

ROBYN FARRELL McGRATH, ESQUIRE

PROFESSIONAL EXPERIENCE

SWEENEY & SHEEHAN, P.C.

Philadelphia, Pennsylvania; Westmont, New Jersey

1989 to Present

Shareholder

Engaged in the representation of insured and self-insured clients in both the public and private sectors in a wide variety of civil litigation matters, including general liability, professional liability, human services, education, employment and civil rights cases.

- Represented educational institutions and human services organizations in high profile cases involving allegations of sexual assault, gross negligence in the care of both children and vulnerable adults, negligent placement and negligent failure to provide a safe environment. The following are representative cases:
 - Represented defendant in Donlow v. Garfield Park Academy (Mercer County, NJ), involving allegations of gross negligence against a special education school where a 15 year old student was shot by police on school grounds after he obtained scissors from a school office. Summary judgment granted to defendant on charitable immunity defense. (Philadelphia Insurance case)
 - Represented defendant in the Estate of Ryan Dineen v. Alternatives, Inc. (Hunterdon County, NJ), involving the death of a 33 year old client of a residential drug rehabilitation program who overdosed while residing in a supervised apartment when staff failed to complete required nighttime checks. Favorable settlement at mediation prior to depositions. (Philadelphia Insurance case)
 - Represented defendant in the Estate of Keith Miles v. Merakey New Jersey, Inc. (Mercer County, NJ), involving the death of a 38 year old client of a behavioral health group home located on a major roadway who eloped from the program and was struck by a truck as he entered the street from the property. Favorable settlement at mediation pre-suit. (Philadelphia Insurance case)
 - Represented defendant in Knox v. Center for Family Services (Atlantic County, NJ), involving foster parents who alleged negligent placement of a foster child in their home when the father was falsely accused by foster child of sexual abuse and the foster child had history of false claims against adult males that was not disclosed to the foster parents. Also involved contractual

indemnification claim by the State of New Jersey. Favorable settlement at mediation. (Philadelphia Insurance case)

- Represented defendant in Dale Starcher v. Garfield Park Academy (Burlington County, NJ), in a CEPA case filed by a school psychiatrist with a 20+ year tenure at the school who alleged that he was fired in retaliation for complaining about the school's failure to staff classrooms properly in violation of NJ Dept. of Education guidelines and individual student IEPs. Favorable settlement at mediation. (Philadelphia Insurance case)
- Represented summer camp in New Hampshire on claims involving predatory teacher and camp counselor who abused teenage camper over a period of two years. Conducted full investigation into claims, included more than twenty-five witness interviews, worked with law enforcement during criminal investigation and trial. Favorable pre-suit confidential settlement.
- Represented private school in Pennsylvania on claims of sexual harassment by teacher/coach of a student/athlete. Conducted investigation and negotiated a favorable confidential settlement while preliminary objections were pending with the Court.
- Represented various state children and youth services organizations in civil rights claims regarding allegations of negligent placement of children in foster homes, failure to remove children from dangerous home environment, and failure to reunite families.
- Handled the defense of municipal entities in both Pennsylvania and New Jersey on matters ranging from Federal civil rights allegations to tort matters implicating governmental and political subdivision tort claims immunity and other defenses available to municipal clients.
- Representative trials and decisions:
 - Longenberger v. Miner, 2018 WL 1070804 (M.D. Pa.) (obtained dismissal of municipality and individual officers in §1983 civil rights claim alleging false arrest).
 - Milbrand v. Miner, 2018 WL 4051747 (M.D. Pa.) (obtained dismissal of original and amended complaints filed by former Mayor against municipality and individual officers in §1983 civil rights claim alleging false arrest, malicious prosecution, abuse of process and related state law claims).

- Michael v. Johnstone Supply, (ATL-L-5139-13) (trial of malicious prosecution claim in commercial setting; defense verdict).
- Arias v. Borough of Newark, (HUD-L-2155-12) (litigated Plaintiff attorney fee petition of \$1.2 million to a court award of \$79,000.00).
- Swain v. City of Vineland, 457 Fed. Appx. 107 (3d Cir. 2012) (Court of Appeals affirmed District Court's grant of summary judgment on officer's claims under the Age Discrimination in Employment Act and the New Jersey Law Against Discrimination).
- McCarthy v. Darman, 372 Fed. Appx. 346 (3d Cir. 2010) (Third Circuit affirmed District Court's grant of summary judgment on multi-count complaint including allegations of procedural due process violations).
- Farabella v. City of Vineland, (CUM-L-76-10) (trial of CEPA and LAD claims by police officer against municipal defendants; 6 week trial. Plaintiff verdict followed by settlement).
- Peterson v. City of Long Branch, New Jersey, 2009 WL 749589 (D.N.J.) (obtained dismissal of multi-count complaint against city and city officials including claims for age discrimination, civil rights violation and state law claims for breach of a collective bargaining agreement).
- Ferrara v. Bensalem Township, 2:07-cv-00788 (E.D. Pa.) (trial of Title VII and §1983 claims by a police officer against municipal defendants; defense verdict).
- Johnson v. Borough of Palmyra, 2007 WL 2261561 (D.N.J.) (obtained summary judgment for municipality in police officer's claim alleging violation of equal protection, First Amendment, freedom of speech and freedom of association, equal protection and substantive and procedural due process).
- Hill v. Borough of Kutztown, 455 F.3d 225 (3d Cir. 2006) (Third Circuit affirmed partial summary judgment in favor of defendant municipality in case involving substantive and procedural due process and equal protection violations).

EDUCATION

Villanova University School of Law, Villanova, Pennsylvania
Juris Doctor, 1989

American University, Washington, D.C.
B.A., Political Science and English Literature, *cum laude*, 1985
University Honors Program
School of Government and Public Affairs Honors Program

PROFESSIONAL ASSOCIATIONS

USLAW, Immediate Past Chair of Women's Connection, Member of Employment and Retail Committees

Defense Research Institute, Employment Law Committee and Governmental Liability Committee

Pennsylvania Bar Association

Philadelphia Bar Association

BAR ADMISSIONS

Supreme Court of Pennsylvania
Supreme Court of New Jersey
United States Court of Appeals for the Third Circuit
United States District Court for the District of New Jersey
United States District Court for the Eastern, Middle and Western Districts of Pennsylvania

SELECTED PUBLICATIONS AND PRESENTATIONS:

USLAW Fall Conference, September, 2018
"Paid Leave Laws Impacting Employers Nationwide"

USLAW Fall Conference, September, 2017
"High Times at Work: The Workplace Dilemma of Marijuana and Opioids"

USLAW Webinar, July, 2017
"Employment Law Trends: From the Change in Administration to the New EEOC Strategic Enforcement Plan"

"Not Just Fun and Games: Assessment of the Risk, Liability Waivers and Exculpatory Clauses in Recreational Settings," *USLAW Magazine*, Spring, 2015

USLAW Webinar, January, 2015

“Gender Differences in the Legal Arena: Men Are From Mars;
Women are From Venus?”

USLAW Women’s Connection, March, 2014

“Mindreading 101: The Family Medical Leave Act for Women and
Managers”

“It’s Your Job: Emerging Defenses to New Jersey Whistleblower Claims,”
Sweeney & Sheehan Newsletter, Winter, 2013

“Whistleblowing in the USA,” *US Law Magazine*, Fall, 2012.