

John J. Hare

Member, Executive Committee

Chair, Appellate Advocacy & Post-Trial Practice

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John is a member of Marshall Dennehey's three-person Executive Committee, which is responsible for the firm's daily operations and management of more than 500 attorneys across 19 offices in seven states. He also serves on the firm's Board of Directors and as chair of the fifteen-attorney Appellate Advocacy & Post-Trial Practice.

As appellate counsel, John has litigated more than 500 appeals in state and federal appellate courts, representing individuals, corporations, and insurers in many of Pennsylvania's highest-profile civil appeals. As amicus curiae counsel, John has represented a diverse clientele, including the United States Chamber of Commerce, the Pennsylvania Chamber of Business and Industry, the American Medical Association, the Pennsylvania Medical Society, the Pennsylvania Defense Institute, the American Society for the Prevention of Cruelty to Animals, other Pennsylvania lawyers, and academics interested in the outcome of appellate litigation.

John is actively involved in the Pennsylvania legal community. He has edited and co-authored two books on Pennsylvania appellate courts. *The Supreme Court of Pennsylvania; Life and Law in the Commonwealth, 1684-2017*, was published by the Pennsylvania State University Press in 2018. *Keystone of Justice: The Pennsylvania Superior Court, 1895-1995*, was published by the Commonwealth of Pennsylvania in 2000.

John serves by appointment of the Supreme Court of Pennsylvania as the co-chair of the Court's Historical Commission and on the Commission on Judicial Independence, a group of state and federal judges, academics, and attorneys who promote public awareness of the importance of a strong and independent judiciary. He also spent six years on the Supreme Court's Civil Procedural Rules Committee, the last two years as chair, and served on the Board of Governors of the Bar Association of the Third Federal Circuit and as co-chair of the Amicus Curiae Committee of the Pennsylvania Defense Institute. He also serves on the advisory board of *Ohlbaum on the Pennsylvania Rules of*

Practices

- Appellate Advocacy & Post-Trial Practice

Evidence (Lexis-Nexis) and regularly speaks at appellate court events and continuing legal education seminars.

Pennsylvania Super Lawyers magazine has repeatedly recognized John as a Top 100 lawyer in both Philadelphia and Pennsylvania based on a peer selection and evaluation process. He has also been selected as a Super Lawyer in the area of appellate practice every year since 2008. He has been repeatedly selected to *The Best Lawyers in America* and is a Fellow of the American Academy of Appellate Lawyers, a member of the International Association of Defense Counsel, and has an AV Preeminent (5.0/5.0) rating by Martindale-Hubbell, the highest rating for professional competence.

John is regularly called upon by the media to provide insight and commentary on significant legal issues. To view recent articles in which John is quoted, click the Media Commentary section below.

Education

- Princeton University (1999)
 - coursework completed for Ph.D.
- University of California, Berkeley (M.A., 1998)
- Thomas R. Kline School of Law of Duquesne University (J.D., 1993)
 - Editor Duquesne Law Review
- Indiana University of Pennsylvania (B.A., *magna cum laude*, 1990)

Admissions

- Pennsylvania, 1994
- U.S. Supreme Court
- U.S. Court of Appeals 3rd Circuit
- U.S. Court of Appeals 4th Circuit
- U.S. District Court Eastern District of Pennsylvania
- U.S. District Court Middle District of Pennsylvania
- U.S. District Court Western District of Pennsylvania

Honors & Awards

- Chambers USA, Pennsylvania: Litigation: Appellate, Band One (2025-2026)
- Legal 500 Philadelphia Legal Elite, Commercial Disputes (2025-2026)
- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, Appellate Practice (2024-2026)
- Pennsylvania Super Lawyers (2008-2026; Top 100 in Pennsylvania, 2018-2026; Top 100 in Philadelphia, 2018-2026)
- Philadelphia Business Journal, Best of the Bar Award, 2023 and 2018
- The Philadelphia Inquirer, Influencers of Law Award, 2019

Associations & Memberships

- American Academy of Appellate Lawyers, Fellow, 2016

- Bar Association for the Third Federal Circuit
- International Association of Defense Counsel, 2018
- Pennsylvania Bar Association
- Pennsylvania Defense Institute, 2008
- Pennsylvania Supreme Court, Civil Procedural Rules Committee, 2015-2021; Chair, 2019-2021
- Pennsylvania Supreme Court, Historical Commission, Co-Chair, 2023
- Pennsylvania Supreme Court, Commission on Judicial Independence, 2024

