

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p><b>BLAKE J. ROBBINS, et al.,</b></p> <p style="text-align:center">Plaintiffs,</p> <p style="text-align:center">v.</p> <p><b>LOWER MERION SCHOOL DISTRICT, et al.,</b></p> <p style="text-align:center">Defendants.</p>	<p>CIVIL ACTION</p> <p>NO. 2:10-CV-00665JD</p>
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**DECLARATION OF MICHAEL J. BONI IN SUPPORT OF MOTION FOR INTERVENTION**

I, Michael J. Boni, declare as follows:

1. I am a partner with the law firm of Boni & Zack LLC, one of counsel for Intervenor. This declaration is in support of Intervenor's motion for intervention, filed herewith.

2. The filing of the *Robbins* complaint set off a firestorm of local, national and international publicity. A colleague advised me a week ago that when he was in Rome, Italy, he saw a news story on CNN International about the Lower Merion webcam case. Fifteen-year-old Blake Robbins, with his parents and attorney by his side, gave a press conference on the front lawn of the family's home. Attached hereto as Exhibit A is a copy of a news article concerning that press conference.

3. Parents of LMSD children, while alarmed by the substantive allegations against LMSD, were also outraged by the filing of a class action seeking monetary, even punitive damages. The Honorable Thomas F. Grady, Mayor of Narberth Borough, Robert Wegbreit, Councilman of Narberth Borough, Larry Silver, Esq., a name partner at Langsam Stephens & Silver, and I are all fathers of high school students at Lower Merion High School or Harriton High School. Within three weeks of the filing of the *Robbins* action, and in Messrs. Grady's and Wegbreit's personal and not official capacities, we established a website, [www.lmsdparents.org](http://www.lmsdparents.org), on which parents included in the putative class definition were asked to sign a petition in support of the following statement:

We are parents or guardians with one or more high school children at Harriton or Lower Merion High School who have been issued a laptop equipped with a webcam. We are aware of the lawsuit *Robbins v. Lower Merion School District*. We seek a resolution of the webcam issue that is in the best interests of our children and the Lower Merion School District, one that does not involve the class action lawsuit.

4. The four of us sent an email to friends and colleagues we knew who had a child at a LMSD high school, and sent them a statement that was contained on the home page of the website. We asked them to consider signing the petition on the website and attend a meeting we planned for March 2, 2010. We also asked them to forward the emails to their friends and colleagues who had a child at a LMSD high school. The results were extremely rewarding. The emails spread like wildfire, and within one week after the website was established, 460 parents of over 500-600 LMSD school students signed the petition. We support the conclusion that the signers are parents of between 500 and 600 students by reviewing the list of students and their contact information.

5. On March 2, 2010, we held a meeting for parents included in the putative class. The agenda included a group discussion concerning the class action, the charges against the

school district, and initiatives going forward, which include a grassroots effort to add signatures to the petition and the filing of this intervention motion. More than 150 parents attended, and all supported both initiatives. Just one person appeared opposed, but his only reason was an assertion that all litigation is so much ineffective “theater.”

6. In addition, three other parents of LMSD students (albeit not high school students) established a separate petition at [www.ipetitions.com/petition/parentsforlmsd](http://www.ipetitions.com/petition/parentsforlmsd). That petition has garnered almost 800 signatures from Lower Merion residents opposing the class action.

7. Unlike Robbins, Intervenors’ children – like the overwhelming majority of LMSD high school students -- do not possess laptops that were reported lost or stolen, nor did they borrow a laptop, improperly remove it from the school, or fail to pay the insurance.

