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& PARTNERS

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MADELINE S. BAIO
Partner

📍 Two Logan Square
100 North 18th Street,
Suite 700
Phila, PA 19103-7395

☎ P: 267-386-4377
F: 215-665-8300
✉ mbaio@vaughanbaio.com

PRACTICE AREAS

Employment Practice & Liability
Premises Liability
Product Liability
Retail, Hospitality, & Restaurants
Transportation

BAR AND COURT ADMISSIONS

Admissions

U.S. District Court for the Eastern
District of Pennsylvania
U.S. District Court for the District of
New Jersey
U.S. Court of Appeals for the Third
Circuit

Licenses

Pennsylvania
New Jersey
Massachusetts

EDUCATION

Suffolk University Law School, J.D., 1984
Clark University, B.A., 1981

MEMBERSHIPS

National Retail & Restaurant Defense
Association, Board of Directors
Employment Practices Committee,
Board advisor and former chair
Annual Conference Planning Committee

Ms. Baio represents product manufacturers, retailers, trucking companies, a transportation network company, national pharmacy chains, supermarkets, food production companies and restaurants in product liability, premises liability, motor vehicle and employment-related matters. She has tried cases to verdict in federal and state courts, and has represented clients in appeals as well as arbitration, mediation and other alternative dispute resolution proceedings.

Ms. Baio has significant experience representing manufacturers in product liability litigation involving catastrophic injuries and death with claims based on design defect, manufacturing defect, improper warnings, crashworthiness, misrepresentation in advertising and negligence. She has also defended product manufacturers and suppliers in connection with significant fire loss claims and has represented food production companies in connection with product liability claims involving alleged adulterated, contaminated and mislabeled food products.

Ms. Baio has extensive experience defending pharmacy malpractice claims. Over the past 16 years, she has represented pharmacy and supermarket chains in pharmacy malpractice matters. In addition, she has defended a pharmacy chain in multidistrict litigation alleging failure to warn and other drug-related claims, as well as in premises liability and false arrest claims. She represents generic pharmaceutical companies as both litigation counsel and local counsel in connection with Abbreviated New Drug Application, or ANDA, litigation and has successfully defended trademark infringement claims on behalf of national and international distributors.

Her employment experience includes defending and counseling clients from a broad range of industries, including Fortune 100 companies, with regard to matters such as discrimination in hiring, firing and promotion; wages; benefits; civil rights claims; workplace investigations of discrimination and harassment claims; EEOC and state agency investigations; and drafting of employee manuals, employment agreements, severance agreements, non-compete agreements and employment policies and procedures.

A trusted authority within her practice areas, Ms. Baio regularly presents on emerging employment-related issues at conferences around the country and frequently writes about developments in fields such as LGBTQ rights in the workplace and public accommodation.

In addition, she defends international and domestic insurers against general liability claims, bad faith claims and coverage disputes.

A Martindale-Hubbell AV-Rated attorney, Ms. Baio has served as an arbitrator for the Philadelphia County Court of Common Pleas and the Delaware County Court of Common Pleas. She also serves as a judge pro tempore for the Philadelphia County Court of Common Pleas Major Jury Settlement Conference Program.

REPRESENTATIVE MATTERS

- ▶ Summary judgment on behalf of a global manufacturer against an employee's claims of interference and retaliation under the Family Medical Leave Act, which was affirmed in a precedent-setting opinion by the Third Circuit.
- ▶ Defense verdict in a product liability case involving claims of manufacturing defect against a seat belt manufacturer following a two-week jury trial with damages alleged in excess of \$16 million.
- ▶ Summary judgment in favor of a national commercial trucking company in a federal court age discrimination case.
- ▶ Defended supermarket chains in premises liability claims obtaining defense awards, nominal settlements, successful third-party tenders and favorable mediation outcomes and binding arbitration awards.
- ▶ Obtained voluntary dismissal with prejudice in favor of a Japanese automotive component manufacturer sued in a product liability action involving a motor vehicle fatality.
- ▶ Mediated two companion Fair Labor Standards Act cases brought by city police officers resulting in resolution of all claims among the plaintiffs, the municipality and the local Fraternal Order of Police.
- ▶ Defense verdict in favor of a retail store owner at arbitration in a trip-and-fall case and, upon plaintiff's appeal de novo, effectively cross-examined the plaintiff's expert medical witness, resulting in a nominal and cost-effective settlement.



