

## Dana A. Gittleman

Chair, Real Estate E&O Liability Practice Group

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When professionals are faced with claims and lawsuits alleging professional negligence, breach of fiduciary duty and more, Dana provides a vigorous response and defense. As a member of the Professional Liability Department, she routinely defends claims and lawsuits brought against insurance agents and brokers, attorneys, financial entities, large product manufacturers, lenders, directors and officers and other professionals.

Dana also serves as Chair of the firm's Real Estate E&O Liability Practice Group where she provides legal defense for real estate agents, real estate brokers, title agents, home inspectors, appraisers and mortgage brokers in cases brought against them.

Dana understands the disruption and angst professionals experience when claims are brought against them. With over 10 years of civil litigation experience, she approaches each matter with empathy and a strong determination to efficiently resolve the actions brought against her clients. A typical day in her practice might involve securing court dismissals on dispositive motions, mitigating risk via alternative dispute resolution, or collaborating with clients on defense strategy for swift case resolution.

Committed to mentorship and providing guidance to younger attorneys, Dana is also Chair of the firm's Executive Committee Advisory Council, a distinguished group of firm leaders whose purpose is to enhance the communication between the Executive Committee and younger members of the firm's professional ranks, including associates, special counsel and junior shareholders.

Dana is a member of the Professional Liability Underwriting Society (PLUS) and serves on the PLUS Mid-Atlantic Chapter Steering Committee. She frequently contributes articles to *PLUS Blog*. She is also an active member of the Professional Liability Defense Federation (PLDF) Insurance Law Committee, as well as the Philadelphia Bar Association having previously served on its Young Lawyers Division Executive Committee. She has been recognized by the Best Lawyers organization as a Best

### Practices

- Insurance Agents & Brokers Liability
- Real Estate E&O Liability
- Lawyers' Professional Liability
- Miscellaneous Professional Liability
- Product Liability
- Non-Profit D&O

Lawyers: Ones to Watch since 2021, and she has been selected a Pennsylvania Super Lawyer Rising Star since 2019.

A graduate of Emory University, she received her juris doctor from the Villanova University School of Law where she was a Dean's Merit Scholarship recipient. While at Villanova, Dana served as a managing editor for student work for the *Villanova Sports & Entertainment Law Journal*.

## Education

- Villanova University Charles Widger School of Law (J.D., 2012)
- Emory University (B.A., 2008)

## Admissions

- Pennsylvania, 2012
- New Jersey, 2013
- U.S. District Court Eastern District of Pennsylvania, 2014

## Honors & Awards

- The Best Lawyers: Ones to Watch®, Insurance Law; Product Liability Litigation - Defendants (2021-2025)
- Pennsylvania Super Lawyers Rising Star (2019-2022)

## Associations & Memberships

- Philadelphia Bar Association, Young Lawyers Division Executive Committee (2015-2017); YLD Treasurer (2016), Vice Chair (2017)
- Professional Liability Underwriting Society (PLUS)
- PLUS Mid-Atlantic Chapter, Steering Committee Member
- PLUS E&O Think Tank Committee
- Professional Liability Defense Federation Insurance Law Committee
- NovUs, the Young Alumni Chapter of the Villanova University School of Law, Former President

## Classes/Seminars Taught

- *Developing Your Own Brand*, Villanova University Charles Widger School of Law, March 16, 2026
- *PLUS Podcast: Insurance Agent E&O - Top Ten Tips for Risk Management Series, Episode 3*, October 13, 2025
- *PLUS Podcast: Insurance Agent E&O - Top Ten Tips for Risk Management Series, Episode 2*, August 7, 2025
- *PLUS Podcast: Insurance Agent E&O - Top Ten Tips for Risk Management Series, Episode 1*, June 9, 2025
- *Insurance Agent and Broker Webinar*, Philadelphia Insurance Company, April 1, 2025
- *Defending Home Inspector Claims - Prevention and Defense*, Client Webinar, October 15, 2024
- *Risk Management for Insurance Agents & Brokers*, Pittsburgh I-Day, October 8, 2024
- *Attorney Well-Being as a Matter of Professional Competence*, Professional Liability

Defense Federation Annual Meeting, September 26, 2024

- *Insurance E&O Litigation Trends and Best Practices*, Client Seminar, May 7, 2024
- *Defending Home Inspector Claims - Prevention and Defense*, Client Webinar, March 26, 2024
- *Defending Home Inspectors Claims - Prevention and Defense*, Client Webinar, March 6, 2023
- *You Passed the Bar, Now What? How to Succeed in Your First Year as an Attorney, and How to Gain Experience*, Philadelphia Bar Association Young Lawyers Division Bootcamp, October 28, 2016

