

Falco A. Muscante II

Associate

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OVERVIEW

Falco A. Muscante II is an associate whose practice focuses on complex commercial matters in the telecommunications, energy, oil and natural gas, and construction industries, as well as appellate litigation. He's worked for Fortune 500 companies across the country and has experience with breach of contract actions, class action and mass tort disputes, and white collar and government enforcement matters.

Falco has worked on the team that serves as National Litigation Counsel for one of the country's largest telecommunications infrastructure companies. In that role he worked with the team to help our client avoid litigation, successfully navigate lawsuits regarding breach of contract and zoning issues, and negotiate favorable settlement agreements.

As a commercial litigator, Falco regularly drafts pleadings, motions, and discovery requests relating to high-level disputes throughout all phases of pre-trial litigation in both state and federal courts. He's taken and defended depositions of fact witnesses and corporate designees. Falco also has experience practicing before administrative agencies and helping clients navigate changes to the regulatory landscape.

Falco maintains an active pro bono practice and has experience in cases concerning civil rights, religious liberty, and the First Amendment.

PROFESSIONAL BACKGROUND

Falco began his legal career with the firm. After several successful years, he stepped aside to serve as a law clerk for Judge David J. Porter of the US Court of Appeals for the Third Circuit.

Earlier in his career, Falco worked as a law clerk for a nonprofit public interest law firm where he assisted in litigation at the federal level, state level, and in quasi-administrative agencies across multiple jurisdictions in cases involving public-sector union members.

ACHIEVEMENTS

- Duquesne Law Review Editorial Board

- Appellate Moot Court Board Executive Board
- National Semi-Finalist, American Bar Association National Appellate Advocacy Competition (Topic: Title III of the Americans with Disabilities Act)
- Order of the Barristers
- Shalom Moot Court Award
- Best Brief and Outstanding Oral Argument Award, Duquesne University School of Law Legal Research and Writing Program
- Grove City College Senior Man of the Year

PROFESSIONAL / CIVIC ACTIVITIES

- Light of Life Rescue Mission
  - Board Secretary, Board of Directors
  - Board Chair, Young Professional Board
- Grove City College Alumni Council

SPEAKING ENGAGEMENTS

- Co-speaker, “Beyond the Law: Equitable Remedies in Litigation,” Allegheny County Bar Association CLE, 15 May 2024

EDUCATION

- J.D., Duquesne University School of Law, *(summa cum laude)*
- B.S., Grove City College, *(summa cum laude)*

ADMISSIONS

- Bar of Pennsylvania
- Bar of West Virginia
- United States Bankruptcy Court for the Eastern District of Pennsylvania
- United States Bankruptcy Court for the Western District of Pennsylvania
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Pennsylvania

- United States District Court for the Southern District of West Virginia
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 2 June 2025, Course Correction: Supreme Court Steers Toward Greater Predictability in NEPA Reviews
- 12 November 2024, The Post-Chevron Toolkit
- 12 July 2024, Corner Post Magnifies Regulatory Uncertainty After Loper Bright
- 28 June 2024, The End of Chevron Deference: What the Supreme Court's Ruling in Loper Bright Means for the Regulated Community
- 18 June 2024, Quick Guide: Agency Deference Caselaw

OTHER PUBLICATIONS

- *Small Sums, Big Questions: Exploring the Ethics of Nominal Damages,* Energy and Mineral Law Found. (2025)
- "The End of Chevron Deference: What the Supreme Court's Ruling in Loper Bright Means for the Regulated Community," *The Journal of Federal Agency Action*, September-October 2024
- *Rejecting Common Good Constitutionalism: A Primer on Natural Law & the Common Good,* 14 J. Christian Legal Thought 56 (2024)
- *"Play in the Joints" Among the Religion Clauses: Rebuilding the Strong Joints the Framers Formed,* 22 Ave Maria L. Rev. 27 (2024)
- *Talk Should Be Cheap: The Supreme Court Has Spoken on Compelled Fees, But Universities Are Not Listening*, 61 Duq. L. Rev. 124 (2023)
- *Police Brutality & Unions: Collective Bargaining is the Problem, Not Law Enforcement*, 13 U. Mia. Race & Soc. Just. L. Rev. 24 (2023)
- Private Adjudicatory Bodies Are Not Foreign or International Tribunals under 28 U.S.C. § 1782, American Bar Association (Aug. 5, 2022)
- Editor's Prefaces, Vols. 9–11 Grove City College J.L. & Pub. Pol'y, ix (2018–20)

AREAS OF FOCUS

- Commercial Disputes
- Administrative and Regulatory Law
- Appellate Litigation

- Construction and Infrastructure Dispute Resolution
- Mass Tort
- Product Liability
- White Collar Defense and Investigations

REPRESENTATIVE EXPERIENCE

- Represented an investment group as the owner of a large commercial office building in a multimillion-dollar dispute against the architects, contractors, and the construction manager of record in a case involving the complete failure of the building facade that resulted in a favorable partial joint tortfeasor settlement for our client.
- Defended a global supplier of paints, coatings, and specialty materials in hundreds of personal injury claims filed in Cook County, Illinois, regarding alleged ethylene oxide emissions.
- Represented an international pipe manufacturer in the acquisition of a regional parts manufacturing company with a manufacturing plant in Alabama. Conducted a nationwide litigation review and analysis as part of due diligence and advised client.
- Advised an e-commerce company in legal assessments relating to the sale of goods under the Energy Policy and Conservation Act after the Supreme Court's decisions in the *Loper Bright* and *Jarkesy* cases.
- Represented a zirconium manufacturer for the nuclear industry in an environmental federal grand juryinvestigation alleging the improper handling of hazardous waste. A search and seizure warrant was executed and grand jury subpoenas were served. There was a parallel civil Environmental Protection Agency investigation. The matter ultimately resolved with the Federal District Court closing the criminal investigation with no prosecutorial action.
- Represented a regional jewelry store in a frivolous lawsuit brought by an individual to harass the jewelry store into making a settlement payment. Successfully moved to dismiss the case in its entirety.
- Represented one of the country's largest telecommunications infrastructure companies in a breach of contract action related to six commercial leases and alleged breaches of those leases by the landlord. Sought and received a sanctions order against the landlord and then successfully negotiated a favorable settlement agreement for our client.
- Represented one of the country's largest telecommunications infrastructure companies in an action to enforce a lease. Successfully moved for a preliminary injunction, which held that the lease was valid and enforceable in favor of our client.
- Represented a construction materials supplier in a breach of contract dispute where a contractor failed to pay for purchased construction materials that resulted in a favorable settlement for our client.
- Successfully defended a large manufacturing company in a products liability action for alleged injuries sustained by the plaintiff resulting from the use of drywall screws.