



Michael K. Twersky

Partner

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Blue Bell, PA

Michael is a seasoned litigator with extensive experience in commercial, criminal and First Amendment matters in federal and state courts throughout the country. He is a trusted counselor, problem solver and fierce advocate for his clients, finding creative and cost-effective solutions to their issues.

In his national practice, Michael has handled complex contractual disputes, trademark and copyright infringement cases, class actions, real estate disputes, restrictive covenants, defamation, government investigations and general commercial litigation. His clients include large corporations and mid-market businesses in the insurance, pharmaceutical and health care and real estate sectors, as well as media outlets and publishers, educational institutions and nonprofit entities.

Michael believes in finding solutions before problems arise, and representing clients zealously when a dispute is unresolvable. He has decades of experience in complex and hard-fought litigation and believes in guiding clients to the best possible result in an economically prudent way.

His philosophy is to treat his clients' legal problems as his own, resolving them in the most efficient and successful way possible. He relies on early and aggressive case assessment to map out the most expeditious paths to the finish line by developing creative potential exit ramps, often through strategic early motion practice and the identification and exploitation of leverage points.

Within the firm, Michael serves as a Co-Chair of the Media & Defamation Practice Group and is a member of the Partnership Advancement Committee.

Services

- Litigation
- Appellate Practice
- Class Actions
- Entertainment & Sports Law
- Israel
- Media & Defamation
- White Collar Criminal Defense & Government Investigations

Representative Matters

Michael's notable experience includes:*

Commercial Litigation/Business Disputes

- Advises and represents clients at trial in connection with noncompete, nonsolicitation and other restrictive covenants. Michael has represented numerous health care and insurance clients in this area.
- Tried and obtained a complete defense verdict in a multimillion-dollar real estate dispute on behalf of a commercial tenant.
- Obtained dismissal of consumer fraud class action claims on behalf of a pharmaceutical client based on allegations that the defendant improperly manipulated the Average Wholesale Price (AWP) charged for medications.
- Obtained partial dismissal of a securities fraud class action complaint against the CEO and CFO of a publicly traded funeral home and cemetery company.
- Obtained dismissal of securities fraud class action complaint on behalf of pharmaceutical client and its officers stemming from government investigation into pricing practices.
- Obtained injunctions in several matters on behalf of national retail and restaurant chains against competitors for trademark infringement.

Media/First Amendment

- Obtained dismissal of defamation and related causes of action in Pennsylvania federal court on behalf of Spanish language newspaper based on claims from former curator of Penn Museum. The court held that the newspaper accurately reported on plaintiff's use of human remains from MOVE bombing and that the article was not capable of defamatory meaning.
- Obtained dismissal of defamation claims in New Jersey state court on behalf of newspaper based on claims by Borough Councilman following his arrest for harassment. The court held that the Fair Report Privilege protected the newspaper against plaintiff's claims and that plaintiff, a public official, failed to adequately plead actual malice.
- Obtained dismissal of defamation claims in New York state court against a television station over news report about housing "migrants" at a local historic inn. The trial court found that the report was not capable of defamatory meaning. The dismissal was upheld in a unanimous decision by the appellate court.
- Represent numerous defendants in defamation action in Florida state court based on Peacock series that fictionalized real-life events.
- Obtained dismissal of defamation and false light invasion of privacy claims in federal court against a multi-media journalism organization involving a database of Facebook posts by police officers.
- Obtained dismissal of copyright infringement and related claims on behalf of a media company and producers based on allegations that the idea, characters and themes for their hit television show were stolen.
- Successfully defended a television station and one of its reporters against claims for defamation, false light and tortious interference with a prospective business relationship involving a news report.
- Argued before the Pennsylvania Commonwealth Court on behalf of a church organization in a breach of fiduciary duty case that resulted in the return of \$100 million in assets to his client.
- Obtained summary judgment on behalf of a television station in a defamation action brought by three police officers and successfully argued the appeal before the Pennsylvania Superior Court.
- Argued before the U.S. Court of Appeals for the Third Circuit in a First Amendment case involving free speech rights on the Internet and the Federal Communications Decency Act. The Third Circuit upheld the lower court's dismissal of a complaint against the client.
- Represented a group of private schools, parents and a public high school student in successfully challenging the constitutionality of a Pennsylvania law on First Amendment grounds and successfully argued the appeal before the Third Circuit.

Criminal Matters

- Regularly represents officers on maritime vessels in criminal matters, including charges related to pollution, Ports and Waterways Safety Act, and Seaman's Manslaughter.
- Represents crew member in connection with Francis Scott Key Bridge (Baltimore, MD) collision.
- Represented Second Engineer in five-week trial in federal court on charges of obstruction of justice, false statements, and maintaining false records.
- Represented financial advisor in connection with investment advisory fraud claims.
- Represented research physician in connection with securities fraud claims.

Beyond Fox Rothschild

Michael was elected to the Lower Gwynedd Board of Supervisors in 2021 and serves as the Vice Chair of the Board. He was the Vice Chair of the Lower Gwynedd Planning Commission for six years prior to his election to the Board of Supervisors.

Michael serves as a judge pro tem for the Philadelphia Court of Common Pleas.

Before Fox Rothschild

Michael previously served as vice president, general counsel and corporate secretary to Reon Broadband Corporation, an internet company.

While in law school Michael served as editor of *Law Review* at the University of Pittsburgh School of Law.

Prior to law school Michael was a legislative aide to former Pennsylvania State Representative Lita I. Cohen.

Bar Admissions

- New Jersey
- Pennsylvania

Education

- University of Pittsburgh School of Law (J.D., *magna cum laude*, *Order of the Coif*, 1997)
- Boston University (B.A., 1989)

Honors & Awards

- **Selected to the "Super Lawyers" list for Civil Litigation in Pennsylvania (2010)**
This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the New Jersey Supreme Court.
- **Selected to the "Super Lawyers - Rising Stars" list for Civil Litigation in Pennsylvania (2005-2007)**
This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the New Jersey Supreme Court.

Boards

- Law360 Media & Entertainment Editorial Board, 2021