## Published Works

- "Pennsylvania Superior Court Rejects Breach of Oral Contract Claim Against Insurance Agent," *PLUS Blog*, January 26, 2026
- "Pennsylvania Supreme Court Strengthens Legal Protections for Home Inspectors," *PLUS Blog*, October 28, 2025
- "Avoiding Pitfalls in E&O Claims: Insights From Episode 2 of Insurance Agent E&O," *PLUS Blog*, September 8, 2025
- "Navigating the Doctrine of Reasonable Expectations: A Liability Risk for Insurance Agents," *PLUS Blog*, July 28, 2025
- "Statute of Limitations Stands: Pennsylvania Court Affirms Dismissal of Breach of Contract Claim Against Insurance Broker," *PLUS Blog*, March 4, 2025
- "Attorney Well-Being Doesn't Have to Be Spooky: Steps Attorneys Can Take to Support Mental, Emotional and Physical Health," *PLUS Blog*, October 29, 2024
- "Insurance Agent Skorr's Victory in New Jersey's Appellate Division," *PLUS Blog*, July 16, 2024
- "Insurance Agents And Brokers Get No Summer Vacation From Risk Management," *PLUS Blog*, June 27, 2024
- "Pennsylvania Strengthens Application of One-Year Statute of Repose Under Pennsylvania Home Inspection Law," *PLUS Blog*, April 30, 2024
- "Words Matter: Shielding Against UTPCPL Claims With Subjective Verbiage," *PLUS Blog*, March 14, 2024
- "Trying the PL Case: Lessons Learned in the Courtroom," *PLUS Blog*, September 21, 2023
- "4 Terms to Avoid When Advertising Your Insurance Agency," *Independent Agent* magazine, February 8, 2023
- "Discovery Rule Still Rules in Legal Malpractice Actions," *PLUS Blog*, January 12, 2023
- "The Importance of Memorializing Insurance Discussions," *PLUS Blog*, July 11, 2022
- "*Palek v. State Farm* Offers Lessons for Agents," *Insurance Agents & Brokers Newsletter*, February 23, 2022
- "Another Insurance Broker Dismissed From a COVID-19 Related Suit," *PLUS Blog*, February 2, 2022
- "Pennsylvania Federal Court Takes a Bite Out of Restaurant's COVID/Business Interruption Coverage Claims Against Insurance Broker," *PLUS Blog*, October 11, 2021
- "Pennsylvania Supreme Court Adopts a 'Strict Liability' Standard for UTPCPL 'Catch-All' Claims," *Defense Digest*, June 2021, Vol. 27, No. 3
- "'Loose Lips Sink Ships'...But Not If Judicially Privileged: Protecting Attorney Pre-Litigation Communications," *Defense Digest*, Vol. 26, No. 1, March 2020
- "Pandemonium in the Time of Pandemic: Potential Shift in Insurance Agent and

Broker Standard of Care in the Wake of Covid-19," *The Voice*, DRI Newsletter, June 10, 2020

- "Top 10 Immediate Considerations for Claims Handling," *PLUS Blog*, May 18, 2020
- "Utilizing Your Alumni Network for Personal Development," *The Legal Intelligencer*, May 14, 2015
- *Case Law Alerts*, regular contributor, 2013-present
- *Home Field Advantage: Determining the Appropriate "Turf" for Williams v. National Football League and Clarifying Preemption Precedent*, 19 Vill. Sports & Ent. L.J. 203 (2012)