- ▶ Counseled and defended a municipal water authority in a federal age discrimination case that included retaliation claims by an employee, a case that was later withdrawn.
- ▶ Dismissal of a federal court action brought by a former municipal employee against a local municipality in a case arising under 42 U.S.C. Section 1983 involving alleged due process violations in the termination process.
- ▶ Obtained a “no cause” finding from the Equal Employment Opportunity Commission in a case of sexual harassment and retaliation brought by a former correctional officer against a county prison.
- ▶ Negotiated a settlement for a nominal amount resulting in a cost-effective resolution of a disability discrimination case on behalf of a national commercial transportation company on the eve of trial.
- ▶ Defended a client in a case involving claims of discriminatory discharge based on disability and sexual harassment through the administrative process, resulting in the withdrawal of the charge by the former employee.
- ▶ Dismissal of a series of three individual race discrimination cases filed against a nightclub.
- ▶ Defended a generic pharmaceutical company and its ANDA against patent infringement claims brought by a name-brand drug manufacturer pursuant to the Hatch-Waxman Act.
- ▶ Obtained a “no cause” determination with respect to claims of age, race and national origin discrimination brought by a former employee against a country club.
- ▶ Summary judgment in a case brought by a former office employee against a hospital and affiliated health care system involving claims of breach of contract, promissory estoppel and purported claims arising under the Employee Retirement Income Security Act.

RECOGNITION

Martindale-Hubbell AV Preeminent Peer-Review Rating

RECENT EVENTS

“E-Commerce and Third-Party Delivery: New Risks, Trends and Best Practices,” National Retail and Restaurant Defense Association Conference, West Palm Beach, Florida, March 7, 2019

“ADA Accessibility-From Brick and Mortar to the World Wide Web – Is Your Business Compliant?” Presenter and Moderator, NRRDA Conference, New Orleans, March 1, 2018

“Employment Law Updates in the Era of Trump, Dreamers and the #MeToo Movement,” Advisor, NRRDA Conference, New Orleans, March 1, 2018



"The Transitioning Workplace: Sexual Orientation, Expression, and Gender Identity Under Title VII, ADA, and State Law," Employment Practices Liability Insurance ExecuSummit, Scottsdale, Ariz., April 25, 2017

"Recent Developments in the EEOC and in the Courts," NRRDA Conference, Ft. Lauderdale, March 2, 2016

"From the Federal Agencies to the Courthouse, Hot Topics and Recent Developments in Labor and Employment Law," NRRDA Conference, Ft. Lauderdale, March 2, 2016

"Overview: Title VII and Other Federal Employment Laws," NRRDA Conference, New Orleans, Feb. 28, 2013

PUBLICATIONS

"A Baker, a Gay Couple and the Law on Public Accommodation-Case Note: Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, Supreme Court of the United States," Professional Liability Magazine, January 2018

"What is the Meaning of 'Sex'? Case Note: Hively v. Ivy Tech Community College of Indiana (7th Cir. 2017)," Professional Liability Magazine, May 2017

"LGBT Update: 5 Things You Need to Know About the Transitioning Workplace," Labor & Employment Update, July 2016

"Obesity: A Weighty Employment Issue," NRRDA Newsletter, December 2015

"Supreme Court's Abercrombie Decision-A Wake-up Call on Religious Accommodation," Labor & Employment Update, June 2015

"The State of Affairs-Gender Stereotyping in the Workplace," Labor & Employment Update, January 2015

"No Pay for Security Check Time Case Note: Integrity Staffing Solutions v. Busk, et al, Supreme Court of the United States," Labor & Employment Update, October 2014

"Electronics and the Right to Privacy in the Workplace," The Legal Intelligencer, Feb. 23, 2010

