MacMain Leinhauser
Attorneys at Law

AUGUST 2026
FIRM NEWSLETTER

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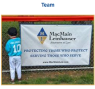
REAL. PRACTICAL. EXCELLENCE.

The Firm Sponsors The Undefeated Marlins T-Ball Team



MacMain Leinhauser PC is a proud sponsor of West Chester's West Side Little League and the team sponsor of The Marlins 4-5 year old co-ed t-ball squad who finished the season undefeated (as all of their games not so coincidentally ended in a tie). The firm offered to serve as counsel for the players in negotiating their NIL rights for next season.

The Firm Welcomes Summer Associate George Persin in Part-Time Role

We are happy to announce that George Persin, who clerked with the Firm this past summer, will be continuing in a part-time capacity as he completes his third year at Temple University Beasley School of Law, where he also serves as the Treasurer of the Tax and Bankruptcy Law Society. Prior to joining the Firm, George clerked for the Honorable Joshua D. Wolson in the United States District Court for the Eastern District of Pennsylvania. George also worked several years in the business world prior to making the transition to law, bringing a diverse background to his studies and future practice.

Leinhauser Chairs 2026 DRI Employment & Labor Law Conference

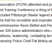
Brian H. Leinhauser was the Program Chair for the **2026 DRI Employment & Labor Law Seminar**, where an outstanding faculty and planning team came together to deliver an exceptional program for employment law practitioners from across the country. The seminar featured timely and practical educational programming, including sessions examining the latest decisions impacting the defense of employment claims, a practical guide to the effective and responsible use of artificial intelligence in legal practice, and ethics programming designed to help attorneys navigate the evolving challenges of the profession. A successful seminar is always the result of a dedicated team effort. Brian was grateful to the speakers, planning committee, sponsors, and attendees whose contributions made this year's program such a success. It was a privilege to work alongside so many talented colleagues committed to advancing the practice of employment law and providing meaningful resources to the defense bar.

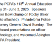
MacMain Attends Pennsylvania Chiefs of Police Association's Conference

PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION
Leaders making a difference.

David MacMain, in his role as Solicitor for the Pennsylvania Chiefs of Police Association (PCPA) attended and participated in the PCPA's 113th Annual Education and Training Conference in King of Prussia on May 31- June 3, 2026. Speakers included Pittsburgh Steeler legend and 4-time Super Bowl champion Rocky Bleier who told his incredible and inspirational story (photo attached), Philadelphia Police Commissioner Kevin Bethel and Pennsylvania Attorney General David Sunday. The over 200 police administrators who attended also heard presentations on officer wellness, leadership, combating terrorism and technology, and welcomed Abington Township Police Chief Pat Molloy as incoming PCPA President.

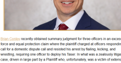
Leinhauser and Fiore To Present Employment Seminar for County Commissioners Association of Pennsylvania





Brian Leinhauser and Laurie Fiore to present a daylong seminar for county employees entitled "Supervisors Don't Need Law Degrees—But They Do Need This" The training and information seminar will address the everyday decisions that Supervisors make that can significantly impact their organization's legal exposure, employee morale, and workplace culture. The practical, interactive session will provide Pennsylvania public-sector supervisors with the knowledge they need to confidently address employee complaints, navigate common Family and Medical Leave Act (FMLA) issues, understand employee rights during disciplinary actions and termination, and recognize when and how to escalate concerns through appropriate reporting channels. Participants will leave with practical strategies, real-world examples, and actionable guidance to help them make sound decisions, reduce organizational risk, and foster a fair, legally compliant workplace.

Conley Obtains Summary Judgment on Excessive Force Claim



Brian Conley recently obtained summary judgment for three officers in an excessive force and equal protection claim where the plaintiff charged at officers responding to a call for a domestic dispute call and resisted his arrest by flailing, kicking, and wrestling, requiring one officer to deploy his Taser. In what was a zealously litigated case, driven in large part by a Plaintiff who, unfortunately, was a victim of extensive physical and psychological abuse who attempted to tie past trauma to this discrete incident, Conley was able to obtain facts, including admissions from the plaintiff, showing that the officers responded professionally, exercised restraint when confronted with a combative subject, and only employed force in response to Plaintiff's aggression. The Firm was also able to establish that the officers treated Plaintiff with respect and did not discriminate against him on the basis of race and sexual orientation. Finding that the undisputed facts showed that any reasonable jury would find the force used was constitutionally permissible – and finding no evidence of disparate treatment – the Court granted summary judgment on all claims.

MacMain Presents On Governmental Liability At The National League of Cities Annual Conference

NLC NATIONAL LEAGUE OF CITIES
RISC RISK INFORMATION SHARING CONSORTIUM

David MacMain
Managing Partner
MacMain Leinhauser

David MacMain presented on **"Governmental Liability – What To Know And What to Watch"** at The National League of Cities' Annual Conference held on May 14, 2026, in Savanah, Georgia. The conference was attended by elected officials, municipal administrators, risk managers and risk pool board members from throughout the country. David provided the attendees with an overview of the claims and liability risks facing governmental entities and officials, including highlighting 10 areas of focus that David recommends that officials pay particular attention to and proactively address to prevent claims and/or make the claims more defensible if a suit is filed.

