



Jason T. Confair

Shareholder and Co-Chair, Business Litigation and Strategic Solutions

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Services and Industries

- Business Litigation and Strategic Solutions
- Business and Corporate
- Food and Beverage
- Appellate Advocacy
- Death Care

Education

University of Pittsburgh School of Law, J.D., 2007

Pennsylvania State University, B.A., 2003

Admissions

Pennsylvania

Jason T. Confair, Esq. is Co-Chair of the Firm's [Business Litigation and Strategic Solutions](#) Team, a member of the Firm's [Appellate Advocacy](#) Team, and a member of the Firm's [Business and Corporate](#) Team.

Jason has litigated as first chair in both an offensive and defensive capacity before numerous Federal District Courts,

every Pennsylvania appellate court, common pleas courts throughout the Commonwealth, federal, state, and local agencies, and numerous arbitration forums.

Acting as defense counsel, Jason has defeated everything from putative nationwide class actions, to professional malpractice claims, to regulatory complaints. Acting as plaintiffs' counsel, Jason has recovered millions of dollars for business and commercial interests and public entities. Many of the cases Jason has handled have received significant publicity.

In litigation, Jason brings a unique set of experiences and skills to bear. Jason has spent a significant portion of his career acting as outside general counsel to large corporations, handling complex financing transactions with values reaching tens of millions of dollars, and representing buyers in multi-million-dollar acquisitions in a wide range of industries. Jason's track record with public sector business matters is just as expansive.

The depth, sophistication, and breadth of Jason's background and experience not only allow him to identify the leverage points in a business or commercial dispute very quickly, but to then distill the issues and key points into a narrative that resonates deeply and persuasively with courts, adversaries, and parties sitting across the table.

Prior to entering private practice, Jason served as a law clerk to Chief Justice Ralph J. Cappy of the Supreme Court of Pennsylvania and to Senior Judge Patrick R. Tamiia of the Superior Court of Pennsylvania. Four years after entering private practice, Jason was named equity partner at Kegel Kelin Litts & Lord LLP. At age 37, Jason was appointed managing partner of the firm. He served in that capacity until joining Saxton & Stump as a Shareholder.

Representative Cases:

Recent Appellate Victories

Representing a Client in a case of first impression before the Pennsylvania Commonwealth Court and then the Pennsylvania Supreme Court challenging the Department of Insurance's legal authority to disqualify the Client from indemnification from the Underground Storage Tank Indemnification Fund, obtained the Commonwealth Court's unanimous reversal of three adverse adjudications by the Department (*Shrom v. Pennsylvania Underground Storage Tank Indemnification Fund*, 261 A.3d 1082 (2022)). The Pennsylvania Supreme Court then affirmed unanimously, with one Justice concurring. (*Shrom v. Pennsylvania Underground Storage Tank Indemnification Fund*, 292 A.3d 894 (2023)). The case is believed to be the first in which the Pennsylvania Supreme Court specifically invoked the *de facto* regulation doctrine to strike down a government agency's policy.

Representing a school district on appeal in the Pennsylvania Commonwealth Court over a trial court decision precluding the district from recovering \$13,288,939 in debt it would otherwise have been able to recover from another school district that had accepted a portion of the client district's student body, prevailed in a published opinion. *Dover Area School District v. Northern York County School District*, 347 A.3d 105 (2025). The losing district did not ask the Pennsylvania Supreme Court to review the decision.

Defendant Representative Engagements

Defending one of the largest resorts in Pennsylvania against a claim seeking \$14 million in damages, obtained pre-trial dismissal of most of plaintiffs' claims with prejudice. *Greenwald Caterers Inc. v. Lancaster Host, LLC*, 599 F.Supp.3d 235 (E.D.Pa. 2022). After moving for judgment on the pleadings with respect to a claim that survived the

initial dismissal motion, secured a second decision in the Client's favor when the Court decided, as a matter of first impression under Pennsylvania law, that hotels are not subject to the implied warranty of habitability. *Greenwald Caterers Inc. v. Lancaster Host, LLC*, 670 F.Supp.3d 187 (E.D.Pa. 2023). Next, Jason moved for summary judgment and to exclude the Plaintiffs' expert witnesses. That motion resulted in a third-published opinion decided substantially in the Client's favor. *Greenwald Caterers Inc. v. Lancaster Host, LLC*, 699 F.Supp.3d 382, 122 Fed.R.Evid.Serv. 2317 (E.D.Pa. 2023). After a week-long trial, a net judgment was then entered in favor of the Client of what was left in the case. As a result, what began as a \$14 million claim against the Client ended with the Client collecting from the plaintiffs.

Defending a NASDAQ publicly-traded company in emergency injunction proceedings before the Schuylkill County Court of Common Pleas, defeated an injunction that would have (if continued) rendered the Client insolvent. In doing so, convinced the plaintiff to pay \$2 million dollars to the Client to avoid litigating the Client's counterclaim that the injunction was obtained under false pretenses.

Defending two behavioral health facilities in the Lancaster County Court of Common Pleas, successfully moved to strike three confessed judgments entered by a national bank totaling more than \$17 million.

Defending individuals against a \$10 million judgment in the Cumberland County Court of Common Pleas that was validly confessed under Pennsylvania law, successfully moved to strike the judgment after convincing the Court the judgment was governed by and unlawful under Illinois law.