Classes/Seminars Taught

- *Combatting Nuclear Verdicts in Plaintiff-Friendly Jurisdictions*, A.M. Best Insurance Law Podcast, October 30, 2025
- *New Voir Dire Rule Pa.R.C.P. 220.3*, Philadelphia Bar Association Live Webcast CLE, March 19, 2025
- *Speak Easy and Write Stuff: Effective Communication Techniques for Appellate Courts*, CLE presented to Superior Court of Pennsylvania judges, law clerks, and legal staff, September 22, 2023
- *The Chief Justices of Pennsylvania*, CLE presented to Supreme Court of Pennsylvania at The Lawyers Club of Philadelphia, September 14, 2023
- *The Transformation of Pennsylvania Law*, CLE presented for Pennsylvania Coalition for Civil Justice Reform, September 11, 2023
- *Annual Civil Litigation Update 2023*, Pennsylvania Bar Institute, August 31, 2023
- *Litigation Update Seminar*, Pennsylvania Coalition for Civil Justice Reform, May 29, 2023
- *The Development of Our Supreme Court*, Tricentennial Anniversary of the Supreme Court of Pennsylvania, National Constitution Center, May 21-22, 2022, Moderator and Speaker
- *Civil Litigation Update 2022*, Pennsylvania Bar Institute, March 4, 2022
- *Civil Litigation Update 2021*, Pennsylvania Bar Institute, March 4, 2021
- *Judicial Engagement and the Pennsylvania Constitution*, Institute for Justice, Center for Judicial Engagement, October 16, 2020
- *The "New" Pennsylvania Supreme Court; Reflections on the Last Three-Plus Years*, Pennsylvania Bar Institute, September 9, 2019
- *Your Case is in the News; Handling High-Profile Litigation*, Moderator, American Academy of Appellate Lawyers, 2019 Spring Conference, April 13, 2019
- *The Pennsylvania Constitution: An Independent Source of Rights and Judicial Power*, Pennsylvania State Trial Judges Conference, February 21, 2019
- *The Supreme Court of Pennsylvania: Life and Law in the Commonwealth, 1684-2017: A Conversation*, hosted by Duquesne University for Pennsylvania Supreme Court, October 24, 2018

Published Works

- "What Lawyers Can do to Protect and Promote Judicial Independence," *Pennsylvania Bar Association Quarterly*, January 2026
- "Chief Justice Baer and the Supreme Court's Tricentennial Anniversary," 62 *Duquesne Law Review 1*, Winter 2024
- "Medical Malpractice Venue Un-Reform," *Claims Judicial and Legislative Affairs Quarterly Update* (CJLA), Spring 2023
- *The Supreme Court of Pennsylvania; Life and Law in the Commonwealth, 1684-2017*

(Hare ed., Penn State, 2018)

- "What's New In 2017? Filing Trends and Developments In Asbestos Litigation," *Mealey's Litigation Reports*, August 16, 2017
- "Sunlight is the Best Disinfectant; Solutions to the Concealment of Asbestos Trust Filings in Tort Litigation," *For The Defense*, April 2016
- "Uncloaking Bankruptcy Trust Filings In Asbestos Litigation: Refuting the Myths About Transparency," *Mealey's Asbestos Bankruptcy Report* and *Mealey's Litigation Report Asbestos*, April 2016
- "Uncloaking Bankruptcy Trust Filings In Asbestos Litigation: A Survey Of Solutions To The Types Of Conduct Exposed In Garlock's Bankruptcy," *Mealey's Asbestos Bankruptcy Report*, August 28, 2015
- "Keystone of Justice: The Pennsylvania Superior Court, 1895-1995," *Pennsylvania Press*, 2000

