

# S&S

SAUNDERS and SCHMIELER

LAW OFFICES

*Prospectus*

Solutions for your legal needs.

DC MD VA

[www.sslawfirm.com](http://www.sslawfirm.com)



## ABOUT US

Saunders & Schmieler is an established law firm practicing in all state and federal courts in Maryland, Washington, D.C., and Virginia. The firm has represented the interests of a wide array of individual, corporate, and insurance clients. Saunders & Schmieler emphasizes the importance of providing sound legal advice and the highest quality advocacy in order to meet its clients' goals.

For decades, Saunders & Schmieler has helped clients minimize risks and resolve legal disputes as they arise. Whether the case involves property damage, multi-jurisdictional environmental torts, product liability, construction disputes, insurance coverage, catastrophic loss, or a class action, Saunders & Schmieler has consistently delivered favorable results to its clients. Our firm's litigation expertise, decades of legal wisdom, and client responsiveness can successfully manage your case.

## PRACTICE AREAS

Our clients come first. We help you achieve your goals by providing consistent, high-quality, and practical legal services for a reasonable price. Saunders & Schmieler has a wealth of experience in the following areas:

*Trial & Appellate Litigation*  
*Advice & Consultation*  
*Business Law*  
*Insurance Law*  
*Insurance Coverage*  
*Self-Insurance*  
*Personal Injury*  
*Negligent Security Claims*  
*Slip and Fall Claims*  
*Mass Torts*  
*Products Liability*  
*Premises Liability*  
*Defamation*  
*Animal Liability*  
*Construction Liability*  
*Breach of Contract Claims*  
*Advertising Injury*  
*Unfair Competition*  
*Copyright Claims*  
*Trademark Claims*

*Trade Secret Claims*  
*Errors and Omissions*  
*Risk Management*  
*Corporate Law*  
*Directors & Officers Liability*  
*Motor Vehicle Tort and Trucking Claims*  
*Toxic Tort Claims*  
*Civil Rights Litigation*  
*Professional Malpractice Litigation*  
*Environmental Claims*  
*Toxic Torts*  
*Carbon Monoxide & Toxic Fume Claims*  
*Contamination Claims*  
*Occupational Illness Defense*  
*Housing Discrimination and ADA Claims*  
*Class Action Litigation*  
*Sports & Entertainment Litigation*  
*Discrimination Claims*  
*Wrongful Death & Survival Litigation*

In addition to our broad-based general and litigation practice, Saunders & Schmieler consults with business clients concerning their business practices, corporate matters, and commercial law.

The firm has worked with a number of well-established companies including:

AAA Mid-Atlantic, Inc.	Lakeforest Mall Associates
Adam Weschler & Sons, Inc.	Lazlo N. Tauber
AEW Capital Management, LP	Legal Seafoods, Inc.
AIMCO	Legg Mason
American Safety Corporation	Manor Care, Inc.
APCOA Standard Parking	Maryland Management Company
ARK Restaurants	Mazza Gallery
Argenbright Security, Inc.	MBNA America Bank
Atlas Air Conditioning, Inc.	Mercantile Bankshares Corporation
Baltimore Symphony Orchestra	McCrary Corporation
Best Products Company	McDonalds Corporation
Black Entertainment Television (BET)	National Service Industries
B&O Railroad Museum	New York Life Insurance Company
Boston Properties, Inc.	October Corporation/Barlow Corporation
BP Oil Company	Ourisman Chevrolet
CALpers (California Public Employees' Retirement System)	Outback Steakhouse, Inc.
Capital Children's Museum	Petsmart
Case Communications, Inc.	Prudential Insurance Company
Champion Realty	Pulmosan Corporation
Chevy Chase FSB	Regency Centers, Inc.
Chubb Group of Insurance Companies	Rheem Manufacturing Company
Chubb Indemnity Insurance Company	Skechers USA
Chubb Services Corporation	Skee-Ball, Inc.
Chubb & Son	Southern Management
Chubb Specialty Insurance	Sovereign Bancorp, Inc.
CNA Commercial Insurance	Spiniello Construction Company
CNA Insurance Companies	SMG Management, Inc.
DC Sports & Entertainment Commission	Starbucks Corporation
District Cablevision	Subway Restaurants
Dunbar Armored, Inc.	T.B. Texaco Company
Engle Martin & Associates	Technica USA Corporation
Extra Space Storage, Inc.	TECO-Westinghouse Motor Co.
Fannie Mae	The Ducane Company
Farmers Bank	The Tower Companies
Federal Deposit Insurance Company (FDIC)	Thompson Plastics
Federal Insurance Company	Toys R Us
Federal Realty Investment Trust (FRIT)	Union Labor Life Insurance Company
Forever 21	(ULLICO)
Gabriel Brothers, Inc.	Union Station
Gelm Management Company	U.S. Chamber of Commerce
Grady Management, Inc.	Watkins Johnson Company, Inc.
Interpark Holdings	Westwood Management Corporation
Kimberly-Clark Corporation	Whirlpool Corporation
K-Mart Corporation	ZEP Manufacturing Company

