



## Christina Manfredi McKinley

Shareholder

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### Area of Emphasis

Christina McKinley is an experienced trial lawyer and appellate specialist, serving in Babst Calland's Litigation, Energy and Natural Resources, and Environmental groups. Ms. McKinley currently serves as co-chair of the Firm's Litigation Group. Ms. McKinley continually strives to provide business-focused solutions to her clients and routinely serves as a general advisor, counseling clients on day-to-day legal and business questions involving any number of issues. Her practical, proactive approach to problem-solving allows her to provide solutions to clients in a variety of industries. Her experience spans a wide range of industries, including chemicals, manufacturing, retail, energy, and environmental.

As a litigator who focuses on complex commercial matters, Ms. McKinley's trial litigation practice encompasses all phases of litigation, from early alternative dispute resolution through post-trial motions. She has concentrated experience in complex purchase agreement and commercial contracts disputes, environmental statutes, protection of competitive interests (e.g., Lanham Act, unfair competition, tortious interference, trade secret protection, restrictive covenants), technology disputes (e.g., software services and license agreements), and corporate governance. She has tried numerous cases to verdict.

Notwithstanding her significant first-chair trial experience, Ms. McKinley's passion lies in the appellate realm. An experienced appellate litigator, Ms. McKinley has practiced before the United States Supreme Court at every stage of the process, including the briefing and preparation of two merits cases that were argued before the Court. She also has briefed and prepared cases for argument before the United States Courts of Appeals for the Second, Third, Sixth, and D.C. Circuits, and she has argued numerous cases before the Pennsylvania intermediate appellate court. Her appellate practice spans a range of substantive fields, including intellectual property, immigration, tax, bankruptcy, and criminal law. In addition, her appellate practice frequently involves challenges to regulatory action and agency decision-making via petitions for review, complex statutory construction issues, and the intersection of regulation and policy.

### Representative Experience

- Successfully secured vacatur of arbitrary and capricious rulemaking by the Pipeline and Hazardous Materials Safety Administration (*GPA Midstream Association and American Petroleum Institute v. United States Department of Transportation and Pipeline and Hazardous Materials Safety Administration*, 22-1148 (D.C. Cir. May 16, 2023)).
- Secured partial reversal of trial-court decision related to contractual indemnification provision (*Riverview Carpet & Flooring, et al. v. Presbyterian Seniorcare, et al.*, 670 WDA 2021 (PA Super Ct. June 8, 2023))
- Secured multi-million dollar arbitration award for energy client in proceeding to remedy tortious interference with client's contracts related to its acquisition of working interests in natural gas wells
- Following preliminary injunction proceedings, negotiated favorable settlement for global manufacturing client with former employee and competitor related to violation of restrictive covenants
- Successfully resolved nine-party commercial contract dispute related to claims of fraud and conspiracy for manufacturing client, following contentious court proceedings on motions to dismiss
- Secured favorable result for environmental client in a breach of contract dispute with a public water utility
- Successfully represented international chemical and consumer goods company in indemnification dispute regarding breach of representations and warranties in purchase agreement
- Negotiated successful result for global manufacturing company against software company regarding licensing and support agreements

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- Secured summary judgment and *Daubert* victories and created new case law in the Fifth Circuit related to Lanham Act’s causation requirement in multi-million dollar unfair competition suit against competitor (*Robroy Industries-Texas, LLC and Robroy Industries, Inc. v. Thomas & Betts Corporation*, No. 2:15-512, 2017 WL 1370545 (E.D. Tex. Apr. 10, 2017))

### **Background**

Prior to joining Babst Calland, Ms. McKinley was a Litigation and Dispute Resolution shareholder in a Pittsburgh firm with a global reach. While there, she served on the firm’s Talent Management Team and Hiring Committee and coordinated the summer-associate workflow for the firm’s summer program. Prior to that, Ms. McKinley began her career at a prestigious D.C.-based global law firm where she served as a senior associate in the Government and Regulatory Litigation, Appellate and Supreme Court Litigation, and Intellectual Property Litigation groups. She also served on the steering committee of the firm’s Women’s Leadership Initiative.

Before entering private practice, Ms. McKinley was a law clerk to the Honorable Janice Rogers Brown of the United States Court of Appeals for the District of Columbia Circuit. Before that, she served as a law clerk to the Honorable Michael S. Kanne of the United States Court of Appeals for the Seventh Circuit.

Ms. McKinley graduated *summa cum laude* from The Catholic University of America Columbus School of Law in 2009, where she served as a Production Editor on the Board of the *Law Review* and on the Willem C. Vis International Commercial Arbitration Moot Court Team. She earned her B.A. in History from Duquesne University in 2006, where she also graduated *summa cum laude* and received the Department’s Joseph R. Morice Award for Excellence.

