



## Wesley A. Prichard

### Associate

Pittsburgh  
+1.412.355.8969

Wesley.Prichard@klgates.com

## OVERVIEW

Wesley Prichard is an associate in the firm's Pittsburgh office who maintains an active trial and arbitration practice focused on class-action defense, international and domestic arbitration, closely held business disputes, and appellate litigation. Wes has diversified litigation and alternative dispute resolution experience, ranging from trial, appeal, motions practice and hearings, fact investigations, e-Discovery, and settlement. He has second-chaired multiple trials, conducted fact and expert witness examinations in court, taken and defended fact and expert depositions, argued motions, and negotiated settlements. Wes also maintains an active counseling practice, advising clients on internal and external risk management and resolving disputes through negotiated settlements, mediations, arbitrations, or trials. Wes's experience extends to the areas of industrial incidents, emerging chemicals such as ethylene oxide, mass torts, environmental claims, breach of contract, breach of fiduciary duties, closely held businesses, and construction disputes.

## PROFESSIONAL BACKGROUND

During law school, Wes served as an extern for the Honorable D. Michael Fisher of the United States Court of Appeals for the Third Circuit. He also served as an intern for the Honorable Maurice B. Cohill Jr. of the United States District Court for the Western District of Pennsylvania.

## PROFESSIONAL / CIVIC ACTIVITIES

- Co-Chair, K&L Gates Pittsburgh associates' committee (2022–present)
- K&L Gates Complex Commercial Litigation & Disputes Editorial Board (Co-Chair, 2022–2023; Member, 2023–present)

## SPEAKING ENGAGEMENTS

- “ESG Workforce Class Actions,” Under the Wire: Coloring Within Shifting Lines – 2023 Workforce Edition, K&L Gates, April 6, 2023.

- “Mass Arbitrations,” Class Action Money & Ethics 2020: Aligning Interests & Optimizing Outcomes in Class Action Litigation, Beard Group, September 21, 2020.
- “Investigating, Litigating, and Avoiding Issues under the False Claims Act Applied to Health Care Providers,” K&L Gates, February 20, 2019.

## EDUCATION

- J.D., University of Pittsburgh School of Law, 2017 (*magna cum laude*; *Order of the Coif*; *University of Pittsburgh Law Review Editorial Board*; *Appellate Court Competition Award*; *Law School Trial Advocacy Award*)
- B.S.B.A., Geneva College, 2014 (*Valedictorian*)

## ADMISSIONS

- Bar of Pennsylvania
- United States Bankruptcy Court for the Western District of Pennsylvania
- United States District Court for the Western District of Pennsylvania

## THOUGHT LEADERSHIP POWERED BY HUB

- 26 January 2024, Litigation Minute: 2023 Year in Review and 2024 Look Ahead
- 16 May 2023, American Law Institute Vote on Medical Monitoring Could Spur Increased "No-Injury" Claims
- 8 March 2023, Litigation Minute: Ethylene Oxide—Where Regulators Are Going and How We Got Here
- 22 February 2023, Litigation Minute: Ethylene Oxide—Could Your Company Be a Litigation Target?
- 7 February 2023, Litigation Minute: Ethylene Oxide—What it Is and Why You Should Care
- 28 June 2022, Litigation Minute: Has the Supreme Court Left ESG Class Actions a Leg to Stand On?
- 21 June 2022, Litigation Minute: The "G": Governance Issues Keep the Board From Getting Bored
- 14 June 2022, Litigation Minute: The "S": Suits Based on What a Company Says and Does
- 7 June 2022, Litigation Minute: The "E": Environmental Regulation and Ethos
- 15 April 2022, Look At Me, Not Through Me: Supreme Court Limits Federal Jurisdiction for Post-Arbitration Award Petitions
- 29 June 2021, Where's the Harm in Class Certification? The United States Supreme Court Confirms: It Must Be in Plaintiffs' Evidence
- 15 April 2021, Litigation Minute: Drafting Considerations for Protective Orders

- 24 June 2020, Mass Arbitration, Más Problems: Class-Action Procedures May Guide Solutions to Issues in Mass Arbitrations
- 30 April 2018, Boots on the Ground: PIL Task Force Targeting Opioid Providers in the War on Drugs