Saunders & Schmieler has represented all types of insureds, from Fortune 500 companies to individual homeowners and drivers.

## INSURANCE LITIGATION

Saunders & Schmieler has decades of experience representing insurance companies and their insureds, as well as business, business associations, corporations and individuals in matters such as:

*Insurance Trial & Litigation*

*Insurance Coverage Law & Litigation*

*Self-Insurance*

*Intellectual Property Law*

*Products Liability Defense*

*Premises Liability*

*Defamation and Invasion of Privacy*

*Construction Liability*

*Discrimination Claims*

*Errors and Omissions*

*Advice & Consultation*

*Insurance Risk Management*

*Corporate Law*

*Commercial Litigation*

*Directors & Officers Liability*

*Environmental Law*

*Corporate Actions*

*Toxic Tort Litigation*

*Personal Injury Litigation*

*Labor Relations,*

*Workers' Compensation*

*Mass Tort & Litigation Defense*

*Civil Rights Litigation*

*General Tort Liability Defense*

*Security Law*

*Medical & Professional Malpractice*

*Environmental Defense Litigation*

*Contract Law*

*Advertising Injury*

*Intellectual Property Claim*

*Toxic Chemical Litigation*

*Toxic Fume and Contamination Claims*

*Trade Mark Actions*

*Occupational Illness*

*Housing Discrimination*

*Civil Liability*

*Class Action Defense*

*Professional Sports and Entertainment Law*

*General Trial and Appellate Practice*

The firm's attorneys are experienced lawyers and litigators. The firm has received the highest A/V Rating from Martindale-Hubbell.

As dedicated professionals, the attorneys of Saunders & Schmieler keep abreast of new developments by attending various Continuing Legal Education seminars and courses. The firm also advises its insurance clients of pertinent new developments in the law by providing memoranda on landmark cases. The firm's philosophy is to provide the best service possible by being a step ahead in terms of legal knowledge and client responsiveness.

The firm has worked with a number of well-established insurance companies including:

*American Specialty Insurance*  
*Boston Old Colony Insurance Company*  
*Broadspire, a Crawford Company*  
*Buckeye Union Insurance Company*  
*Chubb Group of Insurance Companies*  
*Chubb Indemnity Insurance Company*  
*Chubb Services Corporation*  
*Chubb & Son*  
*Chubb Specialty Insurance*  
*CNA Commercial Insurance*  
*CNA Insurance Companies*  
*Engle Martin & Associates, Inc.*  
*Federal Insurance Company*  
*Fidelity & Casual Ins. Co.*  
*Firemen's Insurance Co. of Newark*  
*Founders Insurance Company*  
*Gallagher Bassett Services*  
*Great Northern Insurance Company*

*Gulf Insurance*  
*IBNI Insurance Services Limited*  
*Kansas City Fire & Marine Insurance Co.*  
*K&K Insurance Company*  
*MBIA Insurance Corporation*  
*Millers Mutual Group*  
*Moore Group, Inc.*  
*Nations Builders Insurance Services, Inc. (NBIS)*  
*Niagara Fire Insurance Company*  
*Ohio Casualty Group*  
*Pacific Indemnity Insurance Company*  
*Phoenix Insurance Company*  
*Ranger Insurance Company*  
*Specialty Risk Services, Inc.*  
*Sun Insurance Company*  
*TIG Insurance Company*  
*Vigilant Insurance Company*  
*York Risk Services Group, Inc.*

