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## CATHLEEN KELLY REBAR

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Cathleen is a partner and shareholder at Rebar Bernstiel. She heads the firms' liability practice. She has been advising and counseling clients in complex litigation matters for almost two decades. She defends clients in claims pertaining to professional liability and errors and omissions, products liability, toxic tort, premise liability, security, health care, social services and employment practice. She serves as the Chair of the firms' Information and Security Procedures.

### Cathleen has represented clients in the following types of claims:

- duty to represent
- dangerous conditions
- inadequate security
- failure to advise, failure to implement design specifications
- failure to supervise, failure to inspect
- design defects
- employer liability under The Jones Act
- errors in professional judgment and failure to refer
- failure to meet/inform of deadlines
- failure to diagnose and misdiagnosis
- emergency medical care and nursing mistakes
- negligence arising out of complementary and alternative medicine
- mental health issues
- corporate liability
- subcontractor responsibility/indemnification
- indemnity and obtaining coverage under additional insured status
- failure to warn

Her clients include one of the nation's largest health care providers. Prominent architects and engineers, national retailers and one of the country's largest real estate brokerage.

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## Professional Experience

Cathleen served as an Assistant District Attorney in the Delaware County District Attorney's Office in Pennsylvania. She later joined the Pennsylvania Office of Attorney General as a Deputy Attorney General for the Eastern Region of Pennsylvania, where she prosecuted neglect in the long-term care sectors and healthcare fraud.

Cathleen was a shareholder and partner in two well-respected litigation firms before founding Rebar Bernstiel in 2012. Cathleen is also an elected Magisterial District Judge in Montgomery County, Pennsylvania, where she currently serves portions of the western population of Montgomery County.

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## Education

Villanova University School of Law, J.D., 1998

Long Island University, B.A., 1995, magna cum laude

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## Primary Practice Areas

- Automobile Liability
- Class Action
- Complex Litigation
- Contribution
- Crisis Management
- Employment Law
- Information Security
- Long Term Care
- Management Liability
- Maritime Law
- Medical Malpractice
- Professional Liability
- Retail & Hospitality
- Security Liability
- Social Services
- Workers Comp

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## Additional Practice Areas

- Premise Liability and Security
- Product Defect & Food Contamination

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## Bar Memberships & Court Admissions

- Pennsylvania
- New Jersey
- New York
- Ohio
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Western District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Third Circuit
- U.S. Supreme Court
- Philadelphia Bar Association

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## Professional Affiliations and Professional Organizations

- Council on Litigation Management (CLM) Member
- Professional Liability Sub Committee of CLM
- Premises Liability Committee Sub Committee of CLM
- Products Liability Committee Sub Committee of CLM
- Trial Law Institute
- New York Bar Foundation
- Women's Steering Committee Sub Committee of CLM
- Litigation Counsel of America Trial Lawyer's Honor Society
- Professional Liability Underwriting Society (PLUS)
- Co-Chair Cyber Sub Committee of CLM
- Inaugural member of "Young Lawyer Friends of the Foundation" The New York Bar Foundation
- New York State Society of CPAs
- National Retail and Restaurant Defense Association



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## Recognitions and Honors

Lawyer on the Fast Track, The Legal Intelligencer

Super Lawyer 2014, 2015, 2016, 2017, 2018

Rising Star, Law & Politics, 2006-2008, 2010-2011, 2011-2012

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## Representative Matters

Cathleen has defended one of the nation's largest healthcare providers in claims of medical malpractice. She has also represented design professionals in legal matters stemming from defective design of electrical equipment resulting in multiple claims and lawsuits. Cathleen has been defending one of the region's largest real estate brokers in errors and omissions matters for over a decade. She has also represented physicians in connection with allegations of failing to properly diagnose, as well as long-term care facilities against allegations of inappropriate preventative measures for the avoidance of pressure sores. In addition, Cathleen is well-versed in Maritime Law and defends ship captains and vessel owners in negligence claims under the Jones Act. Cathleen also defended one of the country's largest retail suppliers of electronics in claims of product defects and premise liability matters.

**(2015)** Obtained defense verdict at trial for a national property preservation service company on a claim that Plaintiff, a vendor utilized by client to preserve foreclosed properties was owed additional monies for services rendered.

