

# Stevens & Lee

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## Karl S. Myers

Shareholder

[karl.myers@stevenslee.com](mailto:karl.myers@stevenslee.com)

Bala Cynwyd, Harrisburg

215.751.2864

### Practice

Litigation

Karl co-chairs Stevens & Lee's Appellate Practice Group with Hon. Thomas I. Vanaskie (Ret.). He is a leading Pennsylvania appellate lawyer with two decades of experience arguing and briefing a wide variety of high-profile, precedent-setting cases before the appellate courts of Pennsylvania and other jurisdictions. Throughout his career, clients have entrusted Karl with numerous high-risk appeals valued, in aggregate, at a half-billion dollars. He focuses on cases before the Pennsylvania Supreme, Commonwealth and Superior Courts, as well as the United States Court of Appeals for the Third Circuit, and has particular experience in the areas of:

- State and federal constitutional challenges
- State administrative agency disputes
- Original jurisdiction proceedings in Commonwealth Court
- Pennsylvania Right-to-Know Law requests
- Government contracting and bid protest disputes
- Insurance insolvency and guaranty association matters
- Construction and surety cases
- Complex commercial actions

Karl has served as counsel of record in hundreds of cases before Pennsylvania's appellate courts. Clients also engage him to author amicus curiae briefs before the U.S. Supreme Court and other appellate courts in cases of significance to trade, industry and other groups.

Because of the prominent nature of his appellate advocacy, Karl has frequently presented livestreamed

and televised arguments and his arguments are often quoted in the *Pennsylvania Law Weekly*, *The Legal Intelligencer*, *Law360* and other regional and national publications. As a thought leader in his area of law, he comments on notable issues before the appellate courts and often serves as a panelist and moderator for appellate practice presentations and seminars.

Karl also serves in prominent roles within the community of appellate practitioners. He has served as Co-Chair of the Appellate Advocacy Committee of the Pennsylvania Bar Association, and is a charter member of that Committee, having been a member since its formation in 2003. Karl serves on the Board of Directors and as Pennsylvania State Chair for the Council of Appellate Lawyers of the American Bar Association's Appellate Judges Conference, the first and only national appellate bench-bar organization. He also serves as a member of the Board of Governors of the Third Circuit Bar Association. Karl has served as Chair of the Administrative Law Section of the Pennsylvania Bar Association. Additionally, he is an active member of the Pennsylvania Commonwealth Court Historical Society. Through his advocacy and professional activities, Karl has developed a strong rapport with the appellate bench.

Complementing his appellate practice, Karl also is an experienced trial court lawyer who has overseen disputes from inception through verdict, decision or resolution in hundreds of cases pending before state and federal courts. His litigation practice has touched virtually every type of civil matter, including insurance coverage and bad faith cases, commercial disputes, and contract, tort and personal injury matters.

Karl has been trained as a mediator by the American Arbitration Association and is certified as a state and a federal court arbitrator. He has assisted in the judicial selection process by serving three terms as a reviewer in the Investigative Division of the Philadelphia Bar Association's Commission on Judicial Selection and Retention.

Immediately after law school, Karl began to develop his appellate capabilities and experience while serving as a law clerk for the Hon. Russell M. Nigro of the Supreme Court of Pennsylvania. He also served as a clerk for the Hon. John T.J. Kelly Jr. of the Superior Court of Pennsylvania while still in law school.

During his distinguished law school career, Karl was selected as a member of the Appellate Moot Court Board, *Dickinson Law Review*, and Woolsack Honor Society. At that time, he also served as a clerk for the Hon. Yvette Kane of the U.S. District Court for the Middle District of Pennsylvania. Karl began his legal career as an intern for the Montgomery County District Attorney's Office.

Karl is a contributor to the Appellate Law Center.

