

## D. Connor Warner

Associate

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Philadelphia – 215.575.2588



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Connor is a member of the Professional Liability Department where he concentrates his practice on public entity and civil rights litigation. He handles all manner of public risk claims including disputes involving municipalities, police departments, zoning officers, school districts, public officials, and both private and public sector employees.

Connor also has experience representing physicians, physician assistants, hospitals, and other health care providers and facilities in general and professional liability matters.

Connor was born and raised in Chester County, Pennsylvania. He graduated from the University of Delaware with a Bachelor of Arts in Public Policy and a Bachelor of Arts in Political Science and went on to earn his *juris doctor* from Villanova University Charles Widger School of Law with a Health Law Concentration.

During law school, Connor was an active member in several organizations, including the Honor Board, Villanova Health Law Society, Villanova Sports Law Society, and the COVID-19 Legal Research Project. He also served as a Certified Legal Intern at Villanova Law School's Interdisciplinary Mental & Physical Health Law Clinic, providing pro-bono representation on community health matters.

Prior to joining Marshall Dennehey, Connor worked at a civil litigation firm, representing clients primarily in the areas of premises, retail, and automobile liability.

Outside of work, Connor enjoys walking his dogs, spending time outdoors, and rooting for the Philadelphia sports teams.

Connor is admitted to practice law in the Commonwealth of Pennsylvania.

### Practices

- Public Entity & Civil Rights Litigation
- Medical Malpractice

### Education

- Villanova University Charles Widger School of Law (J.D., 2022)
- University of Delaware (B.A., 2019)

## Admissions

- Pennsylvania, 2022
- U.S. District Court Eastern District of Pennsylvania, 2023
- U.S. District Court Middle District of Pennsylvania, 2024

## Languages

- Spanish (conversational)

## Associations & Memberships

- Chester County Bar Association
  - Philadelphia Bar Association
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## Results

### **Dismissal of Police Officers Secured Via Sanctions Imposed**

We had our clients dismissed via sanctions imposed. On Jan. 6, 2011, Charles Sample was arrested by officers of the Philadelphia Police Department's Narcotics Field Unit. The plaintiff alleged the officers seized \$40,000 in cash from his vehicle, falsified a search warrant affidavit, disregarded proper procedures and withheld exculpatory evidence, leading to drug charges. The plaintiff entered a guilty plea for probation to avoid a lengthy prison sentence. On Jan. 6, 2017, the court granted the plaintiff's motion for a new trial based on after-discovered evidence, and the charges were nolle prossed. The plaintiff filed his initial complaint on Jan. 4, 2019, alleging federal civil rights violations under 42 U.S.C. § 1983 and state law claims. Due to related litigation involving the Narcotics Field Unit, the case was placed in suspense on March 10, 2020, and restored to the active docket on Nov. 15, 2023. On April 4, 2024, the plaintiff filed an amended complaint, asserting six causes of action: § 1983 claims for fabrication of evidence, suppression of evidence, malicious prosecution, civil rights conspiracy, municipal liability (against the City of Philadelphia), and state law claims for false arrest, false imprisonment, malicious prosecution and conversion. On Aug. 5, 2025, Judge Gerald J. Pappert of the U.S. District Court for the Eastern District of Pennsylvania dismissed the plaintiff's claims against the individual police officer defendants under FRCP Rule 37(b) for failure to comply with discovery orders, with prejudice. Applying the Poulis factors, the court found the plaintiff personally responsible for nearly two years of non-communication with his counsel, which prejudiced the police officers by delaying trial preparation and demonstrated a history of dilatoriness without reasonable excuse. Lesser sanctions were deemed ineffective due to the plaintiff's prolonged unresponsiveness, and the merits of his claims could not be evaluated, rendering this factor neutral. The City's motion to join the police officers' sanctions motion was denied, as they did not move to compel discovery or demonstrate the plaintiff's violation of a related court order.

### **Dismissal Secured in Defamation Matter Involving an American Legion Post**

We successfully had a defamation matter against an American Legion Post and certain of its members dismissed. After joining the Post, the plaintiff supposedly found unpaid invoices, canceled insurance policies, and non-compliance with Pennsylvania Liquor Control Board (PLCB) and gaming license regulations. He fired the restaurant manager, processed payroll, secured new insurance, and attempted to renew the gaming license at the defendants' direction. When the plaintiff urged compliance and stated he would cooperate with a potential PLCB investigation, he alleges that the defendants threatened him and accused him of misconduct, such as showing a video of a sexually explicit nature to another Post employee, failing to pay wages/vendors, making threats, removing a laptop, allowing unauthorized payroll access and making unauthorized purchases. He was permanently suspended from the Legion after a formal executive session. Shortly thereafter, the plaintiff filed a defamation lawsuit in York County Court of Common Pleas, alleging that the various statements regarding his misconduct were false. The case was dismissed after the plaintiff failed to comply with two discovery orders and a subpoena for his counsel's deposition, prompting Judge Menges to impose sanctions, dismissing the case.

### **Summary Judgment Granted in First Amendment Retaliation Claim Case**

We were granted summary judgment in the dismissal of a First Amendment retaliation claim. The case was brought against our client, the borough manager, as well as the borough and several other of its employees. The plaintiff worked as a trash man in the Streets Department. With regard to the borough manager, the plaintiff alleged First Amendment retaliation under 42 U.S.C. § 1983, claiming a hostile work environment due to racial slurs and discriminatory behavior by coworkers and supervisors. He alleged that he reported these issues to his supervisor and the borough manager, but he felt ignored or silenced. After publicly addressing the alleged racism at a February 2024 Town Council meeting, the plaintiff was terminated a week later following a council vote. The plaintiff filed an EEOC charge and this lawsuit, alleging his termination was retaliatory and discriminatory. We were successful in having the retaliation claims against the borough manager dismissed via summary judgement, but the co-defendants remain active.

### **Summary Judgment Obtained in a Section 1983 Malicious Prosecution Case**

We obtained summary judgment on behalf of several Philadelphia narcotics police officers in a Section 1983 malicious prosecution and fabrication of evidence lawsuit. The U.S. District Court for the Eastern District of Pennsylvania dismissed the case, with prejudice, finding the record was barren of any fabricated evidence by any of the defendant officers that was ever used in or influenced any criminal proceeding against the plaintiff, the officers possessed probable cause to charge the plaintiff, and the plaintiff tendered no evidence of an underlying constitutional violation.

### **Summary Judgment Secured in a Section 1983 Substantive Due Process Case**

We obtained summary judgment in a Section 1983 substantive due process claim

involving a Philadelphia police officer. The officer had taken a photo of the plaintiff's son after he attempted suicide by jumping off a bridge, and the photo was later circulated on social media. The plaintiff alleged that circulation of the photo violated her substantive due process privacy rights, and she also asserted a claim for intentional infliction of emotional distress. One week before trial began, the Honorable Mark Kearney, U.S. District Court for the Eastern District of Pennsylvania, held, although the plaintiff possessed a viable privacy right, that right was not clearly established at the time of the incident; therefore, the court granted qualified immunity to the officer. Additionally, the court held the plaintiff failed to present competent expert opinion evidence establishing her emotional distress and, therefore, dismissed the state tort claim for intentional infliction of emotional distress.

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## Thought Leadership

March 1, 2025

**A Deadly Encounter: Court Clarifies Use of Force in Police Shooting of Mentally Ill Individual**