## **INSURANCE COVERAGE**

In conjunction with a long-standing tradition of service to its clients, Saunders & Schmieler has a lengthy history as coverage counsel for a number of major insurance carrier as well as insured business entities and individuals. The firm has developed an extensive insurance coverage practice and currently provides advice and counseling to insurance companies, corporate clients, and individuals on a wide variety of insurance coverage and insurance underwriting matters. The firm excels in the analysis of insurance coverage issues by providing detailed coverage opinions and recommendations with regard to all aspects of insurance coverage, serving as litigation counsel in the defense and prosecution of declaratory judgment actions, bad faith claims, and breach of contract actions.

## **PROFESSIONAL SPORTS & ENTERTAINMENT LAW**

Saunders & Schmieler has extensive experience representing NFL Teams, the owners and operators of stadiums, arenas, and entertainment venues and has a deep understanding of the claims that may be raised by their patrons. Through the years, potential liability to such clients has grown under developing statutes, ordinances, and expanding common law concepts of negligence. Saunders & Schmieler has successfully represented the interests of the owners and operators of sports, recreational and entertainment facilities ranging from a national league football and sports team and NFL events to performances at The Kennedy Center.

## **ENVIRONMENTAL, TOXIC & MASS TORT CLAIMS**

Saunders & Schmieler has extensive experience handling a wide range of environmental claims, literally from A (asbestos) to Z (zinc). The firm has successfully litigated toxic chemical claims, including those related to formaldehyde, lead paint, carbon monoxide, toxic fumes, sick buildings, pesticides, and other forms of hazardous materials and contamination.

Saunders & Schmieler provides experienced and knowledgeable representation to its clients in the areas of environmental dispute claims arising under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the 1986 Superfund Amendments Reauthorization Act (SARA), the Clean Water Act (CWA) as amended by Federal Water Pollution Control Amendments (FWPCA), and the Emergency Planning and Community Right-to-Know Act (EPCRA), among others.

## **PRODUCT LIABILITY**

Saunders & Schmieler has successfully represented a large number of product manufacturers and merchants defending against product liability claims premised in negligence, breach of warranty, and strict liability. Saunders & Schmieler has proudly contributed to the shaping and defining of the defenses available to the manufacturers and merchants of commercial products as well as those injured by defective and dangerous products and enjoys an excellent reputation among its clients for the quality of representation afforded in products liability claims.

## **SECURITY LIABILITY**

Saunders & Schmieler has a long history of zealously defending business clients against wrongful death and personal injury claims alleging that improper security caused a plaintiff's damages based on the criminal acts of a third person. The firm has represented numerous national and local business owners, as well as many security companies. The firm has published extensively on this area of the law and has presented a number of seminars on the subject to the insurance industry and business leaders. The firm has also represented individual clients who were injured as a result of the failure of Owners & Operators of Malls, Retail Establishments and Commercial Enterprises to provide adequate safety and security measures to the public sector.

## **MOTOR VEHICLE TORT & TRUCKING CLAIMS**

Saunders & Schmieler has a wealth of experience effectively defending clients against motor tort and trucking claims. Trucking cases have different needs from other industries, and drivers and their companies require an attorney who is familiar with the industry and understands the problems that truckers encounter. The firm has also handled a large number of uninsured/underinsured motorist claims, as well as coverage issues that may arise from motor vehicle cases.

## **PREMISES LIABILITY**

Saunders & Schmieler has decades of experience litigating premises liability claims and advising businesses and individuals on how to avoid future claims. We have represented a broad spectrum of clients, from professional sports teams, the owners of stadiums and arenas, national chain stores, to individuals and businesses in the local community. We have handled matters ranging from slip-and-falls in the lower trial courts to federal court cases alleging that inadequate security caused the deaths or serious bodily injury of customers. The firm has also successfully represented the interests of individuals who have been harmed by the failure on the part of the owners of real property to either warn of a dangerous condition of premises they own or failed to remedy a defective condition which caused injuries to invitees.