## Experience

### Representative Experience

- Prevailed before the Pennsylvania Supreme Court in a limited partnership dispute over the proper venue for review of a special litigation committee's recommendations in response to derivative litigation demands after personally briefing and arguing the case before the Supreme Court – *MBC Development v. Miller*, 316 A.3d 51 (Pa. 2024), *cert. denied*, 2024 WL 4743096 (2024)
- Authored an *amicus curiae* brief on behalf of an economic development association that persuaded the Pennsylvania Supreme Court to find projects funded with the proceeds of tax-exempt bonds issued by municipal authorities are not subject to prevailing wage laws – *Ursinus College v. Prevailing Wage Appeals Board*, 310 A.3d 154 (Pa. 2024)
- Obtained a Commonwealth Court decision holding that the response of the Pennsylvania House of

Representatives to a request for privileged information complied with the Right-to-Know Law after personally briefing and arguing the appeal – *Janesch v. Pennsylvania House of Representatives*, 299 A.3d 1030 (Pa. Commw. 2023)

- Defeated constitutional challenges to Pennsylvania General Assembly laws relating to the use of all-terrain vehicles in the Commonwealth's parks and forests after personally briefing and arguing the case before the Commonwealth Court – *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 285 A.3d 702 (Pa. Commw. 2022)
- Wrote an *amicus curiae* brief on behalf of the Pennsylvania legislature that convinced the Pennsylvania Supreme Court to hold that denials of claims to governmental immunity are immediately appealable at any stage of a case under the collateral order doctrine – *Brooks v. Ewing Cole*, 259 A.3d 359 (Pa. 2021)
- Successfully represented non-profit *amicus curiae* parties pro bono before the Pennsylvania Supreme Court by obtaining a decision allowing comfort dogs to accompany vulnerable witnesses when they testify in court – *Commonwealth v. Purnell*, 259 A.3d 974 (Pa. 2021)
- Protected a State Representative from constitutional claims arising from his work relating to the sale of state property by securing a Third Circuit ruling holding legislative and qualified immunity applied to the Representative's activities after personally briefing and arguing the appeal – *HIRA Educational Services North America v. Augustine*, 991 F.3d 180 (3d Cir. 2021)
- Secured the return of over \$18 million in guaranty association assessments for health plans by obtaining a unanimous decision of the en banc Commonwealth Court after personally briefing and arguing the appeal – *Pennsylvania Life and Health Insurance Guaranty Association v. Pennsylvania Insurance Department*, 218 A.3d 9 (Pa. Commw. 2019)
- Defeated a constitutional challenge to the tradition of the Pennsylvania House of Representatives of opening session days with prayers offered by guest chaplains of diverse faith traditions by obtaining a favorable Third Circuit ruling after personally arguing the appeal – *Fields v. Speaker of Pennsylvania House of Representatives*, 936 F.3d 142 (3d Cir. 2019)
- Shielded Philadelphia's Amazon second headquarters or "HQ2" proposal from public disclosure prior to Amazon's selection of new headquarters in Right-to-Know Law disputes before Pennsylvania's appellate courts and Office of Open Records – *City of Philadelphia & Philadelphia Industrial Development Corporation v. Shannon*, No. 92 EM 2018 (Pa. 2018); *Department of Community and Economic Development v. Krauss*, No. 1367 CD 2018 (Pa. Commw. 2018)
- Penned an *amicus curiae* brief on behalf of a trade group that persuaded the Pennsylvania Supreme Court to hold an insurance policy provision complied with Pennsylvania law and public policy – *Safe Auto Insurance Company v. Oriental-Guillermo*, 214 A.3d 1257 (Pa. 2019)
- Blocked subpoenas and discovery directed to the Pennsylvania General Assembly, Speaker of the House, President Pro Tempore of the Senate, and legislative staff by obtaining a Commonwealth Court decision quashing the subpoenas and barring the discovery under the Speech or Debate Clause of the Pennsylvania Constitution – *League of Women Voters of Pennsylvania v. Commonwealth*, 177 A.3d 1000 (Pa. Commw. 2017)
- Protected the confidential information and trade secrets of health plans by obtaining favorable Right-