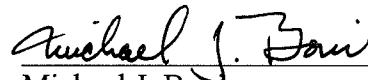
8. Messrs. Grady, Wegbreit, Silver and I, and all but one of the approximately 150 parents at the March 2 meeting believe strongly that Plaintiffs’ Rule 23(b)(3) monetary damages class claims are antithetical to the interests of the putative class, to the extent that Intervenors’ opting out of any such class would be insufficient to protect their interests. In my 20 years experience prosecuting class actions, I conclude that substantial damage in legal fees and costs to LMSD would already have risen to considerable levels by that time. Worse, if a jury were to award high compensatory and punitive damages, Intervenors’ children and all other Lower Merion public school children could suffer mightily from cuts in educational programs. This is because, according to Mr. Wegbreit, Lower Merion’s school taxes are at the maximum and can not be raised, thereby requiring cuts in educational programs.

9. Intervenor's counsel include highly experienced complex litigators who reside in Lower Merion Township, who have children at Lower Merion High School or Harriton High School, and who are representing the Intervenor *pro bono*. Attached as Exhibits B-D are the firm biographies of Boni & Zack LLC, Berger & Montague, P.C., and Lansam Stevens & Silver LLP.

10. Intervenor – and many hundreds of other LMSD high school families that support the Intervenor's efforts -- believe that monetary damages are inimical to their interests, and have a rational concern that plaintiffs' focus on monetary terms could come at the expense of necessary and appropriate injunctive relief, including a full accounting to the families of LMSD high school students, a permanent halt to the remote activation of the webcams, and full disclosure and transparency going forward with respect to LMSD's laptop initiative.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of March in Bala Cynwyd, PA.

  
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Michael J. Boni

# **EXHIBIT A**

Posted on Thu, Feb. 25, 2010

## Contradictions in L. Merion Web-cam case

By Derrick Nunnally and Larry King

Inquirer Staff Writers

The computer-snooping controversy in Lower Merion schools took a new twist last night as a lawyer claimed that a school official told his 15-year-old client that his school laptop contained evidence - both pictures and words - that he might be dealing drugs.

"She called him into the office and told him, basically, 'I've been watching what was on the Web cam and saw what was in your hands,' " lawyer Mark S. Haltzman said in an interview. " 'I've been reading what you've been typing, and I'm afraid you are involved in drugs and trying to sell pills.' "

Haltzman, who represents 15-year-old Blake Robbins and his parents in their controversial invasion-of-privacy suit against the Lower Merion School District, alleged that Lindy Matsko, assistant vice principal at Harriton High School, first contacted Michael and Holly Robbins in November and then called their son in.

The parents told school officials that they were mistaken, Haltzman said, and Blake was not disciplined. The lawyer said the family decided to sue only after a counselor told them that an account of the incident had been placed in Blake's school file.

Haltzman's new allegations - some of which go further than the broad language of the suit he filed last week - came on a day that began with Matsko angrily denying as "outrageous" any suggestion that she used school computers to spy on Robbins in his home.

Matsko's lawyer could not be reached for comment last night on Haltzman's latest allegations. School district spokesman Douglas Young said he could not comment because of the pending suit, which has prompted an FBI investigation into whether district officials violated wiretap and privacy laws.

Matsko trembled with anger yesterday morning as she stood in her lawyers' Center City office and said "many falsehoods and misperceptions" had been aired regarding her role.

She said she had two teenage sons and would be as furious if laptops were used to look in on them. "If I believed anyone was spying on either of my children in my home," Matsko said, "I, too, would be outraged."

Hours later, the response was delivered by a jacketless 15-year-old Blake Robbins, reading a lawyer's script in the shivering cold, yards from his parents' snow-piled Penn Valley driveway.

Matsko, who is in her 25th year working for the school district, took no questions after reading her six-minute statement.

"At no time have I ever monitored a student via a laptop Web cam," said Matsko, her voice occasionally swelling and quavering, "nor have I ever authorized the monitoring of a student via a laptop Web cam, either at school or in the home. And I never would."

Robbins, a Harriton sophomore, stood surrounded by his family and Haltzman as he read a statement on Haltzman's letterhead that praised Matsko as "a good educator and a good person" before alleging that she had, in effect, snooped.

"Ms. Matsko does not deny that she saw a Web-cam picture and screenshot of me in my home," said Robbins, a blue-jeaned, slight teenager with brown bangs. "She only denies that she is the one who activated the Web cam."