## **COMMERCIAL LITIGATION**

In addition to the firm's litigation practice, Saunders & Schmieler has a history of effectively representing clients involved in commercial transaction. For years, the firm has represented business clients in cases involving claims involving breach of contract, fraud, misrepresentation, tortious interference with contracts and business relations, unfair business practices, employment, consumer protection, unfair competition, intellectual property (copyright, patent, and trademark), and business and commercial disputes.

## **CONSTRUCTION LITIGATION**

Saunders & Schmieler has significant experience representing clients involved in construction litigation. The firm has handled claims involving construction defects and delays, as well as contractual disputes between owners, architects, general contractors, subcontractors, and material suppliers. The firm has also handled a number of cases involving mechanics liens.

## **DEFAMATION CLAIMS**

The firm has considerable experience in both pursuing and defending a wide spectrum of cases involving libel and slander defamation claims.

## **DISCRIMINATION CLAIMS**

Saunders & Schmieler has experience handling federal and state law discrimination claims, as well as advising clients how to remain in compliance with the law. The firm has represented clients in litigation involving age, race, disability, and gender discrimination, as well as discrimination in the fields of employment, housing, and public accommodations.

## **GENERAL CORPORATE & BUSINESS LAW**

Saunders & Schmieler has served as legal advisors to businesses, insurance companies, and individuals in all phases of commercial, insurance and business law for over 50 years.

The accounting profession has been active in performing audits for and on behalf of business, business associations and corporations for a substantial period of time. Unfortunately, the legal profession usually gets involved in representing clients after a serious legal problem has surfaced in connection with the ownership and operation of a business, which generally results in large litigation expenses made necessary by a problem which could have been obviated by prior legal consultation.

### **LEGAL AUDIT**

Among the professional services provided by SAUNDERS & SCHMIELER, P.C. to sole proprietorships, business associations and corporations, both large and small, is THE LEGAL AUDIT.

Complete legal audit services are available to be performed by the firm for business organizations or corporations in order to determine the legal needs and requirements of the business organization or corporation and to render advice and consultation in the form of a legal audit report. All such legal work is strictly confidential and SAUNDERS & SCHMIELER, P.C. will work in direct consultation to determine the legal requirements for the business organization or corporation.

The LEGAL AUDIT performed by SAUNDERS & SCHMIELER, P.C. is based upon the size of the business organization or corporation and the anticipated complexity of the audit and includes the following services, inclusive of a written legal audit report:

- Legal review and analysis of existing business structure and format with specific recommendations as to legal requirements and applicability of specific state and federal code requirements to the operation of the business;
- Review of all existing business forms and contracts in general use and recommendations with respect to additional contracts, forms and legal requirements;
- Specific UCC requirements, review, analysis and recommendations;
- Business format, business organization, corporate review and analysis;
- Insurance coverage review and analysis of complete insurance coverage needs for the business with specific recommendations for any additional coverage and protection;
- Risk management assessment and analysis with specific recommendations on contractual risk transfer, contractual liability, contractual protection, and loss prevention;



- Review, analysis and recommendations of alternatives to insurance coverage, including considerations of self-insurance programs;
- Employer/Employee relations and contract review and analysis;
- Review of all corporate records, facilities, manuals and job descriptions to assure compliance with all applicable federal, state and local regulations, including the occupational Safety and Health Act (OSHA), the Americans with Disabilities Act (ADA), and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Due to the complexities of federal and state statutory provisions and regulations, affecting a wide spectrum of business activities, it is necessary for all businesses to periodically review, from the legal perspective, full compliance with all federal, state and local legal requirements.
- Compliance with current environmental regulations such as CERCLA (Comprehensive Environmental Response Compensation and Liability Act of 1980 (Superfund) 42 U.S.C. §§9601 – 9675, SARA (Superfund Amendments and Reauthorization Act of 1986), CWA or FWCPA (Federal Water Pollution Central Act) 33 U.S.C. §§1251 – 1387, EPCRA (Emergency Planning and Community Right to Know Act) or SARA Title 11142 U.S.C. §§11001 – 11650, RCRA (Resource Conservation and Recovery Act) SWDA (Solid Waste Disposal Act) 42 U.S.C. §§6901 - 6992, must be proactively reviewed and monitored to prevent or limit potential liability.

