



MICHAEL C. WITSCH

PARTNER

Philadelphia, PA

267.780.2016

mwitsch@atllp.com



Michael Witsch is a member of the firm's Litigation practice group focusing primarily on complex commercial litigation, government investigations and white-collar criminal defense. He has represented large companies and senior-level executives in federal and state court proceedings, and has extensive experience at both the trial and appellate levels.

A former appellate prosecutor, Michael has particular experience in post-trial litigation and has briefed or argued often complex matters in all of Pennsylvania's appellate courts and in federal courts of appeal nationwide.

Michael also regularly represents clients in responding to government investigations and high-stakes, complex business, class action and product liability litigation. His experience includes significant representations in the pharmaceutical, financial services, construction, defense contracting and manufacturing industries, and has involved litigating disputes in courts across the country. Michael has also handled significant white-collar matters, including internal investigations, state and federal grand jury matters and regulatory and administrative proceedings. Those engagements have involved allegations including political and public corruption, racketeering, securities fraud, Anti-Kickback Statute violations, tax fraud, false claims for government reimbursement, and other federal and state offenses.

BACKGROUND

Michael joined the firm from a mid-Atlantic law firm. Before that, he was an assistant district attorney in Philadelphia. He served as lead counsel on behalf of the government in securing hundreds of successful appellate results in the Supreme Court of Pennsylvania, Superior Court of Pennsylvania and Commonwealth Court of Pennsylvania, and presented oral argument in dozens of cases. In addition, Michael participated in the investigation and prosecution of sensitive grand jury matters. He also often represented the District Attorney's Office in civil matters, including complex civil rights litigation, professional discipline proceedings and media law disputes.

EDUCATION

- Temple University James E. Beasley School of Law (J.D., *cum laude*, 2012)
 - Temple International and Comparative Law Journal, Lead Research Editor
 - Temple Moot Court Honor Society, Member
 - Rubin Public Interest Law Society, Fellow

SERVICES AND INDUSTRIES

White-Collar Criminal Defense and Government Investigations

Appellate

Class Action Litigation

Complex Commercial Litigation

Internal Investigations and Regulatory Compliance

Consumer Products and Services

Financial Services and Banking

Health Care and Life Sciences

Manufacturing and Innovation Litigation

Construction Services

State Attorneys General

ADMISSIONS

Pennsylvania

New Jersey

Arizona

U.S. Supreme Court

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, Eastern District of Pennsylvania

- College of the Holy Cross (A.B., *cum laude*, 2009)
 - Political Science

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, Western District of Pennsylvania

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Michigan

U.S. District Court, District of New Jersey

PROFESSIONAL ACTIVITIES

- Philadelphia Bar Association (Past Member, Executive Committee, Young Lawyers Division; Member, Appellate Courts Committee; Member, Federal Courts Committee; Member, State Civil Litigation Section; Investigator, Commission on Judicial Selection and Retention; Former Member and Young Lawyers Division Liaison, Large Firm Associates Committee)
- Pennsylvania Association of Criminal Defense Lawyers (Former Member, Amicus Curiae Committee)
- Brehon Law Society (Member, Executive Committee)
- Lexis Nexis® (Advisory Board Member, Pennsylvania Civil Discovery Treatise)
- Ohlbaum on the Pennsylvania Rules of Evidence 2023 Edition (Editorial Board)

CHARITABLE AND CIVIC INVOLVEMENT

- College of the Holy Cross Alumni Association (Member, Board of Directors)
- Public Interest Law Center (Former Member and Board Observer, Board of Directors)

ACCOLADES

- *The Best Lawyers in America*® Ones to Watch, Criminal Defense: White Collar (2021-present), Commercial Litigation (2024-present) ([methodology](#))
 - *Pennsylvania Super Lawyers*®, Rising Star (2019-present) ([methodology](#))
- No aspect of these advertisements has been approved by the Supreme Court of New Jersey.

EXPERIENCE

Representation of Major International Pharma Company in Qui Tam Litigation

Represented a major international pharmaceutical company in *qui tam* litigation alleging violations of the False Claims Act and Anti-Kickback Statute.

Won Dismissal of Class Action Securities Litigation Alleging Market Manipulation for Brokerage Firm

Represented a brokerage firm in class action securities litigation alleging manipulation of options market. Won motion to dismiss. Affirmed on appeal by the Third Circuit.

Represented Not-For-Profit in Settlement Dispute

Represented a not-for-profit client in a complaint brought in Pennsylvania Commonwealth Court regarding funds paid to the client as part of an earlier settlement. The client and its board of directors were sued by a Pennsylvania state agency alleging the funds had not been spent or loaned out in accordance with the terms of the settlement agreement. On initial motions, the Court determined that the matter should be treated as an original jurisdiction complaint as opposed to an action to enforce the

agency's earlier decision, resulting in a more favorable evidentiary standard for the client.

Granted Writ of Prohibition in Dozens of Related Product Liability Actions

Granted writ of prohibition from the Superior Court of Pennsylvania in dozens of related product liability actions for a national window manufacturer.

Obtained Affirmance on Appeal in Federal Corporate Veil-Piercing Action

Obtained affirmance of summary judgment at the Court of Appeals for the Second Circuit in a federal corporate veil-piercing action involving a major web and mobile application company.

Obtained Quashal for National Law Firm on Appeal

Obtained quashal on behalf of a national law firm on appeal seeking to overturn sustaining of preliminary objections dismissing the lawsuit brought against the firm and others.

Representation in Putative Class Action Alleging RICO Violations

Represented corporate executives in putative class action cases across the country alleging violations of RICO statute in connection with fintech servicing relationships with banks and non-bank lenders.

Representation of Fire Safety Systems Manufacturer in Breach of Contract Case

Represented national fire safety systems manufacturer in federal court relating to breach of contract claims.

Representation of Labor Union Against Various Claims

Represented a labor union in connection with allegations of defamation, intentional infliction of emotional distress and related business torts.

Representation of National Window Manufacturer in Product Liability Actions

Represented a national window manufacturer in dozens of product liability actions involving alleged residential construction defects.

Representation of Pharma Company in Breach of Contract Case

Represented a major pharmaceutical company as part of trial team in a breach of contract suit litigated over five days before the Delaware Court of Chancery.

Trial and Appellate Representation of National Home Builder in Contract, Environmental Disputes

Represented a national home builder in contract and environmental disputes at both trial and appellate levels.

Won Business Tort, Defamation Cases for Contract Manufacturer

Won suits brought in Pennsylvania state court against a contract manufacturer alleging various business torts and defamation.

Successful Defense of State Senator Against Federal Bribery Charges

Successfully defended, as part of a team, a state senator against federal bribery charges.

Representation of Aerospace Engineering Company in Debarment Proceedings

Successfully represented aerospace component engineering company in administrative debarment proceedings.