Last night, a reporter asked Haltzman why the suit did not specifically allege that Matsko had cited what Blake Robbins had typed on his laptop.

"I do not have the [lawsuit] complaint in front of me," Haltzman replied by e-mail. "But I recall that Blake has stated during interviews that Matsko stated to him that [she] had seen a picture of him and what he had been typing on the screen."

Why hadn't the family gone to law-enforcement authorities? "Their thinking was, back in November, to just let it go," said Haltzman, who has described the photo snapped by the school laptop camera as merely showing Blake Robbins with his favorite candy, Mike & Ike. "Blake protected himself by putting tape over the spot on the Web cam."

Then, he said, the family learned that the episode "was in his file. . . . That's the part that got them outraged."

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Contact staff writer Derrick Nunnally at 610-313-8212 or [dnunnally@phillynews.com](mailto:dnunnally@phillynews.com).

**Find this article at:**

[http://www.philly.com/philly/news/20100225\\_Contradictions\\_in\\_L\\_Merion\\_Web-cam\\_case.html](http://www.philly.com/philly/news/20100225_Contradictions_in_L_Merion_Web-cam_case.html)

Check the box to include the list of links referenced in the article.

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Do charter schools  
outperform public schools?



# **EXHIBIT B**

# Boni & Zack LLC

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### In the Spotlight

New Associate: Ms. Noble

Final Fairness Hearing Held on February 18, 2010 in Authors Guild, et al. v. Google Inc.

Supreme Court Victory

Final Settlement Approval Granted in In re Yahoo! Litigation



Boni & Zack LLC represents clients in complex civil litigation, particularly plaintiffs in antitrust and consumer actions. Many of our cases are class actions, where we serve as class counsel, often in a lead position.

Our attorneys have experience in litigating and settling antitrust cases alleging price fixing, monopolization, and other restraints of trade, and consumer cases involving product defects, fraudulent billing practices, negative option billing practices and other deceptive and unfair business practices.

We have also represented plaintiffs and defendants in a variety of cases, including copyright, securities, ERISA, and breach of contract. In all matters, we serve our clients with zeal, intelligence, and integrity. We are committed to obtaining the best litigation outcome for each client, whether by motion, trial, or settlement.

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Joanne Zack  
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Joanne G. Noble

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## Michael J. Boni

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Michael J. Boni co-founded Boni and Zack LLC in March 2007 after practicing complex commercial litigation at Kohn, Swift and Graf, P.C. for 14 years. He specializes in antitrust, copyright, consumer and class action litigation.

## Education

Mr. Boni graduated from the University of Pennsylvania School of Law, received an M.A. degree in psychology from the University of Connecticut, and received an A.B. degree from Albright College.

## Experience

Mr. Boni has served as lead counsel in a number of complex matters, including:

- Authors Guild, et al. v. Google Inc., No. 05-CV-8136-JES (S.D.N.Y.) (\$125 million copyright infringement class action settlement pending concerning the Google Book Search program);
- In re Literary Works in Electronic Databases Copyright Litig., MDL No. 1379 (S.D.N.Y.) (\$18 million copyright class action settlement approved and on appeal);
- Random House, Inc. v. Rosetta Books, LLC, et al., No. 01-Civ-1728 (S.D.N.Y.) (successful defense against copyright infringement claims brought by Random House against e-book publisher Rosetta Books);
- In re Pillar Point Partners Antitrust and Patent Litig., MDL No. 1202 (D. Ariz.) (\$50 million antitrust class action settlement);
- In re Western States Wholesale Natural Gas Antitrust Litig., MDL No. 1566 (D. Nev.) (\$25 million antitrust class action settlement);
- Mikhail, et al. v. Toshiba America Information Systems, Inc., No. BC 278163 (Superior Ct. Cal.) (\$32 million consumer class action settlement); Anderson v. Toshiba America Information Systems, Inc., BC 299977 (Cal. Sup. Ct., L.A. County) (consumer class action settled);
- In re Yahoo! Litig., CV06-2737-CAS (C.D. Cal.) (class action settlement pending on behalf of Yahoo's advertising customers for alleged unfair business practices);
- Next Proteins International v. Radonsky, et al., No. BC 304799 (Superior Ct. Cal.) (consumer class action settled);
- In re RF Tags Antitrust Litig., No. 02-CV-3730 (D.N.J.) (\$4.6 million antitrust class action settlement); Pilkington, et al. v. U.S.Search.com, No. BC 234858 (Superior Ct. Cal.) (\$1 million consumer class action settlement);
- True Communication, Inc., d/b/a Metrodate.com v. The Gator Corporation, No. CIV 430620 (Superior Ct. Cal.) (unfair competition class action settled);
- Miller v. Pep Boys, Inc., et al., No. 0201-41489 (C.C.P. Phila. Cy.) (consumer class action settled); Kleeman v. Verizon Communications Inc., et al. (\$24 million consumer class action settled);
- In re Rio Hair Naturalizer Products Liability Litig., MDL No. 1055 (E.D. Mich.) (\$4.5 million product liability class action settlement); In re AMC Shareholder Derivative Litig., No. 12855 (Del. Chancery) (\$2.2 million settlement);

- Winograd v. Franklin Electronics, (Superior Ct. N.J.) (consumer class action settled); Pacillo v. Philips Electronics, (Superior Ct. N.J.) (consumer class action settled).

In its opinion granting final settlement approval in Rio, the court stated that "the work of [lead counsel] and the manner in which they conducted themselves exhibited the very highest level of professionalism and competence in our legal system." 1996 U.S. Dist. LEXIS 20440, \*57 (E.D. Mich. December 20, 1996).

**Mr. Boni has served on the Executive Committee in a number of complex matters, including:**

- In re: OSB Antitrust Litig., Master File No. 06-CV-00826 (E.D. Pa.) (\$120 million antitrust class action settlement)
- In re: Sovereign Bancorp, Inc. Shareholders Litig., Nov. Term 2008, Case 2587 (Phila. C.C.P.) (shareholder class and derivative action settlement pending approval)
- In re: Payment Card Interchange Fee and Merchant Discount Antitrust Litig., No. 05-md-1720 (E.D.N.Y.)

**In addition, Mr. Boni has played an integral role in the presentation of other complex matters:**

- In re Relafen Antitrust Litig., Master File No. 01-12239 (D. Mass.) (\$175 million antitrust class action settlement);
- In re Disposable Contact Lens Antitrust Litig., MDL Docket No. 1030 (M.D. Fla.) (\$75 million antitrust class action settlement);
- Schwab v. America Online, Inc., No. 96 CH 13732 (Cook County, Ill.) (consumer class action settlement); In re: Intelligent Electronics, Inc. Securities Litig., Master File No. 92-CV-1905 (E.D. Pa.) (\$10 million securities class action settlement);
- In re Lockheed Securities Litig., Master File No. CV89-6745-TJH (Bx) (C.D. Ca.) (\$17 million securities class action settlement); In re Orion Securities Litig., Civil Action No. 91-3304 DT (JRx) (E.D.N.Y.);
- In re Budd Pension Plan Litig., Master File No. 91-4082 (E.D. Pa.) (ERISA class action settled); In re: Toys "R" Us Antitrust Litig., MDL Docket No. 1211 (E.D.N.Y.) (antitrust class action settlement);
- First Eastern Corporation, et al. v. Mainwaring, et al., Civil Action No. 92-CV-1176 (RLB) (E.D. Pa.).

**Mr. Boni was named one of Pennsylvania's "Super Lawyers" in 2005, 2006, 2007, 2008, 2009, and 2010.**

## Other Information

Mr. Boni is admitted to practice in Pennsylvania, the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Sixth and Ninth Circuits, and the United States District Courts for the Eastern District of Pennsylvania, Northern District of California, and Eastern District of Michigan.