Defending numerous school district officials from various claims, moved for dismissal and obtained a ruling that government officials cannot be sued in their individual capacities under the Pennsylvania Sunshine Act. *Miller v. Coggin*, 672 F.Supp.3d 14 (E.D.Pa. 2023). After the plaintiff amended his complaint, moved for dismissal again and prevailed pursuant to an unpublished opinion holding that school board directors have qualified immunity from liability for removing disruptive participants from school board meeting

Defending a snack food company against a putative class action alleging violations of FDA food labeling regulations and demanding millions in damages, obtained pre-trial dismissal of 6 of 7 claims. In granting the Client's motion to dismiss, the Court resolved the question of what precedent a federal district court should follow when there is a conflict between federal appellate precedent and intermediate state appellate court precedent on a question of state law. Remaining claim withdrawn with prejudice after commencement of formal discovery. *Whitaker v. Herr Foods Incorporated*, 198 F.Supp.3d 476 (E.D. Pa. 2016)

Defending a snack food company against a putative class action alleging violations of FDA food labeling regulations and demanding millions in damages, obtained pre-trial dismissal of the entire action. *Hu v. Herr Foods Incorporated*, 251 F.Supp.3d 813 (E.D. Pa. 2017).

Successfully defended two public entities in the Berks County Court of Common Pleas from claims raised by a transportation services provider totaling more than \$1.2 million. The provider withdrew the claims with prejudice after the provider's various motions for preliminary relief were defeated, and the provider was unwilling to comply with additional discovery.

Defending an international bed maker in the Luzerne County Court of Common Pleas, leveraged pending motions to dismiss to settle a \$1,000,000 personal injury claim for nuisance value.

Defending a food manufacturer and its subsidiary, convinced the Federal District Court for the District of New Jersey

to open and then strike an adverse judgment for \$1,000,000.

Defending a food manufacturer in the complex A&P bankruptcy in the Federal District Court for the Southern District of New York, settled a \$939,698 preference claim for nuisance value.

Plaintiff Representative Engagements

Representing a coalition of school districts and municipalities in mass litigation in the Dauphin County Court of Common Pleas, recovered \$1.34 million through pre-trial summary judgment and a sequence of favorable settlements. The primary defendant, an unscrupulous services provider, was then forced into bankruptcy.

Representing a specialty equipment manufacturer in arbitration before the American Arbitration Association, obtained a \$1,300,000 million dollar settlement.

Representing a minority expectancy shareholder in the Lancaster County Court of Common Pleas in a dispute over control of a closely-held, family business, obtained a \$700,000 settlement.

Representing an international wholesaler of baby and juvenile care products in a 19-day international arbitration before the American Arbitration Association against a Chinese manufacturer, successfully defended against all contested claims raised by the manufacturer and obtained a \$630,000 award against the manufacturer on two counterclaims.

Representing a School District in the Columbia County Court of Common Pleas, recovered more than \$300,000 in tuition reimbursement and a declaratory judgment requiring future reimbursements for students sent by another school district to attend vocational education classes at the client School District. In a case that has Commonwealth-wide implications, the Court agreed with Jason's position that, if a school district sends a student to another district to attend vocational classes, the sending district must either pay to transport the student back and forth or must reimburse the receiving district for providing the student with general education.

Representing an engineering firm in the Centre County Court of Common Pleas, obtained dismissal of a malpractice claim and successfully recovered six-figures on a counterclaim.

Representing a professional consulting firm with national operations, obtained an order from the Lancaster County Court of Common Pleas indefinitely enjoining the former executive vice-president of the consulting firm from contacting any customer of the consulting firm or any individual affiliated with any such customer at any time or for any reason. After the order was obtained, also obtained a substantial monetary recovery from the former executive, even after the defendant was forced into bankruptcy. After the executive later violated the order, Jason had the former executive held in contempt of Court and sentenced to a period of confinement in jail.

Representative Transactions

Corporate Finance

Represented international manufacturing company and subsidiaries in negotiating, documenting, and closing \$50 million secured term loan and revolving credit facilities.

Represented international manufacturing company in negotiating, documenting, and closing \$50 million unsecured

revolving credit facility.

Represented international wholesaler of juvenile products and related entities in negotiating, documenting, and closing \$23.4 million secured revolving and term loan credit facilities.

Represented resort and conference center in negotiating, documenting, and closing \$23 million refinancing of secured term loan and revolving credit facilities.

Represented heavy manufacturing concern and related entities in negotiating, documenting, and closing \$16.4 million secured revolving, mortgage loan, term loan, and letter of credit facilities. The transaction required the agreement of 23 separate lenders to subordinate.

Real Estate Acquisitions

Represented buyer in \$6.5 million manufacturing facility acquisition.

Represented buyer in \$3.2 million hotel and restaurant acquisition.

Represented manufacturer in \$1.275 million acquisition of a brownfields site.

Represented joint school system in acquiring \$1.7 million facility to house a practical nursing degree program.

Recognitions

- Chair of the Corporate, Business, and Bankruptcy Law Section of the Lancaster Bar Association – 2013 through 2015
- Member Judiciary Committee of the Lancaster Bar Association – 2013 through 2015; 2020.

Professional Affiliations

- Pennsylvania Bar Association
- Lancaster Bar Association