**(2015)** Effectively achieved vendor to assume defense and indemnification for a national property preservation service company in Federal Court wherein Plaintiff claimed preservation company negligently entered and removed personal property from a residence not in foreclosure.

**(2015)** Secured Non Pros against Plaintiff based on novel argument involving need for more detailed Certificate of Merit in claim where undisputable negligence had occurred injecting the wrong leg with epidural, but damages could only have been caused by injection performed in a negligent manner.

**(2014)** County of Erie, New York, Obtained dismissal of school nurse in allegation of failure to report abuse in special needs school, where timely report was made to parents and no proof of assault was present.

**(2014)** Effectively achieved vendor to assume defense and indemnification for a national property preservation service company wherein Plaintiff claimed preservation company negligently winterized a property not in foreclosure.

**(2014)** Obtained summary judgment for a national property preservation service company in the Superior Court of Mercer County where plaintiff claimed she tripped and fell on a foreclosed property being maintained by client.

**(2014)** Successfully defended three coordinate EEOC and Pennsylvania Human Rights Commission Complaint involving alleged national origin discrimination in University faculty promotion.

**(2014)** Obtained dismissal of dentist in claim of alleged improper tooth extraction by obtaining early expert review and presenting medicals claim of wrongful use of proceedings against Plaintiff.

**(2013)** Obtained dismissal of physician in multi-defendant litigation including wrongful death. Dismissal based on personal jurisdiction grounds for failing to properly serve defendant within timeframe provided under the Rules.

**(2013)** Obtained dismissal of school nurse in allegation of failure to report abuse in special needs school, where timely report was made to parents and no proof of assault was present.

**(2013)** Achieved dismissal for physician provider in wrongful death case involving improper diagnosis of bronchiolitis in a toddler.

**(2012)** Achieved dismissal of physician provider in medical negligence case stemming from failure to transfer patient to specialty care center for burns and improper surgical procedure leading to need for regrafting.

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## Representative Matters (Continued)

(2011) In case involving the burning death of four children in a residential house fire as a result of alleged defect in extension cord sold by national electronics manufacturer, successfully defended action to achieve settlement of all claims for \$40,000, where demand had been in excess of \$30,000,000.

(2011) Obtained settlement of less than \$7,000 on behalf of national pre-cast concrete manufacturer in case involving fall through mechanical opening on roof of five story building, where opening was not properly closed off and improper warnings were given.

(2010) Obtained complete dismissal of national provider of Mental Health Services in case involving homicide of resident in group home by another resident following failure to properly administer anti-psychotic medications to resident committing crime.

(2009) Successfully defended personal care home in burning death of quadriplegic resident during three week trial in case involving \$12,000,000 demand by limiting Plaintiff's verdict for \$120,000 with 40% contributory fault attributed to Plaintiff, with all aspects of case upheld on appeal, successfully argued before the Superior Court.

(2005) Achieved complete defense verdict for Major League Baseball franchise after four week trial in Philadelphia Court of Common Pleas against allegations of inadequate security involving sexual assault of 11 year old.

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## Speaking Engagements and Published Works

*Transferring Risk in the Retail, Restaurant & Hospitality Arena*, CLM Retail, Restaurant & Hospitality Conference, Dallas, TX, February 7, 2019

*E-Strategies*, Litigation Management Institute, Loyola University, Chicago, IL, October 21, 2018

*Claims & Judicial Inconsistencies on the Rise*, CLM Cyber Summit, New York, NY, October 12, 2018

*Looking for Other Pockets: Identifying and Pursuing Other Entities to Offset Liability Including Additional Insureds*, CLM Construction Conference, Chicago, IL, September 2018

*Third-Party Vendor Risk Management and Exposure*, CLM Claims College, Baltimore, Maryland, September 5 – 8, 2018

*Strategies for Managing, Mitigating and Offsetting Costs of Data Breach Claims*, CLM Annual Conference, Houston, March 2018

*Combating the Reptile Theory Through Deposition Preparation and Motion Practice*, RRM CLM Conference, Dallas, TX, February 2018

*Reptile Theory Practicum*, New York Athletic Club, January 11, 2018

"User's Guide to Data Breach Handling," 2017 CLM Annual Conference, Nashville, TN, On March 30, 2017

*Aspects of Working in Litigation Boutiques*, Villanova University Panel on Business, Villanova, Pa on January 11th, 2017

Instructor at Litigation Management Institute at Loyola University School of Law, 2016 – 2017.

