

# Benjamin M.H. Goshko

Shareholder

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Philadelphia – 215.575.2717



Benjamin provides legal counsel across a wide range of industries including construction, trucking/transportation, product liability, and hospitality. He has successfully defended claims on behalf of construction contractors, product manufacturers, property owners, restaurants, and hotels in litigation involving fire losses, negligence, auto accidents, catastrophic injuries, and wrongful death. Regardless of complexity, Benjamin handles cases through every stage of litigation in state and federal court, from the taking and defending of depositions to trying matters to verdict. He understands the interests of his clients in the practical, prompt, and efficient resolution of claims.

Prior to joining Marshall Dennehey, Benjamin was an experienced litigator for an defense firm in Montgomery County, Pennsylvania, where he represented a broad range of clients in insurance defense and subrogation litigation. He served for many years as an arbiter with the Montgomery County Court of Common Pleas, as a pro bono PFA volunteer for the Bucks County Court, and as a member of the Inn of Court.

Benjamin graduated from Temple University Beasley School of Law where he served as senior articles editor for the International and Comparative Law Journal. He is licensed to practice law in state and federal courts in Pennsylvania, New Jersey and before the United States Supreme Court.

Outside of the office, Benjamin is an avid cyclist and history buff.

## Education

- Temple University Beasley School of Law (J.D., 2009)
- Temple University (B.A., *summa cum laude*, 2005)

## Admissions

## Practices

- Construction Injury Litigation
- Trucking & Transportation Liability
- Product Liability
- Architectural, Engineering & Construction Defect Litigation
- General Liability

- Pennsylvania, 2009
- U.S. District Court Eastern District of Pennsylvania, 2012
- U.S. Supreme Court, 2014
- New Jersey, 2018
- U.S. District Court District of New Jersey, 2021
- U.S. District Court Middle District of Pennsylvania, 2021

## **Associations & Memberships**

- Insurance Society of Philadelphia
- Montgomery County Bar Association
- Montgomery County Inn of Court

## **Significant Representative Matters**

- Obtained summary judgment for his client in this Bucks County matter which alleged that his client and a neighboring property owner were responsible for water and septic intrusions onto Plaintiff's property. The three properties formed a large triangle between two roads in Perkasio, Pennsylvania and Plaintiff's complaints against his neighbors went back over seven years. Ben argued the trespass onto Plaintiff's property was permanent in nature and barred under the statute of limitations and that Plaintiff's expert's failure to establish the intrusion emanated from his client's property.

## **Pro Bono**

- Christian Legal Clinics of Philadelphia
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## **Results**

### **Summary Judgment Secured in a Pennsylvania Breach of Contract Matter**

We won summary judgment before the Honorable Anthony Verwey in Chester County, PA. The plaintiff filed suit for breach of contract and violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law (PAUTPCPL) against the defendants over the installation of an allegedly defective storm water remediation system. Summary judgment was sought on the grounds that the plaintiff could not prove damages without an expert. The court entered judgment in favor of the defendants, finding the plaintiff's breach of contract claim could not proceed without expert support and the PAUTPCPL claims failed for lack of demonstrated damages.

### **Summary Judgment Obtained in a Case Involving a Fungal Infection Allegedly Contracted at a Hotel**

We secured summary judgment in Monroe County, Pennsylvania, where the plaintiff filed suit claiming he contracted a fungal infection from staying at the defendant's hotel. The plaintiff produced an expert microbiologist's report, in addition to his treating physician's records, in support of his claims. Summary judgment was sought on the grounds that the plaintiff's expert was not competent enough to identify a specific fungus from photographs of the hotel room and the treating physician's records were equivocal as to

the cause of the plaintiff's infection. Judge Arthur Zulick found the plaintiff's microbiologist's opinion speculative, as the microbiologist did not conduct an inspection of the hotel, obtain fungal samples or perform any lab testing. The judge further held that the plaintiff's diagnoses of a fungal infection was not sufficiently supported by his treating doctor's diagnoses. As a result, Judge Zulick entered judgment in favor of the defendant.

### **Consolidated Cases Successfully Transferred to Correct Venue**

We successfully transferred two consolidated cases involving alleged falls by construction workers from Philadelphia to Cumberland County. Our clients were located in Lancaster County, and the only codefendant was located in Philadelphia County. We filed preliminary objections as to venue, arguing that the codefendant was a "phantom" defendant named to obtain venue in Philadelphia County. The court was convinced by our arguments. This ruling cuts against the current trend of giving broad deference to plaintiffs on venue issues.

### **Summary Judgment in Property Litigation Dispute Over Water and Septic**

#### **Intrusions**

The plaintiff alleged that his client and a neighboring property owner were responsible for water and septic intrusions onto the plaintiff's property. The three Bucks County properties formed a large triangle between two roads in Perkasio, Pennsylvania. The plaintiff's complaints against his neighbors went back over seven years. We argued the trespass onto the plaintiff's property was permanent in nature and was barred under the statute of limitations, and that the plaintiff's experts failed to establish the intrusion emanated from our client's property.

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## Thought Leadership

April 1, 2026

### **Pennsylvania Superior Court Refines Co-Employee Immunity**

October 1, 2025

### **Appearance of Impropriety by Arbitrator Insufficient to Vacate Arbitrator's Award**

July 1, 2025

### **Appeals Court Reverses Punitive Damages Award, Finds Late Trial Amendment to Add Recklessness Prejudiced Defense**

April 1, 2025

### **Comparative Negligence Charge Must Be Given for Speeding Plaintiff**

October 1, 2024

### **Superior Court Holds, Seeking Relief in County Court in Alleged Breach of Contract Provides Venue in the Filing County.**

July 1, 2024

**Superior Court Rules that Claims Under Medical Marijuana Act Are Subject to Two-Year Statute of Limitations**

July 1, 2024

**Superior Court Limits Judicial Discretion on “Credible” Allegations of Venue**

April 1, 2024

**Expert Testimony on Permanency of Respiratory Injury Requires Reference to Empirical Data**

April 1, 2024

**Methadone Clinic Owed No Duty to Jogger Killed by Negligently Treated Patient**

January 1, 2024

**Superior Court Requires Plaintiff to Name Passive Co-owner of Property as a Defendant or Suit Will Be Subject to Dismissal.**

January 1, 2024

**Superior Court Clarifies Meaning of 'Lawful' Under Statute of Repose.**

January 1, 2024

**Superior Court Re-affirms that an Adjacent Landowner Owes No Duty to Those Utilizing Roadway.**

July 1, 2023

**Pennsylvania Commonwealth Court notes that walking across undeveloped land carries an inherent risk of falling over depressions.**

January 1, 2023

**Assumption of risk unlikely to be a viable defense for preliminary objections.**

January 1, 2023

**Naked allegations of recklessness are sufficient to withstand preliminary objections.**