



Wilbur L. Kipnes

Partner

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Will Kipnes is a partner in the Litigation Services Department and until May, 2018, was the Chair of the Department. He has also served as the firm's General Counsel for 20 years. Mr. Kipnes has a general commercial litigation practice.

Over the course of his career, Mr. Kipnes has handled a broad array of complex litigation cases in court and arbitration. By way of example, he has defended financial institutions in class actions alleging violations of RICO violations and consumer protection statutes, major entertainment and telecommunications companies in antitrust actions, and a banking holding company and government securities dealer in securities cases. Mr. Kipnes represented the Chapter 11 Operating Trustee of a health care company in obtaining court approval for a \$50 million settlement of a proposed RICO case. He has handled disputes between partners or shareholders of large closely-held companies. In the insurance field, Mr. Kipnes has represented policyholders, brokers, and the Pennsylvania Insurance Commissioner in her capacity as Liquidator of a life insurance company. He has also represented both owners and contractors in numerous construction cases.

As General Counsel, Mr. Kipnes is the senior partner responsible for all matters relating to professional responsibility, including loss prevention.

Representative Matters

- Represented the defendants in *Aliano v. AmeriGas Partners, L.P. et al.* Plaintiff filed a class action complaint based on defendants providing computer-generated credit card receipts that showed the cards' expiration dates in violation of the Fair and Accurate Transactions Act (FACTA). After plaintiff filed an amended complaint, defendants moved for judgment on the pleadings, which the Court granted.
- Represented the defendant in *Bloodworth v. TBF Financial, Inc.*, a class action complaint asserting that defendant's efforts to collect credit card debt did not comply with the requirements of the Fair Debt Collection Practices Act. We filed a motion to dismiss. Before the motion was decided, the parties attended a scheduled mediation at which the case settled for a nominal amount.
- Defense of a major national bank in consumer class actions asserting RICO violations and seeking in excess of \$150 million in damages. (E.D. Pa.)
- Representations involving close corporations and partnership disputes, focusing on breach of fiduciary duty and valuations. (various)
- Defense of a governmental entity in a breach of contract claim brought by a national information technology contractor seeking in excess of \$20 million in damages. (Pa. Board of Claims)
- Defense of a national retailer in a consumer class action asserting violations of FCRA. (N.D. Ill.)
- Representations arising out of insurance insolvencies including defending claims by the Reliance Insurance Liquidator against a third-party administrator affiliate of a major property and casualty insurer. (S.D.N.Y.)
- Representation of Chapter 11 trustee in connection with competing plans of reorganization of a national health care company, focusing on the reasonable settlement value of a proposed RICO action against the debtor's lenders and the valuation of the debtor. (D. Del.)
- Defense of a national entertainment conglomerate in suit brought by a concert promoter under sections 1 and 2 of the Sherman Antitrust Act in the Eastern District of Pennsylvania. (E.D. Pa.)
- Defense of a quasi-governmental entity in a claim for specific performance of an option agreement for the sale of real estate. (Phila. Court of Common Pleas)
- Defense of a major telecommunications company in a state law antitrust and breach of contract suit seeking in excess of \$100 million in damages. (Phila. Court of Common Pleas)
- Defense of a bank holding company in a securities class action alleging that officers and directors overstated earnings in its public documents. (D.N.J.)
- Representation of utility contractors in several lawsuits against public owners, including trials in the Southern District of Florida, the Eastern District of Pennsylvania, the Pennsylvania Board of Claims and before arbitration panels.
- Defense of a government securities dealer in a \$70 million claim brought by a municipality alleging improper trading. (N.D. Cal.)
- Defense of a government securities dealer in numerous cases in the Central District of California and the District of Colorado arising out of a \$90 million fraud perpetrated by an investment advisor.
- Defense of a major petroleum company in a multi-plaintiff lawsuit following an explosion allegedly caused by the improper installation of an underground gasoline storage tank. (Delaware County Court of Common Pleas)
- Defense of the constructor and operator of a power plant in a lawsuit arising out of an explosion that caused two deaths and millions of dollars in property damage. (Lancaster County Court of Common Pleas)

- Representation of a national REIT in litigation arising out of the sale of its portfolio of commercial office buildings in the Philadelphia area. (E.D. Pa.)
- Representation of the Pennsylvania Insurance Commissioner as liquidator of the Pennsylvania Life Insurance Company. (Pa. Commonwealth Court)

Community and Pro Bono

- For many years, Mr. Kipnes has supervised and worked closely with younger lawyers handling *pro bono* cases in federal court, a number of which have resulted in jury trials. In the most recent case, the jury awarded our client substantial damages.

Education

- University of Pennsylvania Law School, J.D., *cum laude*, 1974
- University of Pennsylvania, B.A., 1970

Bar Admissions

- Pennsylvania, 1974

Clerkships

- Honorable J. Sydney Hoffman, Pennsylvania Superior Court

Other Distinctions

- Rated AV® Preeminent by Martindale-Hubbell®
- Named as a "Pennsylvania Super Lawyer" for business litigation

Practices

- Antitrust and Trade Regulation
- Business Governance Litigation and Shareholder Disputes
- Financial Services Litigation
- Litigation

Industries

- Construction
- Insurance