Media Commentary

- ["Pa. Supreme Court justices rarely lose seats in retention elections, so why is this year's race so important?"](#), *Philly Voice*, September 29, 2025
- ["Monsanto Takes Roundup Preemption Defense to Pennsylvania Supreme Court."](#) *The Legal Intelligencer*, August 15, 2025
- ["Where Did All of Philadelphia's Big Verdicts Go?"](#) *The Legal Intelligencer*, July 31, 2025
- ["Key Issue in Roundup Litigation Gets First-Time Review From Pa. Appeals Court."](#) *The Legal Intelligencer*, March 28, 2025
- ["Justices Wary of Overturning Longstanding Precedent on Tort Immunity for General Contractors."](#) *The Legal Intelligencer*, March 6, 2025
- ["Diving Into a Judicial Hellhole – A look at ATRF's latest list and examining the top jurisdiction."](#) *CLM Magazine*, January 7, 2025
- ["Philly and the Pa. Supreme Court Are Top 'Judicial Hellholes,' A Tort Reform Group Says. Trial Attorneys Aren't Happy."](#) *The Philadelphia Inquirer*, December 12, 2024.
- ["Judge Orders New Trial in Temple Health Medical Malpractice Case with \\$45 Million Jury Verdict."](#) *The Philadelphia Inquirer*, December 11, 2024
- ["Turning the Tables: Defense Litigators Embrace Lawsuits, Alleging Fraud at Plaintiffs Shops."](#) *The American Lawyer*, October 7, 2024
- ["Pa. High Court Reversal Rate of Superior Court Rulings Has Plummeted, Report Shows."](#) *The Legal Intelligencer*, April 23, 2024
- ["As Stakes Escalate, Kline & Specter Begin Stepping in to Defend Phila.'s Largest Verdicts Post-Trial."](#) *The Legal Intelligencer*, January 31, 2024
- ["Parties Clash Over Jury Instruction in Hearing on \\$976M Defective Seatbelt Verdict."](#) *The Legal Intelligencer*, April 2, 2024
- ["Unanimity Is Rare on Pennsylvania Supreme Court, Data Reveals."](#) *The Legal Intelligencer*, February 15, 2024
- ["Pennsylvania Litigation To Watch In 2024"](#) *Law360*, January 1, 2024
- ["Top Pennsylvania Cases of 2023."](#) *Law360*, December 21, 2023
- ["'Passion and Prejudice': Mitsubishi Seeks to Overturn Nearly \\$1B Defective Seatbelt Verdict."](#) *The Legal Intelligencer*, November 15, 2023
- ["Superior Court Breaks String of Plaintiff-Side Forum Rulings, Upholding Case's Move From Phila."](#) *The Legal Intelligencer*, November 1, 2023
- ["Could Proposed Changes to Civil Jury Selection Rules Slow Down Pa.'s Courts?"](#) *The Legal Intelligencer*, September 21, 2023
- ["Pa. Civil Law Has Developed Pro-Plaintiff Slant, PCCJR Panelists Say,"](#) *The Legal*

