

Edward J. Tuite

Senior Counsel

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Ed joined Marshall Dennehey Warner Coleman & Goggin in 2000. He concentrates his practice in special investigation unit/fraud investigation and defense, automobile, construction law, premises liability, and commercial trucking litigation. Over the course of his career, Ed has handled thousands of auto liability cases, hundreds of construction cases, and several hundred fraud cases involving auto and premises liability. He has represented numerous trucking companies and commercial carriers, as well as insurance carriers in project defense work regarding fraudulent and questionable billing practices, claims for personal injury protection, and medical benefit matters.

Ed's recent successful representations have included:

- Obtaining a defense verdict at trial in Philadelphia County Court of Common Pleas in a multi-party wrongful death trucking case, where the codefendant was found solely liable and \$3 million damages were awarded.
- Obtaining a non-suit prior to submission to a jury for a construction defendant joined to a multi-party construction case involving close-head trauma, where the jury ultimately awarded \$2,750,000 in damages against the remaining co-defendants.
- Obtaining a defense verdict for a large trucking concern against claims of product spoliation and product liability, where the co-defendant was found liable for the plaintiff's damages in the amount of \$16 million.
- Successfully defending at trial and at binding arbitration multiple high-exposure fraud cases in which either a defense verdict was obtained and/or claims were voluntary dismissal by the claimants. Ed has argued before the Superior Court of Pennsylvania and the Supreme Court of Pennsylvania and has set the legal precedent in Pennsylvania that an employer cannot be sued in dual capacity circumstances, such as simultaneous product liability and employer liability. His courtroom experience includes approximately 175 trials or binding arbitrations and 75 jury trials, nearly half of which resulted in defense verdicts, and an equal number in which verdicts or settlements were obtained significantly below the settlement demand.

Ed is a 1978 graduate of St. Joseph's University and Villanova University School of Law, where he received his *juris doctor* in 1981. After law school, he entered private practice at Goushian, Mooradian & Goldsmith, where he handled a diverse range of civil litigation,

Practices

- Miscellaneous Professional Liability
- Architectural, Engineering & Construction Defect Litigation
- Automobile Liability
- Fraud/Special Investigation

from automobile liability to complex product liability matters.

For 14 years, Ed was the managing attorney of AIG Insurance Company's staff counsel for Philadelphia and surrounding counties, where he oversaw a legal staff of 45 and his offices handled general defense litigation, including automobile liability, product liability, professional liability and dram shop litigation.

Ed has lectured for various insurance claims departments on topics such as automobile litigation, construction litigation, SIU, and professional liability. He serves as a *judge pro tempore* for the Philadelphia Court of Common Pleas, as well as an arbitrator for Montgomery County, Philadelphia County and the United States District Court for the Eastern District of Pennsylvania.

Outside of his practice, Ed is active in multiple coaching positions in local basketball and soccer organizations.

Education

- Villanova University Charles Widger School of Law (J.D., 1981)
- Saint Joseph's University (B.S., 1978)

Admissions

- Pennsylvania, 1981

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®

Associations & Memberships

- Chester County Bar Association
- Delaware County Bar Association
- Montgomery County Arbitrator
- Montgomery County Bar Association
- Pennsylvania Defense Institute
- Philadelphia Bar Association
- Philadelphia County Arbitrator
- Philadelphia Court of Common Pleas Judge Pro Tem
- Temple Inn of Court
- United States District Court for the Eastern District of Pennsylvania Arbitrator

Classes/Seminars Taught

- *Update on Medical Fraud / Bad Economy and The Plot Thickens*, Marshall Dennehey Insurance Fraud Perspectives Seminar, Lafayette Hill, PA, June 2012
- *Medical Provider Fraud and the 3rd Party Case*, Combating Insurance Fraud Seminar, Conshohocken, PA, 2010
- *Emerging Trends in Fraud Litigation*, Annual seminar to Chubb Insurance
- *Auto Law Developments*, First Acceptance Insurance Company

- *Defending the Wrongful Death Case and Damages; Defending High Exposure Cases; and Construction Law Seminar* to PAM Claims, on behalf of the PHI

Published Works

- "Uninsured Motorist Benefits Policy Limits - They Ain't What They Used To Be," *Defense Digest*, Vol. 17, No. 1, March 2011

Representative Cases

- *Poyser v. Newman*, Pa. Supreme Court
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Results

Successful Trial Result Achieved in a Philadelphia Premises Liability Matter

We received a successful trial result in a premises liability matter in Philadelphia Court of Common Pleas. The plaintiff's expert projected future surgeries and extensive life-long medical care costs of \$1.25 million. Much of our defense centered on damages and demonstrating that the projected future medical care was not supported by the actual medical treatment provided. Additionally, video of the incident was used to demonstrate that the plaintiff had actual/constructive knowledge of spilled water in the premises but proceeded to walk in that area anyway. Forty percent comparative negligence was assigned to the plaintiff, and despite the plaintiff's introduction of the medical cost projection described above, only \$50,000 in future medical care was awarded by the jury. The total award, after a molded verdict, was \$118,800, which our client viewed as a victory in this venue.

Thought Leadership

October 1, 2022

The "Innocent Plaintiff" Fair Share Argument Gains Momentum