Mr. Boni is a past Chair of the Board of Directors of the Anti-Defamation League (Metropolitan Philadelphia Board), and is a member of the Board of Directors of Community Legal Services in Philadelphia and serves on that Board's Leadership Council.

**Law.com article on Michael Boni**

**Download printable version (pdf)**

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# **EXHIBIT C**

## **BERGER & MONTAGUE, P.C.**

### **THE FIRM:**

Berger & Montague has been engaged in the practice of complex and class action litigation from its Center City Philadelphia office for 40 years. The firm has been recognized by courts throughout the country for its ability and experience in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, environmental, civil and human rights. In numerous precedent-setting cases, the Berger firm has played a principal or lead role. The firm has achieved the highest possible rating by its peers and opponents as reported in Martindale-Hubbell. Currently, the firm consists of approximately 60 lawyers, approximately half of whom specialize in antitrust litigation; 19 paralegals; and an experienced support staff.

Berger & Montague was founded in 1970 by David Berger to concentrate on the representation of plaintiffs in a series of antitrust class actions. David Berger pioneered the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The firm's complement of nationally recognized lawyers has represented both plaintiffs and defendants in these and other areas, and has recovered billions of dollars for its clients. In complex litigation, particularly in areas of class action litigation, Berger & Montague has established new law and forged the path for recovery for class members.

The firm has been involved in a series of notable cases, some of them among the most important in the last 40 years of civil litigation. For example, the firm was one of the principal counsel for plaintiffs in the Drexel Burnham Lambert/Michael Milken securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of Drexel in the late 1980's. The firm was also among the principal counsel engaged in the trial of the Exxon Valdez Oil Spill in Anchorage, Alaska, a trial resulting in a record punitive damages award of \$5 billion against Exxon. Berger & Montague was lead counsel in the School Asbestos Litigation, in which a national class of secondary and elementary schools recovered in excess of \$300 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis.

In the area of antitrust litigation, the firm has served as lead or co-lead counsel on many of the most significant civil antitrust cases over the last 40 years, including the Infant Formula case (recovery of \$125 million), the Retail Drug price-fixing case (settlement of more than \$700 million), the High Fructose Corn Syrup price-fixing case (settlement of more than \$500 million), and the State of Connecticut tobacco litigation (settlement of \$3.6 billion).

In the area of securities litigation, the firm has represented public institutional investors - such as the retirement funds for the States of Pennsylvania, Connecticut, New Hampshire, New Jersey and Louisiana, as well as the City of Philadelphia and numerous individual investors and private institutional investors. The firm was co-lead counsel in the Melridge Securities Litigation in the Federal District Court in Oregon, in which an \$88.2 million jury verdict was obtained. Berger and Montague has served as lead counsel in numerous other major class action cases, including those against Waste Management (settlement for investors of \$220 million) and Rite Aid (settlements totalling \$334 million), to name only two of the most notable successes.

The *National Law Journal* in October, 2007 selected Berger & Montague as one of the 13 top plaintiffs' litigation firms in the U.S. based on its most recent performance and its track record of successes in the last 3-to-5 year period.

### **Bart D. Cohen**

Since joining the Berger firm in 1991, Bart Cohen has represented plaintiffs in complex antitrust litigation, including *In re Infant Formula Antitrust Litigation* (N.D. Fla. 1993), *In re Carbon Dioxide Antitrust Litigation* (M.D. Fla. 1996), *Callahan v. A.E.V., Inc.*, 182 F.3d 237 (3rd Cir. 1999) (reversing dismissal of antitrust claims of several small beer distributors), *Masters v. Wilhelmina Model Agency, Inc.*, 473 F.3d 423 (2d Cir. 2007) (authorizing award of treble damages to settling class members), and *In re New Motor Vehicles Canadian Export Antitrust Litigation* (D. Me.) (pending).