Intelligencer, September 11, 2023

- "Jury Verdicts Like the \$183 Million Award Against Penn Medicine Can Be Tied Up for Years, But Usually Stand," *The Philadelphia Inquirer*, May 2, 2023
- "PA Budget, Political Appointment Decisions for Gov. Josh Shapiro," *GoErie.com*, January 3, 2023
- "Defense Attorneys Brace for Impacts as Medical Malpractice Venue Rule Changes Loom," *The Legal Intelligencer*, October 5, 2022
- "Pa. Legal Community Remembers Chief Justice Baer as a Consensus Builder, Family Law Icon," *The Legal Intelligencer*, October 3, 2022
- "Lawyers Argue for New Trial, Reduction of \$19 Million Verdict for Pool Injury," *The Tribune-Review*, August 8, 2022
- "Woman Gifted Groupon Massage Must Arbitrate Assault Claims: Court," *Pennsylvania Law Weekly*, August 2, 2022
- "Guns, Abortion & Voting Rights: 5 Critical PA Supreme Court Cases to Keep an Eye on in 2022," *Pocono Record*, July 18, 2022
- "Plaintiffs Seek to Narrow Pa. High Court's Ruling Axing Jurisdiction by Business Registration," *The Legal Intelligencer*, February 1, 2022
- "Pa. Justices: Defense Attorney's Question During Ex-NFL Player's Med Mal Trial Was Not Improper," *Pennsylvania Law Weekly*, December 28, 2021
- "Pa. Justices Say Two Disputed Words Don't Warrant New Trial," *Law360*, December 22, 2021
- "Pa. Justices Split Over Whether Two Words Warrant Retrial," *Law360*, September 21, 2021
- "'Even Bad People': Legal Community Divided on Unpopular Decision That Freed Cosby," *The Legal Intelligencer*, July 1, 2021
- "Pa. Cases to Watch in 2021: Midyear Report," *Law360*, July 9, 2021
- "Pa. Atty Off Hook for Extended Interest on Malpractice Award," *Law360*, March 31, 2021
- "Pa. Justices Snub Appeal Over Axed \$40M Spinal Injury Award," *Law360*, March 30, 2021
- "Pennsylvania Cases to Watch in 2021," *Law360*, January 3, 2021
- "Pa. Court Scraps \$40M Suburban Phila. Jury Verdict Over Birth Injury," *The Legal Intelligencer*, July 20, 2020
- "Measure to Split Pa. Court Seats Seen as Political Play," *Law360*, July 17, 2020
- "Pa. Panel Wipes Out \$40M Award for Baby's Spinal Injury," *Law360*, July 16, 2020
- "Top Pennsylvania Cases of 2020: A Midyear Report," *Law360*, July 2, 2020
- "3rd Circ. Punts Amazon Seller Liability Case to Pa. Justices," *Law360*, June 2, 2020
- "Panel Axes \$10M Award in Surgery Patient's Drug Death Suit," *Law360*, April 9, 2020
- "Pa. Appeals Court Slashes Award; Finds Jury Went Too Far With \$10 Million Verdict," *The Legal Intelligencer*, April 9, 2020
- "Pennsylvania Cases to Watch in 2020", *Law 360*, January 3, 2020
- "Drifting Away From Precedent?: Some See Pa. Supreme Court Upending Established Case Law," *Pennsylvania Law Weekly*, December 23, 2019
- "The Biggest Pa. Appellate Rulings Of 2019: Midyear Report," *Law360*, July 3, 2019
- "Pa. Jurisdiction in Grenfell Tower Suit May be Tested by Evolving Case Law," *The Legal Intelligencer*, June 12, 2019
- "Law Firms Going 'Old School' as Phila. Court System Struggles to Recover From Computer Virus," *The Legal Intelligencer*, May 31, 2019
- "At Last, Unpublished Superior Court Opinions Can Be Cited. Now What?," *The Legal*

Intelligencer, March 29, 2019

- "This Pennsylvania Committee Is Proposing Changes That Benefit Five Of Its Members' Law Firms," *Forbes* and *Pennsylvania Record*, February 19, 2019
- "Tough Sell On Cancer Link Awaits At 1st Philly Talc Trial," *Law360*, February 5, 2019
- "CBS Tells Justices No Liability For Asbestos Added By Others," *Law360*, September 20, 2018
- "The Biggest Pa. Appellate Rulings Of 2018: Midyear Report," *Law360*, July 12, 2018
- "Judge Says Pa.'s Corporate Registration Law Doesn't Create Jurisdiction," *The Legal Intelligencer*, June 11, 2018
- "Superior Court Throws Out \$32M Wrongful Death Award," *The Legal Intelligencer*, May 3, 2018
- "Pa. Tort Ruling Highlights Discrepancies in Jury Instructions," *Law360*, February 23, 2018
- "Commonwealth Court: Philly Beverage Tax is Legal," *WHYY's Keystone Crossroads*, June 14, 2017. John's interview about the soda tax also aired on *WHYY's Morning Edition* program on June 16, 2017.
- "Changes to PA Tort Law Not Coming Fast Enough, Attorneys Say," *Law360*, April 20, 2017
- "Justices' 'Abnormal' Requests Pose Legislative Challenges," *The Legal Intelligencer*, October 7, 2017
- "Attorneys Agree Ban on Citing Nonprecedential Opinions is a Hurdle," *The Legal Intelligencer*, September 1, 2016
- "The Biggest PA Appeals Court Decisions So Far in 2016," *Law360*, August 4, 2016
- "Appellate Courts Prepare to Transition Interim Appointees," *The Legal Intelligencer*, July 11, 2016
- "Zimmer Win May Force Harder Look at Runaway Verdicts," *Law360*, June 10, 2016
- "'When in Doubt, Appeal' in Consolidated Cases," *The Legal Intelligencer*, May 31, 2016
- "Superior Court's 2016 Output Low on Civil Rulings," *The Legal Intelligencer*, May 27, 2016
- "Revamped PA High Court Looks To Make Mark on Tort Law," *Law360*, February 4, 2016
- "Supreme Court Orders Reargument in 26 Cases From 2015," *The Legal Intelligencer*, January 22, 2016.
- "Intermediate Courts Must Weather Vacancies," *The Legal Intelligencer*, January 9, 2016
- "Supreme Court Justice J. Michael Eakin Tearfully Apologizes, Defends Reputation in Porn Email Hearing," *Allentown Morning Call*, December 21, 2015
- "Eakin, 'Bruno' and the State of Judicial Discipline in PA," *The Legal Intelligencer*, December 18, 2015
- "JCB Faces Challenges in Proving Violations by Eakin," *The Legal Intelligencer*, December 11, 2015
- "Litigants May Test High Court After Turnover," *Pennsylvania Law Weekly*, November 17, 2015
- "Dems' PA High Court Sweep Could Shake Up Enviro, Tort Law," *Law360*, November 4, 2015
- "Report: Supreme Court Should Defer to JCB on Eakin Emails," *The Legal Intelligencer*, November 3, 2015
- "Zimmer Ruling Continues Pa. Justices' Pro-Plaintiff Trend," *Law360*, October 28, 2015