Agency Victory, Dismissal of Complaint Alleging Denial of Police Services and Disability Discrimination

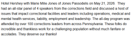
Laurie Fiore obtained a Finding of No Probable Cause and Dismissal of a PHRC Complaint alleging that a Police Department denied services because of disability discrimination. The favorable Finding concluded there was no violation of the ADA and acknowledged that the Department appropriately investigated the Complainant's complaint and that she was not denied any services nor did she suffer any harm because of her alleged disability.

Leinhauser Appointed Employment Practices Chair of FDCC

FEDERATION OF DEFENSE & CORPORATE COUNSEL
FDCC
DEFENSE LAWYERS. DEFENSE LEADERS.

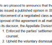
We are honored to share that Brian H. Leinhauser has been appointed **Chair of the Employment Practices Section** of the **Federation of Defense & Corporate Counsel (FDCC)**. In this role, Brian will work alongside the outstanding Vice Chairs and Section members to develop meaningful programming and practical resources that help employers, corporate counsel, and defense attorneys navigate the rapidly evolving landscape of employment law. They will focus on emerging workplace issues, legal developments, and best practices that support organizations in meeting their responsibilities while effectively managing today's workforce challenges.

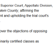
David MacMain Speaks At Prison Workshop



David MacMain, co-moderated the CCAP County Prison Wardens Roundtable at Hotel Hershey with Marie Milie Jones of Jones Passodelis on May 21, 2026. They had an all-star panel of 4 speakers from the corrections field and discussed a host of issues that impact correctional facilities and leaders including operations, medical and mental health services, liability, employment and leadership. The all-day program was attended by over 100 corrections leaders from across Pennsylvania. These folks do incredible and thankless work for a challenging population without much fanfare or accolades. They deserve our thanks!

Appellate Victory: New Jersey Appellate Division Affirms Class Action Settlement





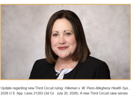
We are pleased to announce that the New Jersey Superior Court, Appellate Division, has issued a published opinion in *Stevenson v. Salem County*, affirming the enforcement of a negotiated class action settlement and upholding the trial court's approval of the agreement in all material respects.
In its decision, the Appellate Division:

1. Enforced the parties' settlement agreement over the objections of opposing counsel;
2. Upheld the voluntary dismissal of two preliminarily certified classes as contemplated by the settlement;
3. Approved the excision of a restrictive covenant that was not enforced against class counsel, concluding that the modification did not undermine the validity or enforceability of the parties' agreement; and
4. Affirmed the trial court's approval of the settlement's terms, recognizing the fairness and propriety of the negotiated resolution.

The published decision from the New Jersey Appellate Division sets a precedential analysis and important guidance regarding the enforcement of negotiated class action settlements and reinforces New Jersey's strong public policy favoring the resolution of complex litigation through voluntary settlement.

The firm congratulates Brian H. Leinhauser and Matthew Polaha, whose advocacy and strategic guidance were instrumental in successfully defending the settlement agreement through the appellate process. Their work helped secure a significant precedential decision that offers valuable clarity for litigants and counsel involved in class action practice throughout New Jersey.

Recent Third Circuit Ruling Provides Guidance for Employee Discipline and Employee Claims of Discrimination



Update regarding new Third Circuit ruling: *Hileman v. W. Penn Allegheny Health Sys.*, 2026 U.S. App. Lexis 21283 (3d Cir. July 20, 2026). A new Third Circuit case serves as a warning for employees that claim discrimination when they are about to be disciplined for misconduct. This case involves an employee who repeatedly violated the "no sleeping on the job" employer policy. Following an investigation, the employer terminated the plaintiff for violating the policy. During the investigation, the employee stated that her sleeping was likely related to a change in her diabetes medication but she did not request an accommodation. After she was terminated, plaintiff sued for alleged disability discrimination, failure to accommodate, retaliation and wrongful discharge in violation of the Americans With Disabilities Act ("ADA") and the Pennsylvania Human Relations Act ("PHRA") and for interference pursuant to the Family Medical Leave Act ("FMLA"). Affirming the District Court's dismissal on all claims, the Court found that plaintiff never asked for an accommodation and reaffirmed the fact that an employer is "not required to hunt for a possible accommodation request that was never made". The Court heavily weighed the timing between the claimed discrimination and the plaintiff's potential discipline, noting plaintiff waited until the last possible moment, on the brink of being fired, to raise any work-related claims. An important reminder to employers: the ADA does not require employers to excuse employee misconduct. The Third Circuit aptly noted that "[t]he disability and medical-leave laws are shields against discrimination, not get-out-of-discipline-free cards.