Mr. Cohen maintains significant responsibility for representing a proposed nationwide class of ATM customers in antitrust litigation against a leading ATM network and several of the nation's largest banks, *In re ATM Fee Antitrust Litigation* (N.D. Cal.), and a proposed nationwide class of merchants in antitrust litigation against the two leading credit card networks and the major banks that support them. *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.). Mr. Cohen is also primarily responsible for representing a former manufacturer of artificial teeth in antitrust litigation against a competitor. *Lactona Corp. v. Dentsply Int'l, Inc.* (M.D. Pa.).

Mr. Cohen graduated from the University of Pennsylvania in 1984 with two degrees, from the Wharton School and the School of Engineering and Applied Science. After working as a software developer, he graduated in 1989 from the Georgetown University Law Center, where he was a member of the *American Criminal Law Review*, and authored a section on computer crime in *White Collar Crime: Survey of Law – 1988 Update*, 25 *Am. Crim. L. Rev.* 359, 367 (1988). The 2009 version of *The Legal 500* identified Mr. Cohen as “a very strong litigator,” and Mr. Cohen has been selected for inclusion in Pennsylvania *Super Lawyers* in each of the last four years. He has also received the highest peer-review rating (AV) in Martindale-Hubbell. He is a member of the editorial board of *Competition Law360*, a daily newsletter serving antitrust practitioners nationwide. Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania, the United States Court of Appeals for the Third Circuit, and the Eastern District of Pennsylvania.

### **Neill W. Clark**

Neill W. Clark graduated *cum laude* from Appalachian State University in 1994 (B.A.) and from Temple University School of Law in 1998 (J.D.), where he earned seven “distinguished class performance” awards, an oral advocacy award and a “best paper” award. After graduating from law school, he clerked for Judge Stephen E. Levin, who handled pre-trial proceedings in all class actions filed in the Court of Common Pleas, Philadelphia County.

Since joining the firm in 1999, Mr. Clark has been significantly involved in prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs and charging pharmaceutical manufacturers with illegally blocking the market entry of less expensive competitors.

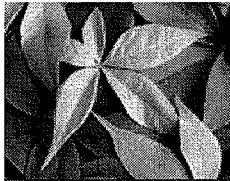


Seven of those cases have resulted in substantial settlements totaling over \$950 million: *In re Cardizem CD Antitrust Litig.* settled in November 2002 for \$110 million; *In re Buspirone Antitrust Litig.* settled in April 2003 for \$220 million; *In re Relafen Antitrust Litig.* settled in February 2004 for \$175 million; *In re Platinol Antitrust Litig.* settled in November 2004 for \$50 million; *In re Terazosin Antitrust Litig.* settled in April 2005 for \$75 million; *In re Remeron Antitrust Litig.* settled in November 2005 for \$75 million and *In re Tricor Direct Purchaser Antitrust Litig.* settled in April 2009 for \$250 million.

Mr. Clark was selected as a “Rising Star” by Pennsylvania Super Lawyers and listed as one of the Top Young Lawyers in Pennsylvania in the December 2005 edition of Philadelphia Magazine.

An avid runner, Mr. Clark has won the Lawyer’s Division of the annual Philadelphia Bar Association race eleven consecutive times.

# **EXHIBIT D**



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Langsam Stevens & Silver LLP is the PA and NJ full service environmental law firm with the depth of experience and refined skills to consistently deliver results-driven counseling, litigation and transaction services.

**News**

**January 6, 2010: National Priorities for Enforcement and Compliance Assurance (FY 2011-2013) & EPA Identifies Additional Classes of Industries for Financial Assurance Obligations Under CERCLA 108(b)**

On Monday (1/4), EPA announced its proposed enforcement priorities for FY 2011-2013 (75 Fed. Reg. 140). These priorities play a key role in EPA's environmental enforcement activities. EPA is accepting comments until January 19, 2010.