- "Lawyers Say Discipline, Not Removal, Likely for Eakin," *Pennsylvania Law Weekly*, October 20, 2015
- "Rekindled Email Scandal Tests State Supreme Court, Again," *The Legal Intelligencer*, October 6, 2015
- "Saylor's Comments Raise More Questions Over AG Kane's Fate," *The Legal Intelligencer*, September 30, 2015
- "Fee Sanctions Must Be Filed Soon After Final Order," *Pennsylvania Law Weekly*, September 28, 2015
- "Rule Changes Clear Up Legal Gray Area in Post-Trial Motions," *Legal Intelligencer*, July 14, 2015
- "Raising Pa. Supreme Court Output Easier Said Than Done?," *Pennsylvania Law Weekly*, March 31, 2015
- "Police Owe No Duty to Unknown Passengers in Fleeing Car," *The Legal Intelligencer*, January 5, 2015
- "Pennsylvania Cases To Watch In 2015," *Law360*, January 2, 2015

Significant Representative Matters

- *Amagasu v. Mitsubishi*, 2025 WL 3708201 (Pa. Super. 2025) (vacating \$1.09 billion jury verdict and remanding for new trial)
- *Yoder v. McCarthy Constr., Inc.*, 345 A.3d 668 (Pa. 2025) (vacating \$5.6 million judgment and remanding for further proceedings)
- *Gustafson v. Springfield, Inc.*, 333 A.3d 651 (Pa. 2025), *cert. denied*, 25-120, 2025 WL 3620464 (U.S. Dec. 15, 2025) (reversing Superior Court and holding that federal Protection of Lawful Commerce in Arms Act (PLCAA) was constitutional)
- *Smith v. CMS W., Inc.*, 305 A.3d 593 (Pa. Super. 2023) (applying *forum non conveniens* to transfer litigation out of Philadelphia County)
- *Johnson v. Toll Bros., Inc.*, 302 A.3d 1231 (Pa. Super. 2023) (rejecting challenge to Pennsylvania's construction statute of repose)
- *Doe v. Hand & Stone Franchise Corp.*, 283 A.3d 391 (Pa. Super. 2022) (enforcing arbitration provisions in online marketing agreement)
- *Steltz v. Meyers*, 265 A.3d 335 (Pa. 2021) (reversing lower courts and reinstating defense jury verdict for physician and practice group improperly blamed for ending NFL player's career)
- *Charlton v. Troy*, 236 A.3d 22 (Pa. Super. 2020), *reargument denied* (Sept. 23, 2020), *appeal denied*, 251 A.3d 772 (Pa. 2021) (vacating \$40.2 million jury verdict and remanding for new trial)
- *Ramsey v. Buchanan Auto Park*, 2021 WL 5165823 (M.D. Pa. 2021) (vacating \$500,000 jury verdict and remanding for new trial)
- *Roverano v. John Crane, Inc.*, 226 A.3d 526 (Pa. 2020) (reversing Superior Court and holding that juries may apportion liability to nonparty bankruptcy trusts) (amicus counsel for defense organizations)
- *Kimble v. Laser Spine Institute et al.*, No. 2016-00569 (Chester Cty., 2019) (vacating \$10 million jury verdict and granting judgment n.o.v.)
- *Straw v. Golon et al.*, 187 A.3d 966 (Pa. Super. 2018), *appeal denied*, 2019 Pa.LEXIS 950 (Pa. 2019) (vacating \$35 million judgment and remanding for new trial)
- *Commonwealth v. Muniz*, 164 A.3d 1189 (Pa. 2017) (reversing Superior Court and holding that retroactive registration under Pennsylvania's Megan's Law violates *ex post facto* clauses of the United States and Pennsylvania constitutions) (amicus counsel for 22 individuals)
- *Rost v. Ford Motor Co.*, 151 A.3d 1032 (Pa. 2016) (invalidating Philadelphia's

mandatory consolidation of asbestos cases for trial) (amicus counsel for defense organizations)

