



Mariah L. Passarelli

Member

Pittsburgh

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Practice Areas

- Employment Litigation
- Labor & Employment

Industry Sectors

- Education
- Gaming

Education

- Duquesne University School of Law, J.D., 2005
- Indiana Univ. of Pennsylvania, M.A., 2009
- Duquesne University, B.A., 2002

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. District Court -- Western District of Pennsylvania
- U.S. Supreme Court

Affiliations

Academy of Trial Lawyers of Allegheny County, 2014 - Present

Women's Bar Association of Western PA, executive board member 2007 - Present; co-president 2012 - Present

Allegheny County Bar Association, Bench Bar Committee; Young Lawyers Division; Women in the Law Division; Federal Court Section; Labor and Employment Section

American Inns of Court, Barrister

Pennsylvania Bar Association

Western District of Pennsylvania Local Rules Advisory Committee

Amen Corner

Community Living and Support Services (CLASS), former board member

Pittsburgh Filmmakers, Inc., Board of Directors

Allies for Health + Wellbeing, Board of Directors

Awards & Honors

- Pittsburgh Business Times Women of Influence, 2022

Mariah focuses her practice on a variety of labor and employment and higher education law matters, from employment contracts to complex litigation. Mariah handles matters in administrative proceedings, state, and federal courts. She has represented employers in claims under Title IX, Title VII, 42 U.S.C. § 1981, PHRA, ADA, ADEA, FMLA, FLSA, NLRA, FCRA, and OSHA, and she has defended universities, hospitals, and oil and gas companies in state-wide class and collective actions. Mariah also counsels companies and education institutions on litigation avoidance, anti-discrimination, and anti-bullying and she reviews and drafts employee handbooks, student handbooks, and personnel policies.

Her experience related to higher education extends to both public and private colleges and universities. During the course of her practice, Mariah has defended a state university in a large and complex class-action Title IX sports equity lawsuit and provided extensive training on sports equity compliance to a number of universities. She has represented universities in employment litigation where claimants raised claims of employment discrimination/harassment under both Title IX and Title VII. Her case work also includes representation of a university in federal litigation involving claims of sexual abuse brought by a student related to conduct by a professor.

In the area of Title IX and sexual violence complaints, Mariah has conducted third-party investigations from inception to hearing. She has represented a university in responding to multiple complaints filed with the Department of Education Office of Civil Rights, has advised universities on Title IX compliance in anticipation of federal court litigation, has developed university Title IX/Sexual Violence policies and standard operating procedures, has provided extensive Title IX/Sexual Violence employee training to Responsible Persons, Investigators and Hearing Panelists, and has presented at conferences on the subject of Title IX/Sexual Violence compliance, training and investigation topics. Her work in this regard has included both large and small institutions in Pennsylvania and Florida.

Prior to joining the firm, Mariah was member and co-chair of the Higher Education Industry team at a national law firm. Before that, she served as deputy attorney general in the Civil Litigation Section of the Pennsylvania Attorney General's Office. During that time she represented the members of the State System of Higher Education located in the Western District of Pennsylvania in all aspects of employment law defense for more than four years. This work involved the full panoply of employment law claims – age discrimination, race discrimination, disability discrimination, sexual harassment, etc. – including obtaining a successful defense verdict, as solo counsel, in a trial defending a university in an age and disability discrimination case. During her tenure in the Attorney General's Office, Mariah also handled more than 175 federal and state court cases on behalf of commonwealth agencies in employment law and constitutional civil rights matters involving Title VII, Title IX, ADA, Rehab Act, ADEA, PHRA, federal and state Whistle Blower acts and § 1983. She obtained defense verdicts as single-chair trial counsel in multiple federal and state jury and bench trials and acted as co-counsel in complex Title IX litigation.

Mariah has achieved an AV Preeminent distinction from Martindale-Hubbell's Peer Review Ratings and was honored by her peers and selected to be on the 2013-2020 Pennsylvania Super Lawyers Rising Stars list. Since 2018, she has been selected for inclusion in The Best Lawyers in America for Labor and

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- The LGBT Bar Best LGBTQ+ Lawyers Under 40, 2019
- The Best Lawyers in America for Labor and Employment, 2018 - 2025
- Pennsylvania Super Lawyers Rising Stars, 2013 - 2020
- Academy of Trial Lawyers of Allegheny County, 2014
- The Advocate magazine's 2011, "40 Under 40 Most Influential Members of the LGBT Community"
- AV Preeminent, Martindale Hubble's Peer Review Ratings

Employment. In 2014, Mariah became the youngest attorney ever selected for admission into the Academy of Trial Lawyers of Allegheny County.

Mariah earned her undergraduate degree from Duquesne University and her law degree from Duquesne University School of Law. While in law school, Mariah was a contributor to the *Duquesne Law Criminal Procedure Journal*, research assistant to professor Bruce A. Antkowiak, a participant in Trial Advocacy Competitions and student manager of the Criminal Law Clinic. She went on to earn her Masters in Criminology from Indiana University of Pennsylvania.

Experience

Won summary judgment for a medical school in a case brought by a former resident for employment discrimination, breach of contract, and tortious interference. The plaintiff was a practicing Sikh who alleged that he was constructively terminated from the medical residency program after filing a complaint about derogatory comments about his religious practices, including keeping his hair covered by a patka. In granting summary judgment, the district court found that the medical school's stated reason for removing this plaintiff from the program -- his poor clinical performance -- was legitimate and nondiscriminatory. This result was affirmed by the U.S. Court of Appeals for the Second Circuit.

Secured an arbitration award in favor of the employer (a radiology practice) in a dispute with a physician over a non-competition agreement, which the panel found to be fully enforceable under Pennsylvania law.

Successfully moved to dismiss an age discrimination suit filed against a university client in which both the plaintiff's and the comparator's military service was a key fact.

Won summary judgment for a university on claims of retaliation under the False Claims Act ("FCA") and wrongful termination under Pennsylvania law brought by a long-time employee whose employment was terminated 3-4 months after making a report to an Institutional Review Board. In granting summary judgment, the court held that the plaintiff's report did not rise to the level of protected conduct under the FCA, and that her termination was not in violation of public policy as is required in order for an at-will employee to make out a wrongful termination claim under Pennsylvania law.

Defeated a student's Title IX, Section 1983, and breach of contract claims against a University at summary judgment.

Obtained dismissal with prejudice of a putative class action filed against Touro College and University System in which the plaintiffs sought to recover unrefunded tuition and fees paid for the Spring 2020 semester after the school closed its campus, and moved to remote instruction, due to the COVID-19 pandemic. The complaint, filed in the U.S. District Court for the Southern District of New York, brought claims of breach of contract, unjust enrichment, and deceptive practices and false advertising under Sections 349 and 350 of the New York General Business Law.

Represented an end-to-end population health management firm in its initial phase of a staged acquisition of a direct primary care provider. This transaction drew on the experience of the firm's corporate, health care, insurance corporate and regulatory, tax, commercial litigation, employee benefits and executive compensation, labor and employment, and intellectual property attorneys.