claims where such audits are used to modify and improve the practices currently utilized.

## Leinhauser and Fiore Facilitate Sale of Long Time Client to Private Equity Group for $20 Million

MacMain Leinhauser PC founding partner, Brian H. Leinhauser, and partner, Laurie A. Fiore successfully represented sellers of a well-established Chester County business in the $20 million sale of their business to a national private equity group, Northwinds NE, Inc. The sale was structured as a membership interest sale and included a rollover equity into the purchaser's entity.