Instructor at CLM Claims College, Baltimore, Maryland, 2016 – 2017.

2nd Annual Advanced Forum on Medical Liability Claims, Coverage & Risk Management in New York, NY on October 27 – 28, 2016

2016 CLM Cyber Liability Summit "Internet of Things – Modern Day Warfare and Threats Both Seen and Unseen" in New York, NY on October 05, 2016

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## Speaking Engagements and Published Works (Continued)

13th National Forum on Cyber & Data Risk Insurance, American Conference Institute's (ACI) 13th National Forum on Cyber & Data Risk Insurance in New York, NY on July 28-29, 2016

*The Experts Speak - Cyber and Data Privacy Risk - a Holistic Approach to Mitigating the Inevitable*, Cyber Liability CLM Annual Conference in Orlando, FL on April 7, 2016

*Cyber-Insurance: Understanding the New System* a LIVE Webcast sponsored by the American Conference Institute on January 25, 2016.

Panel speaker on the subject of Small Law Firms. Part of the Small Business Series held at the Villanova University School of Law, on January 13, 2016

*The Interface of Underwriting, Claims and Counsel to Create Sustainable Insurance Products for Cyber Risk*, 2015 Cyber Liability Summit, October 21, 2015.

ACI's 11th National Advanced Forum on Cyber & Data Risk Insurance - *Attorney/Client Privilege Issues Arising out of Breach Notification: Attorney's Ethical Duties When Clients Seek Advice During a Breach and Examining the Communication That is Considered Privilege*, September 30-October, 1, 2015 at the Affinia Manhattan, NY.

*Cyber Liability Class Actions and Litigation: Their Impact on Assessing What Breaches and Resulting Claims are Worth*, ACI Cyber & Data Risk Insurance, March 24-25, 2015.

Instructor at Litigation Management Institute at Columbia University School of Law, 2015.

Instructor at CLM Claims College, Philadelphia, Pennsylvania, 2014 – 2015.

*The Changing Landscape of Cyber Security*, ACI Medical Professional Liability Summit, October 30-31, 2014.

*The Changing Landscape of Cyber Liability Litigation and Its Impact on Assessing What Breaches and Resulting Claims Are Worth*, ACI Cyber Conference, September 29-30, 2014.

*Protecting Against the Unexpected: How to Defend Claims Resulting from Criminal Activity*, Retail Restaurant Hospitality Committee CLM, May 9, 2014.

*Penny Wise and Pound Foolish*, CLM 2014 Annual Conference, March 2014.

*Expert Relations: How to Maximize your Expert Witness' Effectiveness in Obtaining the Best Results for Your Client*, CLM 2013 Professional Liability Mini Conference, July 26, 2013.

*Mounting and Establishing an Effective Failure to Thrive Defense in a Skin Breakdown Case*, American Conference Institute's 3rd Annual Forum on Preventing and Defending Long Term Care Litigation, January 23 – 24, 2013.

*Food Adulteration, Is it Preventable?*, FX Conference Series, November 29, 2012.

*Supporting your Legal Professional*, National Association of Legal Secretaries Annual Meeting, Peddler's Village, September 27, 2012.

*Food Safety Modernization Act*, NJICLE, September 2011.

*Defending Long Term Care Cases*, American Conference Institute's 1st Annual Forum on Preventing and Defending Long Term Care Litigation, April 2011.

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## Charitable & Civic Involvement and Personal Interests

- Liberty and Law Civics Program
- Mothers Against Drunk Driving
- National Coalition Against Domestic Violence
- YMCA
- CYO
- Laurel House
- Montgomery County Camp Cadet
- Visitation of the Blessed Virgin Mary Catholic Church
- Board Member of the Montgomery County Emergency Services Board

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## Internships

Legal Intern, Delaware County District Attorney's Office, Delaware County, Pennsylvania

Legal Intern, U.S. Attorney's Office, Wilmington, Delaware

Legal Intern, Suffolk County District Attorney's Office, Suffolk County, New York