



# Mary Kay Brown

PARTNER  
Philadelphia, PA

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## SERVICE AREAS

### Commercial Litigation

- Business Torts
- Contract
- Director and Officer Liability
- Real Estate Litigation
- Restrictive Covenant, Trade Secrets and Unfair Competition
- Shareholder/Partnership Disputes

### Employment Law

- Discrimination and Harassment
- Wage and Hour

### General Litigation

## INDUSTRIES

- Real Estate
- Professional Services
- Pharmaceuticals
- Media
- Manufacturing
- Healthcare
- Government
- Banking and Financial Services

## EDUCATION

Rutgers University Law School, J.D. with high honors, 1988

## Overview

Mary Kay's practice is focused on business litigation. She has successfully represented clients in federal and state courts throughout the country and in private and industry arbitrations and mediations. Her practice covers a wide range of business matters including theft of trade secrets, unfair competition and covenants not to compete. She also handles intellectual property matters, including copyright and trademark infringement, and corporate governance and control issues such as shareholder and partnership disputes, breach of fiduciary duty claims, and director and officer as well as other professional liability claims. Mary Kay also regularly handles general commercial contract disputes, real estate-related litigation and financial institutions litigation. She also has a depth of experience in defamation, fraud and civil rights matters. Mary Kay has significant experience with electronic discovery and has written and lectured on this developing area of the law.

For the last 14 years, Mary Kay's peers have selected her as a Pennsylvania Super Lawyer®, an honor conferred upon the top 5% of lawyers in Pennsylvania (2007-2021)

## ASSOCIATIONS AND ORGANIZATIONS

- Pennsylvania Bar Association
- Philadelphia Bar Association, Women in the Profession Committee

## EXPERIENCE

- Prosecution of fraud, civil conspiracy and aiding and abetting claims against two Am Law 100 law firms and a global appraisal firm in connection with a multi-million dollar investment in real estate.
- Represented major real estate developer in defense of fraudulent transfer litigation seeking recovery of \$20 million arising from the Arthur D. Little bankruptcy case in Massachusetts.
- Successfully defended of multi-million dollar claim against supplier of commercial goods under Article 2 of the UCC, and secured judgment against plaintiff on counterclaim.
- Prosecuted confession of judgment action and defense of lender liability claim resulting in complete recovery of debt as well as an award of \$500,000 in attorneys' fees.
- Successfully defended of a restrictive covenant claim in nuclear power consulting field.
- Successfully prosecuted breach of contract claim in favor of clinical research organization against

Douglass College, B.A. with  
high honors, 1983

## ADMISSIONS

United States Supreme Court

United States Court of  
Appeals for the Third Circuit

United States District Court  
for the Eastern District of  
Pennsylvania

United States District Court  
for the Middle District of  
Pennsylvania

United States District Court  
for the Western District of  
Pennsylvania

United States District Court  
for the District of New Jersey

Commonwealth of  
Pennsylvania

State of New Jersey

foreign sponsor of clinical trial and recovered full judgment amount.

- Successfully prosecuted claim of financial advisor against former employer for \$1.1 million in commission and capital in the business.
- Defeated a motion for preliminary injunction sought by W.L.Gore & Associates in U.S. District Court in Maryland against a former employee alleged to have misappropriated trade secrets.
- Represented University Dean in securing severance benefits.
- Successfully represented national IT staffing company in action against former president who sold his company to the client and then formed and “incubated” directly competitive businesses by stealing key management personnel and utilizing company resources.
- Successfully represented clients in major copyright cases, securing both monetary settlements and a consent order that client owned and had validly registered its copyright and was the original author of the infringed work.
- Represented Department of Human Services in class action case alleging that the Department’s policies and procedures, and implementation thereof, violated constitutional rights of the youth in its care.
- Represented maker of automotive parts in a \$53 million replevin action to obtain critical tooling necessary to prevent shut down of vehicle manufacturing lines.
- Represented financial institution in borrower lawsuit alleging breach of contract and conversion which concluded with the voluntary withdrawal of the complaint against the bank.
- Won a preliminary injunction for a franchisor prohibiting franchisee from opening competing business in or around surrounding territory.
- Successfully represented major coal client in contract dispute for long-term supply of coal including a favorable settlement on the client’s counterclaim.
- Defense of numerous ERISA matters for large east coast financial institution.
- Successfully defended Pennsylvania Wage Payment and Collection Act cases for a number of companies, including those located both inside and outside the Commonwealth.
- Achieved favorable settlement for investors in real estate transaction where \$1 million deposit was wrongfully released from escrow and the deal never closed.
- Successfully defended construction manager of school project whereby manager was not only released from all claims but also indemnified by plaintiff school board for attorneys’ fees incurred in defending case.
- Obtained favorable arbitration award for founder of financial investment business who was the subject of a majority shareholder freeze out.
- Achieved significant settlement for Maine jewelry artist against national jewelry company for copyright infringement.
- Represented Montgomery County in Wage and Hour action brought by class of corrections officers concerning time spent for roll call and doff and don.
- Represented Montgomery County in Wage and Hour Act action brought by class of nursing home skilled nurses asserting a miscalculation of overtime.