THE LEGAL AUDIT service has been established in order to assist business organizations in meeting the legal requirements of its business activities in today's world. The results of any legal audit performed by SAUNDERS & SCHMIELER, P.C. is strictly confidential and will constitute privileged communication protected from disclosure by the attorney/client privilege.

### **APPELLATE LITIGATION**

Our experienced team of attorneys has litigated cases in all appellate courts in Maryland, Virginia, and the District of Columbia, as well as the U.S. Court of Appeals for the Fourth Circuit, the U.S. Court of Appeals for the District of Columbia, and the U.S. Supreme Court. We can provide you with the advice and representation you need to achieve the best result for you in an appellate court.

### **INDIVIDUAL RELATIONSHIPS**

In summary, SAUNDERS & SCHMIELER, P.C. has, for a significant number of years, successfully represented the interests of a broadly-based spectrum of corporate, business and insurance clients. In the final analysis, however, it is the representation of the individual client and the individuals who comprise any corporate or business entity that makes the practice of law successful. The individual lawyering, the advice and legal representation afforded to the individual, be that an insurance adjuster, a corporate designee or representative or an individual

insured, and the results achieved are, in our view, what makes a successful firm. For these reasons, the focus of the legal advice furnished to its clients by SAUNDERS & SCHMIELER, P.C. has emphasized the individual and the importance of working together with the individual insurance adjuster or claims representative, self-insured individual or representative, or the individual client, in achieving the very best resolution of any legal problem. At SAUNDERS & SCHMIELER, P.C., our clients come first. We help you achieve your goals by providing consistent, high-quality and practical legal services for a reasonable price.

## **APPELLATE AND REPORTED CASES**

### **FEDERAL COURTS**

#### **Supreme Court:**

*Lords Landing Village Condo. Council of Unit Owners v. Continental Ins. Co.*, 520 U.S. 893 (1997), on remand to 122 F.3d 1061 (4<sup>th</sup> Cir. (Md.)), and on appeal to 191 F.3d 448 (4<sup>th</sup> Cir. (Md.)).

#### **Federal Circuit Courts:**

*Sigmund v. Starwood Urban Retail VI, LLC*, 617 F.3d 512 (D.C. Cir. 2010).  
*Beard Plumbing & Heating, Inc. v. Thompson Plastics, Inc.*, 152 F.3d 313 (4<sup>th</sup> Cir. 1998).  
*Holbrook v. Howard School of Dentistry*, 1998 U.S. App. Lexis 33917 (1998).  
*Treacle v. Jones*, 1997 U.S. App. Lexis 16352 (1997).  
*St. Paul Fire & Marine Ins. Co. v. Fallon*, 1994 U.S. App Lexis 1127 (1994).

#### **Federal District Courts:**

*AAIC v. Moon Nurseries, Inc.* 2012 U.S. Dist. LEXIS 34354 (Md. 2012).  
*Jiggets v. Forever 21, Inc.*, 2011 U.S. Dist. LEXIS 75446 (Md.2011).  
*Bouie v. Rugged Wearhouse, Inc.*, 2007 U.S. Dist. LEXIS 8089 (Md. 2007).  
*Syska Hennessy Group Construction, Inc. v. Black*, 2007 U.S. Dist. LEXIS 83604 (D.C.2007).  
*Federal Insurance Company v. The New Coal Company, Inc.*, 415 F. Supp. 2d 647 (W.D. Va. 2006).  
*Perdue Farms Incorporated v. National Union Fire Insurance Company of Pittsburgh, P.A.*, 197 F. Supp. 2d 370 (D. Md. 2002).  
*Manifold v. Wolf Coach, Inc.*, 231 F.Supp.2d 58 (D.D.C. 2002).  
*Neibuhr v. Amtrak*, 955 F. Supp. 135 (D. D.C. 1997).  
*Jackson v. Fedders Corp.*, 1996 U.S. Dist. Lexis 7306 (1996).  
*Armada de la Republica v. Yorkington, L.P.*, 1995 U.S. Dist. Lexis 1317 (1995).  
*St. Paul Fire & Marine v. Continental Ins. Co.*, 1993 U.S. Dist. Lexis 6556 (1993).  
*Herlihy v. Ply-Gem Indus.*, 752 F. Supp. 1282 (D. Md. 1990).