### **Memberships and Affiliations**

Ms. McKinley is licensed to practice in Pennsylvania and New York. She also is admitted before the United States Supreme Court, the United States Courts of Appeals for the District of Columbia, Third, Sixth, Seventh, and Tenth Circuits, and the United States District Courts for the Western, Middle, and Eastern Districts of Pennsylvania, the Northern District of Ohio, the Southern District of New York, and the Eastern District of Wisconsin.

She currently serves on the Local Rules Advisory Committee for the United States District Court for the Western District of Pennsylvania, as the co-chair of the Civil Rules subcommittee. She also serves on the Pennsylvania Bar Association’s Appellate Advocacy Committee. In the community, Ms. McKinley serves on the Pittsburgh Chapter of the Association for Corporate Growth’s Future Corporate Leaders Board and on its Women’s Executive Committee.

Since beginning private practice, Ms. McKinley has maintained a robust *pro bono* practice in which she has devoted hundreds of hours to indigent defendants. She also has worked to improve the legal profession and her community through her advocacy for civil rights in areas such as voting, marriage equality, education, immigration, prisoner litigation, and veterans’ benefits. Ms. McKinley is a member of the Allegheny County Bar Association and its Women in the Law Division. She also serves on the Women’s Initiative Committee at Babst Calland. Ms. McKinley actively participates in the Firm’s PFAS Working Group, which provides legal services to clients across business sectors regarding the evolving regulatory, legislative, litigation, and transactional landscapes related to PFAS. She is an active member of the Italian Sons and Daughters of America and frequently has volunteered her time at the organization’s annual event at Kennywood amusement park, where it hosts intellectually and physically challenged young adults.

In 2023, Ms. McKinley was selected by *The Legal Intelligencer* as one of only 29 “Lawyers on the Fast Track” statewide in Pennsylvania. This recognition is only given to attorneys under the age of 40 who have demonstrated excellence in four categories: development of the law; advocacy and community contributions; service to the bar; and peer and public recognition. She was recognized in *The Best Lawyers in America*® in the Commercial Litigation Section for 2024 by BL Rankings. Ms. McKinley also was selected to the *Pennsylvania Rising Stars* list (Thomson Reuters) for Business Litigation in 2017-2020, 2022, and 2023.

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## **Publications/Presentations**

Co-Author, "Where Can a Corporation Be Sued For, Well, Anything? (An Evolving Test)," Pretrial Practice & Discovery Committee's Practice Points, American Bar Association, August 2023.

Co-Author, "Where Can a Corporation Be Sued For, Well, Anything? (An Evolving Test)," Babst Calland *Litigation Alert*, July 18, 2023.

Co-Author, "D.C. Circuit Decision Vacates PHMSA's Final Rule Applied to Gathering Lines," The PIOGA Press, July 2023.

Co-Author, "Supreme Court Removes Barrier to Appeals of 'Purely Legal' Issues," Babst Calland *Litigation Alert*, June 6, 2023.

Co-Author, "D.C. Circuit Vacates PHMSA's Final Rule Applied to Gathering Pipelines," *GO-WV News*, June 2, 2023.

Panelist, "Appealing Entertainment: Pennsylvania and West Virginia Appellate Courts Round-Up," Babst Calland Seminar, February 28, 2023.

Co-Presenter, "Effective Witness Preparation for Depositions," Babst Calland, September 15, 2022.

Moderator, Women's Initiative Lunch & Learn Panel, Babst Calland, April 7, 2022.

Presenter, "Business Decisions With Costly Client Consequences," October 2021.

Moderator, "GROW," (Growth and Retention of Women) Panel Discussion, September 2018.

Author, "Due Process Matters, Pennsylvania's Corporate Registration Statute Notwithstanding," August 22, 2018.

Author, "Who Will Pay the Tariffs?," May 3, 2018.

Co-Presenter, "Avoiding Ethical Potholes Facing In-house Counsel," April 2018.

Panelist, "Judicial Clerkships: Panel Discussion on Their Importance and How to Get Them," Duquesne University School of Law, September 2017 and 2016.

Author, "Supreme Court's Decision in *Bristol-Myers Squibb Co.* Has Significant Implications for Where Your Business Can Sue and Be Sued," June 26, 2017.

Author, "Be Proactive: Protect Yourself from Unfair Competition," May 31, 2017.

Author, Comment, "Waiving Goodbye to Personal Jurisdiction Defenses: Why United States Courts Should Maintain a Rebuttable Presumption of Preclusion and Waiver Within the Context of International Litigation," 58 *Cath. U. L. Rev.* 233 (2008).