- *Keith v. Commonwealth ex rel. Pa. Dep't of Agric.*, 151 A.3d 687 (Pa. Cmwlth. 2016) (invalidating Department of Agriculture regulations permitting commercial dog breeders to restrict nursing mothers' access to exercise areas and use wire flooring in cages) (amicus counsel for American Society for the Prevention of Cruelty to Animals)
- *Nertavich v. PPL Elec. Utilities*, 124 A.3d 734 (Pa. 2015) (vacating \$4.6 million jury verdict and granting judgment n.o.v.) (amicus counsel for defense organizations)
- *Nelson v. Airco Welders Supply*, 107 A.3d 146 (Pa. Super. 2014), *appeal denied*, (Pa. 2017) (vacating \$14.5 million jury verdict and remanding for new trial)
- *Sellers v. Twp. of Abington*, 106 A.3d 679 (Pa. 2014) (upholding lower court rulings that police officers owe no duty to unknown passengers in fleeing vehicles)
- *Patton v. Worthington Associates, Inc.*, 89 A.3d 643 (Pa. 2014) (vacating \$1.5 million jury verdict and granting judgment n.o.v.)
- *Vanderhoff v. Harleysville Ins. Co.*, 78 A.3d 1060 (Pa. 2013) (holding that showing of prejudice due to insured's untimely notice did not require proof of what insurer would have found had notice been timely)
- *McGarvey v. Penske Auto Grp., Inc.*, 486 Fed.Appx. 276 (3d Cir. 2012) (holding that warranty for auto theft system did not violate New Jersey Truth-in-Consumer Contract, Warranty, and Notice Act (NJTCCA)).
- *Edkin v. Brethren Mut. Ins. Co.*, 24 A.3d 444 (Pa. Super. 2011) (vacating \$2 million verdict and granting judgment n.o.v.)
- *Griffin v. Harrisburg Prop. Servs., Inc.*, 421 Fed.Appx. 204 (3d Cir. 2011) (affirming district court ruling that employer's adequate remedial action precluded liability for harassment)
- *State Farm Fire & Cas. Co. v. Estate of Mehlman*, 589 F.3d 105 (3d Cir. 2009) (reversing district court and holding that insurer had no duty to provide coverage for victim's lawsuit based on insured's intentional conduct)
- *Urbach v. Kentile*, 915 A.2d 159 (Pa. Super. 2006) (vacating \$5 million jury verdict and remanding for new trial)
- *Toogood v. Rogal*, 824 A.2d 1140 (Pa. 2003) (vacating \$465,000 jury verdict and granting judgment n.o.v.)
- *Philadelphia Owners Association v. City of Philadelphia et al.*, 57 Fed. Appx. 961 (3d Cir. 2003) (reversing district court and ruling that municipal ordinance did not violate the Equal Protection Clause of the United States Constitution)
- *Van Zandt v. Holy Redeemer Hosp.*, 823 A.2d 145 (Pa. 2003) (vacating \$323,000 jury verdict and granting judgment n.o.v.)
- *Smith v. Rao*, No. 2899 EDA 2001 (Pa. Super. 2002) (vacating \$3 million jury verdict and remanding for new trial)

Results

Favorable Precedential Decision Obtained in High-Stakes Construction Defect Case

We prevailed in a unanimous, precedential decision in the Superior Court of Pennsylvania, which reconciled conflicting case law in the state. The plaintiffs were joined by 55 amici, and our client was joined by numerous construction organizations as amici. The court eventually applied Pennsylvania's statute of repose to bar construction

defect claims brought by homeowners.

Pennsylvania Appellate Courts Uphold Nonsuit Obtained By Jack Delany In \$11.5 Million Construction Death Case

By Order dated April 5, 2023, the Supreme Court of Pennsylvania refused to review the Superior Court's affirmance of a 2021 nonsuit obtained by Jack Delany in hotly contested litigation stemming from the death of a construction worker. John Hare and Shane Haselbarth handled the appeal along with Jack.