- to-Know Law rulings from the Pennsylvania Supreme Court and en banc Commonwealth Court after personally briefing and arguing the cases – *UnitedHealthcare of Pennsylvania v. Baron*, 171 A.3d 943 (Pa. Commw. 2017); *Dental Benefit Providers v. Eiseman*, 124 A.3d 1214 (Pa. 2015)
- Shielded the confidential financial information of a bidder on a public procurement by obtaining a Commonwealth Court decision holding the information protected from disclosure under the Right-to-Know Law after personally briefing and arguing the appeal – *Global Tel\*Link Corporation v. Wright*, 147 A.3d 978 (Pa. Commw. 2016)
  - Obtained a unanimous Pennsylvania Supreme Court decision of first impression holding that enactments of the Pennsylvania General Assembly are not subject to belated procedural constitutional challenges after personally briefing and arguing the appeal – *Sernovitz v. Dershaw*, 127 A.3d 783 (Pa. 2015)
  - Defeated class action lawsuits against the Pennsylvania legislature challenging the constitutionality of Pennsylvania laws and seeking over \$200 million in relief, including by defeating multiple requests for injunctions in the Pennsylvania Commonwealth Court and obtaining a unanimous Pennsylvania Supreme Court decision in the legislature's favor after personally briefing and arguing the appeal – *Sears v. Wolf*, 118 A.3d 1091 (Pa. 2015)
  - Prevented an attempt by an insurance guaranty association to apply another state's laws to Pennsylvania's insurance insolvency proceedings in a reimbursement dispute by obtaining a favorable 4-to-3 ruling of the en banc Commonwealth Court after personally briefing and arguing the appeal – *Alabama Insurance Guaranty Association v. Reliance Insurance Co. in Liquidation*, 100 A.3d 702 (Pa. Commw. 2014)
  - Preserved \$11 million in public funding awarded for conversion of a former school building to apartments for lower-income senior citizens by obtaining a favorable Pennsylvania Supreme Court decision on the zoning of the project after personally briefing and arguing the appeal – *Marshall v. City of Philadelphia*, 97 A.3d 323 (Pa. 2014)
  - Negated nearly all of a \$12 million claim in an insolvent insurance company's liquidation proceedings by way of a unanimous decision of the Pennsylvania Supreme Court of national significance in the insurance insolvency setting – *Warrantech Consumer Products Services v. Reliance Insurance Co. in Liquidation*, 96 A.3d 346 (Pa. 2014)
  - Prevailed before the Pennsylvania Supreme Court in a constitutional challenge to a Pennsylvania General Assembly enactment enabling Pennsylvania counties to abolish the position of jury commissioner after personally briefing and arguing the appeal – *Pennsylvania State Association of Jury Commissioners v. Commonwealth*, 78 A.3d 1020 (Pa. 2013)
  - Tried a half-million-dollar dispute between packaging companies before a federal jury over five days, secured a partial victory at trial, then obtained a complete victory on appeal to the Third Circuit – *LPPR v. Keller Crescent*, 532 Fed. Appx. 268 (3d Cir. 2012)

## Affiliations

- Pennsylvania Bar Association
  - Appellate Advocacy Committee, Past Co-Chair
  - Administrative Law Section, Past Chair

- American Bar Association
  - Appellate Judges Conference, Council of Appellate Lawyers, Board of Directors
  - Appellate Judges Conference, Council of Appellate Lawyers, Pennsylvania State Chair
  - Tort Trial and Insurance Practice Section, Appellate Advocacy Committee, Past Chair
- Pennsylvania Commonwealth Court Historical Society
- Third Circuit Bar Association, Board of Governors
- Third Circuit Historical Society
- Court of Common Pleas, Philadelphia County, Certified Arbitrator
- U.S. District Court, Eastern District of Pennsylvania, Certified Arbitrator
- Court of Common Pleas, Philadelphia County, Judge *Pro Tempore*

### Recognition

- *Chambers USA: America's Leading Lawyers for Business*, Band 1 in Litigation: Appellate, Pennsylvania, 2021-Present
- Presented the Pennsylvania Bar Association Special Achievement Award, 2024
- Recognized every year since 2017 as a Pennsylvania Super Lawyer in the area of Appellate Law; Named to "Rising Stars," 2010-2016
- *Suburban Life Magazine*, "Top Attorney," 2021

### Education

- Pennsylvania State University Dickinson School of Law, J.D., *cum laude*
- University of Delaware, B.A.

### Bar Admissions

- Pennsylvania
- New Jersey

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the District of New Jersey