## Significant Representative Matters

- Obtained a summary judgment dismissal in a Philadelphia Commerce Court commercial litigation matter. The case involved claims of unfair competition and tortious interference brought by one adult day care center against our client, a competing facility. The allegations centered on purported violations of regulations issued by the Pennsylvania Department of Aging and the Office of Long Term Living. The plaintiff's final demand was \$2 million, and no settlement offers were made before the trial court granted summary judgment.
- Obtained summary judgment for our insurance agent client, culminating in a dismissal with prejudice of all professional negligence claims.
- Obtained a defense verdict in a Fourth Amendment civil rights trial in the Eastern District of Pennsylvania. The plaintiff alleged that a public agency violated his Fourth Amendment rights by searching and seizing his personal property after his vehicle was impounded. The defense witnesses each testified that the vehicle was never searched by the public agency and that the public agency does not have a policy or custom of searching vehicles once they are impounded, which was an essential element of the plaintiff's constitutional violation claim. After less than 15 minutes of deliberation, the jury unanimously found that the plaintiff failed to demonstrate that the public agency violated his constitutional rights, granting judgment in favor of the public agency defendant.
- Obtained dismissal with prejudice in Federal Court, Middle District of PA, for insurance broker client in a case involving liability / commercial insurance coverage claims related to lost business income as a result of government mandated closures triggered by the COVID-19 pandemic.
- Secured voluntary withdrawal with prejudice of all claims against law firm client in action alleging legal malpractice, breaches of fiduciary duties and breach of contract.
- Developed factual and legal bases for successful Motion for Summary Judgment for our attorney/law firm client, dismissing a complex legal malpractice action involving claims of professional negligence and fraudulent inducement, arising from an underlying personal injury litigation which concluded with a \$700,000 settlement. Following discovery in the professional malpractice action related to coverage and liability issues, the court granted our motion dismissing the complaint in its entirety against the law firm and individual attorney defendants. For further details, click [here](#).
- Achieved dismissal of real estate agent in action seeking litigation costs and fees for purported failure to disclose a contractual term encumbering plaintiff's property.
- Secured voluntary withdrawal of civil suit alleging negligence and fraud against insurance broker following filing of Preliminary Objections.
- Prevailed on Preliminary Objections on behalf of home inspector client in litigation alleging breach of contract, negligence, and breach of express and implied warranty claims.
- Defended insurance agency in Chester County Court of Common Pleas action

alleging negligence and breach of contract arising from damage to large landscaping equipment. Following discovery and before trial, settled suit on behalf of client with nominal payment, a fraction of the total exposure and settlement demand.

- Extricated school district client from litigation alleging negligence for personal injury incident occurring on school bus with no settlement offered or tendered on behalf of client.
- Obtained voluntary dismissal with prejudice of insurance broker client at suit inception.
- Obtained dismissal with prejudice of large automobile manufacturer on Preliminary Objections. The case involved product liability/product defect claims against our client, which were dismissed on procedural and substantive bases.
- Assisted first chair counsel in successful jury trial in Philadelphia County Court of Common Pleas on behalf of large automobile manufacturer/distributor.
- Obtained dismissal of large automobile manufacturer on Motion for Judgment on the Pleadings in breach of warranty claim.
- Obtained defense verdict at arbitration involving claims for breach of contract/indemnification sought for hail/storm related roof damage.
- Secured dismissal of defendants in a U.S. District Court for the Eastern District of Pennsylvania matter alleging claims including defamation, libel, slander, intentional and negligent infliction of emotional distress, invasion of privacy, false light and false imprisonment

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## Results

### **Montgomery County Court Dismisses Lawsuit Against Insurance Broker**

We obtained dismissal of our insurance broker client on Motion for Summary Judgment in the Montgomery County Court of Common Pleas, Pennsylvania, on the basis of no duty breached, and lack of causation. Claimants asserted a professional negligence theory for allegedly allowing a commercial insurance policy to lapse, failing to notify the policyholder claimant of the lapse or cancellation, and allowing a subsequent gap in coverage to exist after the policy cancelled, when an underlying loss occurred. However, after completed discovery depositions and expert discovery, we successfully moved for summary judgment, arguing the policy cancelled because of the policyholder's own failure to comply with premium audit requirements, rather than any liability or breach of standard of care by the insurance broker.

### **MD Successfully Defends Low Verdict Against Insurance Broker that Plaintiff Challenged on Appeal**

In a case where an insurance broker faced claims of professional negligence, Carol VanderWoude (Philadelphia) successfully defended the plaintiff's appeal from a verdict obtained by Tim Ventura and Dana Gittleman (Philadelphia). The verdict against our client, an independent insurance broker, was well below the lost value of UIM coverage (i.e., \$1 million), which the plaintiff sought to recover based on an alleged breach of the professional standard of care in failing to procure an endorsement for \$ 1 million in UIM

coverage on the plaintiff's decedent's commercial auto policy.

The verdict is notable because, at trial, the client gave unexpected testimony which impacted liability, and when confronted with the client's new trial testimony, our standard of care expert conceded a breach of the professional standard of care. Still, causation/damages were contested, and it was disputed at trial that the plaintiff's decedent would have actually received \$1 million in coverage. Tim elicited testimony on cross-examination of the plaintiff's expert to show that there was no evidence establishing the insurer would have provided additional UIM coverage even if the endorsement had been purchased.

