

Donald L. Carmelite

Shareholder

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Harrisburg – 717.651.3504



Donald is a member of the Professional Liability Department where he focuses his practice on the defense of public entities, police, prison and correctional officers, as well as elected officials in civil rights, employment and land use matters.

In addition to the core areas of his practice, Don also handles a wide array of complex litigation involving liability for environmental, liquor/dram shop and professional claims. He has additional experience representing real estate professionals in every type of claim arising from the sale of a property covered by E&O policies and has defended claims made against licensed Brokers and Agents in a property manager capacity for HOAs. He also has years of experience defending motor vehicle and premises liability suits.

During his career, Don has served as first chair in over 10 jury trials and bench trials. He also has extensive mediation experience.

Don is very active in his community. He currently coaches a 10U travel hockey team, and previously served as a member of Vestry (board of directors) for Saint Andrews Episcopal Church in York, Pennsylvania. He is also the past president of the Friendly Sons of St. Patrick, Harrisburg Chapter. Additionally, he previously served as a committeeman for the Dauphin County Republican Committee in Harrisburg, 5th Ward, and remains active in local politics.

Don received his Bachelor of Arts degree from Penn State University and his *juris doctor* from the University of Pittsburgh School of Law. Thereafter, Don served as law clerk to the Honorable Michael L. Krancer at the Pennsylvania Environmental Hearing Board.

Practices

- Public Entity & Civil Rights Litigation
- Environmental & Toxic Tort Litigation
- Hospitality & Liquor Liability
- Miscellaneous Professional Liability
- Automobile Liability
- Real Estate E&O Liability

Education

- University of Pittsburgh School of Law (J.D., 1999)
- The Pennsylvania State University (B.A., 1996)

Admissions

- Pennsylvania, 1999
- U.S. District Court Western District of Pennsylvania, 1999
- U.S. District Court Middle District of Pennsylvania, 2002

Honors & Awards

- BV® Distinguished™ Rating by LexisNexis Martindale-Hubbell
- Pennsylvania Super Lawyer Rising Star (2011-2014)
- Susquehanna Valley Select Lawyers™ (2014)

Associations & Memberships

- American Inns of Court
- Cumberland County Bar Association
- Dauphin County Bar Association
- Pennsylvania Bar Association

Classes/Seminars Taught

- *Mobile Devices: Don't Let Good Reception Be Game Over*, Dauphin County Bar Association, January 2018 and Cumberland County American Inns of Court, December 2017
- Personal Training For Client on All Aspects of the Political Subdivision Tort Claims Act, March 2016
- *Political Subdivision Claims Act*, School Claims Services LLC, December 12, 2014
- *Social Media in Litigation: Reloaded, a Closer Look at Using Social Media in Your Cases*, Dauphin County Bar Association, Harrisburg, PA, June 24, 2014
- *How To Try a Case in State Court*, Pennsylvania Bar Institute, Mechanicsburg, PA, June 16, 2014
- *Political Subdivision Tort Claims Act, Real Property Exception*, client seminar, February 2014
- *Basics of Litigation Involving State and Local Government*, Pennsylvania Bar Institute, June 2013

Published Works

- "Discovering, Authenticating & Utilizing Social Media in Litigation: Strategy Considerations," co-author, *Defense Digest*, Vol. 20, No. 1, March 2014
- "Thumbs Up for Qualified Immunity," co-author, *Defense Digest*, 2011-03, Vol. 17, No. 1
- "The Bar Is Set: A Liquor Licensee's Duty to Third Persons in a Civil Suit," *Defense*

Significant Representative Matters

- Obtained dismissal, in favor of liquor licensee, of all claims in general negligence; reaffirming that the exclusive remedy for an injured person is statutorily found in the Dram Shop Act based upon service of alcohol to a visibly intoxicated patron, January 2018
- Obtained summary judgment in favor of a police officer and township in excessive use of force and failure to train claim, October 2017
- Obtained summary judgment, upheld by the Third Circuit, in favor of County Children and Youth Services Agency its social worker in parental rights claim, August 2017
- Obtained discontinuance in favor of county vo-tech for negligence claims precluded by the Political Subdivision Tort Claims Act, April 2017
- Obtained dismissal in favor of District Attorney in a Malicious Prosecution Claim, March 2017
- Obtained dismissal from EEOC of Township employee's age discrimination claim, August 2016
- Obtained summary judgment in favor of county prison and corrections officers for claims of excessive use of force, October 2016
- Obtained discontinuance in favor of regional police department and its officers for claims of illegal search and seizure of personal property, July 2016
- No causation jury defense verdict in a claim where plaintiff was determined to be totally disabled by the Social Security Administration, through the use of surveillance video and plaintiff's social media postings, January 2013
- Successfully obtained a zero dollar defense verdict in an admitted liability motor vehicle accident and motorcycle case, which had a pretrial demand for policy limits, July 2010
- Successfully obtained a zero dollar defense verdict arising from a drunk driving accident with a pretrial demand for policy limits, October 2010

Results

Summary judgment in a municipal liability case involving a trip and fall on a sidewalk.

The plaintiff fell while walking and sued the owners of the property and York City, alleging the City was negligent in failing to maintain the sidewalk and in failing to inspect, correct or repair it. The defense argued that the plaintiff did not establish that York had any actual or constructive notice of the alleged defect, and that the plaintiff failed to meet her burden under the sidewalks exception to the Political Subdivision Tort Claims Act, 42 Pa. C.S. § 8541, et seq.