



# Thomas M. O'Rourke

## Member

## Philadelphia

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Thomas M. O'Rourke focuses his practice on litigation services in a wide range of industries and subject areas including health care, manufacturing (food and products), cannabis, and entertainment matters. Thomas has experience representing businesses and individuals in complex commercial cases, including commercial contract disputes, business torts and antitrust at both the state and federal levels.

His defense practice includes cases involving the health care industry, antitrust compliance, and product liability. He also has appellate experience in the Pennsylvania Supreme Court, the Second Circuit and the Fourth Circuit. Thomas has represented many types of clients in a wide variety of cases, including a school district in an appeal involving the constitutionality of the Pennsylvania Tort Claims Act. He has also represented manufacturers and distributors, such as fire alarm and foam product manufacturers, food companies, health care companies, and insurers, casinos, and music promotion companies. Thomas also regularly provides advice to clients regarding the Telephone Consumer Protection Act (TCPA) and the effectiveness of class action waiver and arbitration clauses in consumer contracts. He has also dedicated his practice to representing individual criminal defendants in fraud cases, including health care fraud, at the federal level.

Prior to joining the firm, Thomas completed two federal clerkships, serving as a law clerk to the Honorable David R. Strawbridge of the Eastern District of Pennsylvania from 2009-2010, and as a law clerk to U.S. District Court Judge Mitchell S. Goldberg of the Eastern District of Pennsylvania from 2010-2012.

Thomas regularly provides pro bono services to a nonprofit reuse center dedicated to promoting creative reuse, recycling, and resource conservation, where he represents the company in a dispute pertaining to the center's commercial lease.

During law school, Thomas served as lead research editor of the *Temple Law Review* and was recognized for outstanding achievement in oral advocacy, evidence, constitutional law, corporate law, and criminal law.

## Experience

### Antitrust

Defended a large polyurethane foam manufacturer in more than 45 antitrust class actions in multidistrict litigation filed in the United States and Canada. The client was the only defendant in the case to secure partial summary judgment, which removed \$5 billion in sales from plaintiffs' proposed damages calculation and led to a favorable settlement.

### Commercial Litigation

Defeated a motion for a status quo order seeking reinstatement of an LLC manager in the Delaware Court of Chancery on behalf of a real estate investment fund in a dispute with a joint venture partner.

Represented a large food manufacturer in contract litigation against its contract manufacturer and

## Practice Areas

- Antitrust & Competition
- Commercial Litigation
- Product Liability

## Industry Sectors

- Cannabis

## Education

- Temple University—James E. Beasley School of Law, J.D., 2009
- Ithaca College, B.A., *summa cum laude*, 2004

## Bar Admissions

- New Jersey
- Pennsylvania

## Court Admissions

- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- New Jersey
- Supreme Court of Pennsylvania

## Affiliations

University of Pennsylvania Inn of Court

American Bar Association

Pennsylvania Bar Association – Civil Litigation Section

## Awards & Honors

- Pennsylvania Super Lawyers "Rising Star" 2019, 2020. This award is conferred by Super Lawyers. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.
- National Law Journal's Trailblazers - Cannabis Law 2020
- The Legal Intelligencer's Pennsylvania Trailblazers 2020
- Law 360 Rising Stars - Cannabis Law 2020
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## Clerkships

Hon. David R. Strawbridge, U.S. District Court, Eastern District of Pennsylvania (2009-2010)  
Hon. Mitchell S. Goldberg, U.S. District Court, Eastern District of Pennsylvania from (2010-2012)

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packaging supplier to recover damages from a nationwide recall of baby food. The matter settled favorably prior to trial.

Represented a large computer software company in a contract dispute with a former officer who became CEO of a competitor. The matter settled favorably prior to trial.

Successfully represented a large medical marijuana company in a contract dispute in federal court.

#### Litigation

Successfully represented the Southeastern Pennsylvania Transportation Authority (SEPTA) before the Pennsylvania Supreme Court, defeating an effort to overturn the statutory damages cap that limits recovery against state agencies to \$250,000. Responding to the plaintiffs' King's Bench petition, the Cozen O'Connor team argued that the extraordinary relief sought was improper and that the plaintiffs' arguments regarding potential changes to the sovereign immunity statute were inappropriately directed to the Court, rather than to the legislature.

#### Products Liability

Successfully represented a manufacturer of consumer safety products facing wrongful death claims in several states arising out of deaths and serious injuries as a result of residential fires.