[Read more >](#)

**September 25, 2009: Chlorine Gas Shipping Rates Are Trade Secrets Says Texas Supreme Court**

The Texas Supreme Court has held that a

**Noteworthy**

**February 4, 2010: Larry Silver and Mark Stevens featured in Legal Intelligencer Article**

On February 4, 2010, the Legal Intelligencer, Philadelphia's daily legal newspaper, published a front page article on environmental law titled "Firms Grow Greener as Environmental Law Heats Up." LSS attorneys Larry Silver and Mark Stevens were interviewed and featured in the article.

[Read more >](#)

**December 1, 2009: Partner Larry Silver to argue case regarding the 2000 Environmental Immunity Act before the Pennsylvania Supreme Court.**

On December 1, 2009, the Pennsylvania



AV Rated  
by Martindale Hubbell

\*Highest rating for quality & ethics

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Insight from the Outside

Industry Profiles

### History

Over 30 years ago, Henry Langsam founded the firm with a commitment to work closely with all of his clients and to help them reach their desired objectives. The firm continues to provide first-class business, general practice and litigation services in areas including real estate, employment, finance, landlord/tenant, health care, personal injury, fraud, and planning and estate services.

In 1995, Mark Stevens, a professional environmental engineer, attorney, and lifelong friend of Henry Langsam, joined the firm enriching its services with environmental legal expertise. On January 1, 2003, Larry Silver, also a seasoned environmental attorney, joined Mark Stevens to help lead the firm's environmental practice.

### Today

The attorneys at Langsam Stevens & Silver have cultivated a unique, multi-dimensional skill set with many



years of legal, technical and regulatory experience. Many of its attorneys are trained in environmental engineering and industrial hygiene. Also, a number of the firm's attorneys have formerly been employed by the Pennsylvania Department of Environmental Protection and other government environmental agencies. This "cross training" supports the firm's promise to deliver efficient and effective outcomes to property owners and investors, regulated industries, businesses, municipalities, hazardous site PRP groups, insurance and claims professionals, as well as families and individuals. In addition to handling matters involving all aspects of environmental and toxic tort law, the firm's seasoned attorneys continue to provide counsel to its clients involved in real estate and business transactions.

Langsam Stevens & Silver is often referred to as "the Lawyer's Lawyer" as the firm is frequently called upon when other firms face a conflict of interest or a lack of expertise in the environmental realm. Langsam Stevens & Silver is rated AV by Martindale Hubbell, a national lawyers' rating service, and has been selected by Best's Directory of Recommended Insurance Attorneys and Adjusters. Additionally, the firm has been praised in the Chambers USA Guide of America's Leading Lawyers for Business. This year, Chambers recognized that: "As the only full-



service environmental boutique in central Philadelphia, this niche firm owes its visibility in the marketplace to its strong litigation focus and impressive client roster. The firm acts on AIG's defense panel and it regularly handles insurance-related defense and waste management work." The Chambers USA Guide also states that "Mark Stevens is viewed as an authority on site cleanup and Brownfield programs and also acts in federal work."

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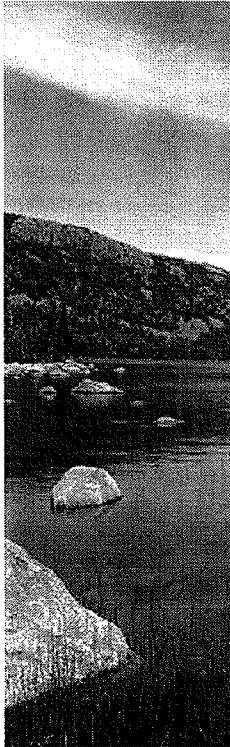
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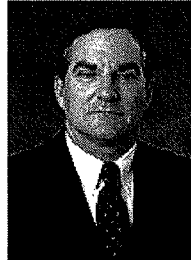
Denise A. Kuestner

Joanna A. Waldron

Deborah H. Moody

Thomas Storrer

Sarah B. Silver



Larry Silver, Partner, represents corporate and individual clients on a wide-range of environmental, zoning and land use topics, including matters involving solid and hazardous wastes and CERCLA\*, water quality, water supply, air, wetlands, brownfields and NEPA. He has been trial counsel in many environmental and land use cases and has argued environmental matters before appellate courts, including the United States Court of Appeals for the Third Circuit.