#### **Other Federal Courts Decisions:**

*Aaberg v. ACandS, Inc.*, 152 F.R.D. 498 (1994).  
*Istvan v. Willoughby of Chevy Chase Condo Council of Unit Owners, Inc.*, 27 Fed R. Serv. 3d 286 (1993).

## **STATE COURTS**

### **Maryland:**

*Muse-Evans v. Thaggert*, No. 237, September Term 2014 (Md. App. 2015).  
*Muse-Evans v. Thaggert*, No. 401 September Term 2011 (Md. App. 2012).  
*Am. Powerlifting Ass'n v. Cotillo*, 401 Md. 658, 934 A.2d 27 (2007).  
*Continental Casualty Co. v. Kemper Ins. Co.*, 173 Md. App. 542, 920 A.2d 66 (2007).  
*Heritage Harbor, L.L.C. v. John J. Reynolds, Inc.*, 143 Md. App. 698, 795 A.2d 806 (2002).  
*Information Systems and Network Corporation, et al. v. Federal Insurance Co.*, 145 Md. App. 457, 805 A.2d 1141 (2002).  
*Kent Village Associates Joint Venture v. Smith*, 104 Md. App. 507, 657 A.2d 330 (1995).  
*Ralston v. Piney Branch Motors, Inc.*, Case No. 96-CV630, D.C. Court of Appeals (1996).  
*Centers for the Handicapped, Inc. v. Bengtson*, Case No. 390, Maryland Court of Special Appeals (1995).  
*Biscarr v. Halper*, Case No. 968, Maryland Court of Special Appeals (1984).  
*Barnes v. Pauley*, Case No. 1140, Maryland Court of Special Appeals (1980).  
*Tuxedo Cheverly Volunteer Fire Co. v. Prince Georges County*, 39 Md. App. 322, 385 A.2d 819 (1978).  
*Muma v. Zeve*, Case No. 887, Maryland Court of Special Appeals (1978).  
*Chevy Chase Fire Department, Inc. v. Johnson*, Case No. 1226, Maryland Court of Special Appeals (1977).  
*Eaton Corp. v. Wright*, 281 Md. 80, 375 A.2d 1122 (1977).  
*Ward & Gray, Inc. v. Ward & Dowell, Inc.*, Case No. 1038, Maryland Court of Special Appeals (1976).  
*Charlotte Hall Lumber Co. v. Murray*, Case No. 32, Maryland Court of Special Appeals (1975).  
*May Department Stores, Inc. v. Savage*, Case No. 949, Maryland Court of Special Appeals (1975).  
*Hensley v. Montgomery County*, 25 Md. App. 361, 334 A.2d 542 (1975).  
*Blumenthal v. Heron*, 261 Md. 234, 274 A.2d 636 (1971).  
*Smith v. State*, 5 Md. App. 633, 248 A.2d 913 (1969).

### **District of Columbia:**

*Payne v. Clark*, 25 A.3d 918 (D.C. 2011)  
*Bruno v. Western Union Financial Services*, 973 A.2d 713 (D.C. 2009)  
*Novak v. Capital Management and Development Corporation* 570 F. 3d 305 (D.C. Cir. 2009).  
*Mourning v. APCOA Standard Parking, Inc.*, 828 A.2d 165 (D.C. 2003).

### **Virginia:**

*Uniwest Constr., Inc. v. Amtech Elevator Services, Inc.*, 699 S.E.2d 223 (Va. 2010), *withdrawn by, in part, remanded by*, 714 S.E.2d 560 (Va. 2011).  
*Beard Plumbing & Heating, Inc. v. Thompson Plastics, Inc.*, 254 Va. 240, 491 S.E.2d 731 (1997).

**Pennsylvania:** *OneBeacon Insurance Co. v. William A. Graham Co.*, 33 EDA 2012, 2012 Pa. Super. LEXIS 3596 (Superior Ct. of Pa. August 31, 2012).