## OTHER PUBLICATIONS

- “Using Rule 23(f) To Review Class Certification Orders,” *Law360*, 22 April 2024
- “Class Action Defense: Don't Give Up On Bristol-Myers Squibb,” *Law360*, 25 October 2023
- ALI's Medical-Monitoring Proposal May Encourage Claims, *Law360*, 28 June 2023
- EPA Accepting Public Comments on Amended Ethylene Oxide Regulations, *Washington Legal Foundation*, 9 June 2023
- How To Navigate Class Incentive Awards After Justices' Denial, *Law360*, 7 June 2023
- What 5-Year BIPA Time Limit Means For Class Action Defenses, *Law360*, 6 March 2023
- 5th Circ. Class Action Rulings Reflect Post-TransUnion Trends, *Law360*, 1 December 2022
- Survey of Pennsylvania Privacy and Related Claims Against the Media, *MLRC 50-State Survey: Media Privacy and Related Law*, 2018-2019 (Articles, 2018-2019).
- What You Don't Know Can't Hurt You, Right? Resolving the Inherent Tension between the Yates Memo and the Collective Knowledge Doctrine in Environmental Criminal Enforcement Actions, 39 *Energy & Min. L. Inst.* 255 (2018)
- Wesley A. Prichard, Compelling Interest Cacodoxy: Why the Contraception Mandate Fails RFRA's Compelling Interest Analysis, 78 *Pitt. L. Rev.* 245 (2016).

## MEDIA MENTIONS

- Mentioned in “Samsung Biometric Data Door Opens New Mass Arbitration Front,” Bloomberg Law, 21 Oct. 2022

## AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation
- Class Action Litigation Defense
- Construction and Infrastructure
- International Arbitration

- Mass Tort

## INDUSTRIES

- Aerospace
- Manufacturing
- Specialty Chemicals

## EMERGING ISSUES

- Environmental Social Governance (ESG)

## REPRESENTATIVE EXPERIENCE

### SELECT RECENT TRIAL EXPERIENCE

- Represent (second chair) major real-estate developer in closely held business dispute, successfully defending claims for breach of contract and breach of fiduciary duty and successfully asserting claims for breach of fiduciary duty, relating to disputes over 10 limited-liability real-estate entities. Case resolved during trial following cross-examination of opposing party's first witness.
- Represent (second chair) major aerospace materials supplier in international arbitration before the Arbitration Institute of the Stockholm (Sweden) Chamber of Commerce in defense of breach of contract claims regarding pricing.

### SELECT CURRENT ENGAGEMENTS

- Represent (lead associate) major chemical company in connection with the defense of civil liability and damage claims arising from a series of well-publicized chemical fires at a Texas facility in the wake of Hurricane Harvey in September 2017, including the defense in federal court of a class action involving upwards of 30,000 individuals who allege a variety of personal and property injuries and a Texas state-court MDL proceeding involving more than 750 plaintiffs, who were allegedly injured and/or suffered property damage during the fires.
- Represent (lead associate) major chemical company in defense of putative class action regarding ethylene oxide emissions seeking medical monitoring for multiple census tracts pending in federal court.
- Represent (lead associate) major medical equipment company in defense of putative class action regarding recalled devices pending in state court.
- Counsel Fortune 500 company in defense of multiple nationwide class actions regarding retiree healthcare and life insurance benefits.
- Represent (second chair) co-owner of multiple closely held businesses in defending claims for breach of contract and breach of fiduciary duty and asserting counterclaims for breach of fiduciary duty relating to disputes over income allocation.

- Represent (first chair) major aluminum company in defense of tort-based personal injury claims alleged by third-party contractor.
- Consult minority owner in S-Corporation in connection with demand for accounting, sale of business, and buy out.

## SELECT PRIOR ENGAGEMENTS

- Represent (second chair) international engineering firm in international arbitration before the American Arbitration Association International Centre of Dispute Resolution in defense of defective design and delay claims. Case resolved shortly before trial.
- Represent (first chair) hardware distributor in Miller Act claim for nonpayment under bonded subcontracts owned by government entity. Case resolved following mediation near the close of discovery.
- Represent (second chair) manufacturer of tailor-engineered web converting equipment in defending breach of contract and trade secrets dispute with former sales representative. Case resolved following filing of motion to dismiss.
- Represent (first chair) prisoner-plaintiff in successfully asserting First- and Eighth-Amendment violations. Case resolved after surviving summary judgment and being awarded attorneys' fees.
- Lead author of *certiorari*- and merits-stage amicus curiae briefs on behalf of veterans and veteran's organizations in case before the United States Supreme Court concerning whether a cross-shaped war memorial violates the Establishment Clause.