



Philip J. O'Beirne

Partner

T: 202.661.0900

pobeirne@steinmitchell.com

Phil O'Beirne is a trial attorney with experience handling high stakes, complex litigation. He has served as lead counsel, on both the plaintiff and defense sides, for corporations and individuals in complex commercial disputes, intellectual property disputes, construction litigation, products liability, white collar criminal defense, and other matters.

Prior to joining **Stein Mitchell Beato & Missner LLP**, Phil was a litigation associate at Williams and Connolly, LLP.

Prior to entering private practice, Phil served on active duty as a judge advocate in the U.S. Army. He served as lead counsel in more than a dozen courts-martial and was repeatedly selected by the Military District of Washington to prosecute high profile senior officer misconduct cases.

In 2009, Phil deployed to Kandahar, Afghanistan with the 82nd Combat Aviation Brigade. As the brigade's trial counsel in a deployed environment, Phil was responsible for advising commanders on complex rules of engagement, international law, and criminal law issues.

Experience

- Lead trial counsel for real estate development firm seeking specific performance of an eight-figure real estate transaction in multi-week bench trial. Successfully obtained exclusion from trial of key opposing witness based on opponent's selective invocation of attorney/client privilege during discovery. Client reached a favorable settlement in the second week of trial.
- Lead trial counsel for dental services organization defending against multiple suits alleging trade secret misappropriation, unlawful competition, and other claims. Obtained numerous favorable discovery orders, which included a substantial award of fees to Stein Mitchell's client. Obtained a consent judgment affirming client's positions and a complete dismissal of all claims against Stein Mitchell's client.
- Lead counsel for medical device manufacturer defending against allegations of trade secret misappropriation and other claims. Following numerous favorable discovery orders, which included a substantial award of fees to Stein Mitchell's client, the plaintiff agreed to a consent order and a complete dismissal of all claims against Stein Mitchell's client.

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- Trial counsel for leading engineering, procurement and construction contractor in a large commercial arbitration regarding a multi-billion dollar power plant project. Arbitration involved tens of millions of pages of discovery and dozens of depositions. Secured complete defense award for client after 19-day arbitration hearing.
- Outside litigation counsel for Linden Capital, a leading healthcare private equity firm, advising the firm and its portfolio companies with respect to all litigation matters, including False Claims Act, Lanham Act, antitrust, trade secrets, employment, and commercial contract and business tort disputes.
- Counsel for financial technology venture capital firm in breach of contract and business tort dispute with former chief executive officer. After dispositive motions and discovery, secured settlement for client on favorable terms, which included no monies paid out to the former CEO and the former CEO reimbursing client for certain of its attorneys' fees and litigation costs.
- *UMG Recordings, Inc., et al. v. Grande Communications Networks, LLC (Western District of Texas)*: Counsel for leading music recording companies in large-scale copyright infringement suit against an internet service provider. Obtained summary judgment against ISP's safe harbor defense under the Digital Millennium Copyright Act, a ruling cited in numerous copyright cases and authorities. Case is set for trial.
- *UMG Recordings, Inc., et al. v. RCN Telecom Services, LLC (District of New Jersey)*: Counsel for leading music recording companies in large-scale copyright infringement suit against the sixth largest internet service provider in the country.

Honors

2016 Top 40 Under 40, The National Trial Lawyers

Clerkships

Law clerk for the Hon. Thomas M. Hardiman, U. S. District Court for the Western District of Pennsylvania

Education

Notre Dame Law School, J.D., *cum laude*

- John Krupnik Award for Excellence in Trial Advocacy

Princeton University, A.B., History

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Admissions

District of Columbia

Virginia