Mr. Silver has litigated constitutional questions before the Pennsylvania Supreme Court and the U.S. Supreme Court. He has also litigated major contract cases where waste liabilities were at issue. In 2006, Mr. Silver tried and obtained a favorable ruling in the CERCLA\* case of *Action Manufacturing Co., Inc. v. Simon Wrecking Co.*, 428 F.Supp.2d 288 (E.D. Pa. 2006) before the United States District Court for the Eastern District of Pennsylvania, and obtained an affirmance of the decision by the Third Circuit in 2008. Also in 2008, Mr. Silver argued and obtained the first reported favorable decision applying Pennsylvania's Participation in Environmental Law or Regulation Act, *Pennsbury Village Associates v. McIntyre*, 949 A.2d 956 (Pa.Cmwlth.Ct.). In 2005, Mr. Silver defended a business client in one of EPA's largest ever multimedia enforcement action.

Mr. Silver counsels business clients in environmental regulatory and transactional matters. He also represents clients in historic preservation cases.

Before joining Langsam Stevens, Mr. Silver was a partner in the Philadelphia office of Duane Morris LLP.

Mr. Silver is a 1984 graduate, Order of the Coif, of the University of California - Berkeley (Boalt Hall) School of Law and holds a Bachelor of Arts degree in Economics from the University of Chicago. Prior to law school, Mr. Silver served as an environmental consultant for EDAW Inc. in San Francisco.

\*The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980.

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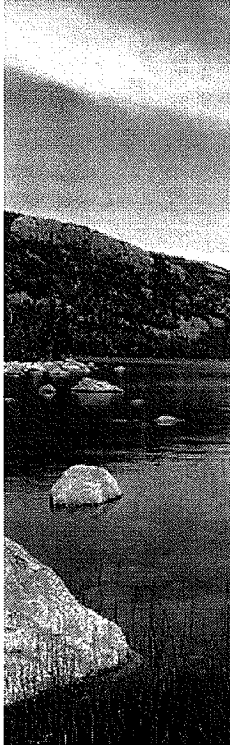
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David Romine, Partner, litigates environmental and land use cases. Mr. Romine has represented both defendants and plaintiffs in complex and environmental litigation, including CERCLA\* contribution actions, underground storage tank litigation, land use appeals, regulatory enforcement actions, toxic tort and class action suits. He has litigated cases in Pennsylvania state courts, the United States District Court for the Eastern District of Pennsylvania and the United States Court of Appeals for the Third Circuit. He also advises clients on environmental covenants and other land use matters. Mr. Romine co-wrote "Testimony of Federal Employees: A Speakers' Bureau for Private Litigants?," along with Langsam Stevens & Silver LLP partner Larry Silver, which was published in BNA's *Environmental Reporter*, June 17, 2008.

Before joining Langsam Stevens & Silver LLP, Mr. Romine was in private practice in Philadelphia where he handled complex, class action, commercial and toxic tort litigation.

Mr. Romine graduated cum laude from Harvard Law School in 1993 and summa cum laude from Columbia University in 1986. From 1987 to 1990, he served in the United States Navy and was designated a Surface Warfare Officer. He graduated from Conestoga High School in Berwyn, Pennsylvania, in 1981.

Mr. Romine is a member of the board of the Horse-Shoe Trail Conservancy, a non-profit organization that protects and maintains the Horse-Shoe Trail. The HST is a 140-mile trail from Valley Forge National Historic Park to its junction with the Appalachian Trail near Hershey, Pennsylvania. From 1997 to 2005, he was on the board of Calcutta House, a non-profit that provides housing to homeless persons with AIDS. He served as president of that board in 2004-2005.

Mr. Romine is the author of The Governance Gadfly, a blog about corporate governance and is co-author, with former LSS lawyer Stephen Fitzgerald, of Dave and Stephen's Blog, a blog about environmental law.

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