Prior to trial the parties entered into a stipulation stating that damages were capped at the value of the lost coverage, \$1 million. Plaintiff's counsel challenged the low verdict on various grounds, focusing on the fact that our expert conceded a breach of a standard of care based on the client's unexpected trial testimony. He argued that, as a matter of law, the damages amount was the lost value of the coverage and the verdict should be increased to \$1 million. The trial court agreed with our arguments, raised in opposition to the plaintiff's post-trial motions, that the low verdict amount was supported by the record and that the plaintiff's requests for post-trial relief were otherwise waived for various reasons.

The Superior Court affirmed in a unanimous decision.

#### **Unanimous Defense Verdict Secured in Fourth Amendment Civil Rights Trial**

We obtained a defense verdict in a Fourth Amendment civil rights trial before Judge Michael Baylson in the Eastern District of Pennsylvania. The plaintiff alleged that a public agency violated his Fourth Amendment rights by searching and seizing his personal property after his vehicle was impounded. The defense witnesses each testified that the vehicle was never searched by the public agency and that the public agency does not have a policy or custom of searching vehicles once they are impounded, which was an essential element of plaintiff's constitutional violation claim. After less than 15 minutes of deliberation, the jury unanimously found that plaintiff failed to demonstrate that the public agency violated his constitutional rights, granting judgment in favor of the public agency defendant.

#### **Philadelphia Court Dismisses Lawsuit Against Insurance Broker**

We obtained dismissal of our insurance broker client on Motion for Judgment on the Pleadings in the Philadelphia County Court of Common Pleas on the basis of a statute of limitations defense. Plaintiff alleged a failure to procure insurance that would cover an employee's death in the course of business operations. We successfully argued that the four-year statute of limitations applicable to breach of contract claims barred plaintiff's claims based upon several instances of notice of the insurance policy terms and

coverages, and a claim determination, all of which preceded the suit inception by more than four years.

### **Federal Court Lawsuit Against Insurance Broker Dismissed**

We obtained dismissal of claims asserted against our insurance broker client for breach of contract and declaratory judgment in connection with a COVID-related business interruption loss. The Court granted our Motion to Dismiss, determining that plaintiff restaurant lacked a viable breach of contract claim against the insurance broker, and thus that the derivative declaratory judgment claim also failed as a matter of law.

The lawsuit arose from pandemic-related, government-mandated business closures and plaintiff's claim for business interruption losses, which was denied by its insurer. The allegations against our client pertained to alleged breach of the insurance policy and coverage obligations under the policy, which unequivocally stated that the parties to the insurance policy were plaintiff as policyholder and the insurer – not our insurance broker client.

In the Magistrate Judge's Opinion, adopted by U.S. Middle District of PA Judge Mariani, the Court concluded that our client was not a party to the insurance policy contract and did not agree to undertake any responsibilities or liabilities for the insurer's coverage determinations, but merely acted as an agent for a plainly disclosed principal (insurer) and facilitated the contract between the parties thereto.

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## **Thought Leadership**

April 27, 2026

### **The Importance of Memorializing Settlement Terms**

January 26, 2026

### **Pennsylvania Superior Court Rejects Breach of Oral Contract Claim Against Insurance Agent**

December 1, 2025

### **Pennsylvania Supreme Court Slams Door Shut on Claims Filed Against Home Inspectors**

November 1, 2025

### **Protecting Real Estate Professionals with Renewed Strength and Expanded Reach**

November 1, 2025

### **Pennsylvania Supreme Court Strengthens Legal Protections for Home Inspectors**

October 28, 2025

**Pennsylvania Supreme Court Strengthens Legal Protections for Home Inspectors**

October 1, 2025

**Insurance Agent E&O - Top Ten Tips for Risk Management Series - Episode 3**

July 28, 2025

**Navigating the Doctrine of Reasonable Expectations: A Liability Risk for Insurance Agents**

July 1, 2025

**Pa. Superior Court Limits Use of Reasonable Expectations Doctrine in Commercial Insurance Dispute**

June 1, 2025

**Pennsylvania Superior Court Finds Appellants' Position Unreasonable**

March 4, 2025

**Statute of Limitations Stands: Pennsylvania Court Affirms Dismissal of Breach of Contract Claim Against Insurance Broker**

February 1, 2025

**Legal Update for Insurance Agents & Brokers – Case Law Update**

February 1, 2025

**Statute of Limitations Stands: Pennsylvania Superior Court Affirms Dismissal of Breach of Contract Claim Against Insurance Broker**

January 1, 2025

**Pennsylvania Court Rejects Fraudulent Joinder Theory, Keeping Insurance Agent in Case**

October 29, 2024

**Attorney Well-Being Doesn't Have to Be Spooky: Steps Attorneys Can Take to Support Mental, Emotional and Physical Health**