The Supreme Court's ruling ends more than five years of litigation that arose from the construction worker's death while he was involved in the Pier 78 renovation project on the Delaware River in Philadelphia. The plaintiff sued the general contractor and others involved in the project and ultimately settled with the general contractor for \$10.5 million. The general contractor then pursued a contractual indemnification claim against Jack Delany's concrete subcontractor client on the Pier 78 project. The indemnification claim included the \$10.5 million settlement plus approximately \$1 million in attorneys' fees.

The case proceeded to trial in 2021 and, at the close of the general contractor's case-in-chief, Jack moved for and was granted a nonsuit on the basis that the general contractor was the deceased construction workers' statutory employer pursuant to the five-element test set forth by the PA Supreme Court in *McDonald v. Levinson Steel*, 153 A. 424 (Pa. 1930). The case was especially notable because, rather than retaining an attorney to address the reasonableness of the amount of the underlying settlement, which is typical, Jack retained an economist to explain that, based upon his analysis of comparable cases, the settlement amount was excessive.

The general contractor appealed the nonsuit. In an unanimous decision dated September 30, 2022, the Superior Court affirmed. The Supreme Court denial of allowance of appeal brings the lengthy litigation to an end.

Appellate attorneys prevail in the Pennsylvania Supreme Court.

The decision, which reversed the trial court and Superior Court, reinstated a jury verdict in favor of our clients. Following a defense verdict, the trial court awarded a new trial based on a question posed by defense counsel, who was not a Marshall Dennehey attorney. The Superior Court affirmed the award of a new trial, but the Supreme Court reversed and reinstated the defense verdict on the basis that defense counsel's question was neither improper nor prejudicial.

\$40.2 Million Medical Malpractice Verdict Vacated and Remanded for New Trial

Our appellate attorneys succeeded in convincing the Pennsylvania Superior Court to vacate a \$40.2 million medical malpractice verdict and remand for a new trial. In its unanimous, precedential decision, the Superior Court ruled that the trial court had erroneously allowed plaintiffs' counsel to utilize hearsay medical literature as substantive evidence. The case involved a spinal cord birth injury and was tried in Delaware County.

Amicus Curiae Brief on Behalf of PDI and PADC

Marshall Dennehey's appellate attorneys filed an *amicus curiae* brief on behalf of the Pennsylvania Defense Institute and Pennsylvania Association of Defense Counsel in a case pending in the Pennsylvania Superior Court that involved interpretation of a "regular use" exclusion that commonly appears in underinsured motorist coverage in automobile policies. The Superior Court enforced the exclusion, as PDI and PADC had requested. The plaintiff regularly used a company vehicle for his daily work. But one or two days before the accident, the specific vehicle he had been driving was taken out of service for repairs, and his employer rented a replacement vehicle for the plaintiff's use. The insurer denied the UIM claim, based on the "regular use" exclusion, because the plaintiff was driving a company vehicle, which was his regular practice. The plaintiff countered that the vehicle he was operating at the time of the accident had not, in fact, been made "regularly" available to him because he only began using it a day or two prior. Relying on its prior decision in *Brink v. Erie Ins. Group*, 940 A.2d 528 (Pa. Super. 2008), which held that the "regular use" exclusion properly barred coverage for a plaintiff injured in a "fleet vehicle," even though the plaintiff may have driven a different specific vehicle each day, the *Rawl* court held that the employer's temporary rental of a replacement vehicle triggered application of the "regular use" exclusion and barred coverage. "Stated simply," *Rawl* explains, "it does not matter whether Mr. Rawl had regular use of a particular vehicle furnished by his employer, but whether he regularly used a vehicle supplied by his employer." The court, therefore, affirmed the trial court's award of summary judgment to the carrier.

\$10 million wrongful death award reversed.

Marshall Dennehey succeeded in having the Pennsylvania Superior Court reverse, as excessive, a \$10 million wrongful death award. The jury had also awarded \$10 million in survival damages, but that award was reversed in post-trial motions.

Marshall Dennehey's Appellate Attorneys Convince Superior Court to Vacate \$39 Million Judgment Against Client.

Our appellate attorneys were retained shortly before trial. While driving our client's truck, an employee struck a car from behind that had stopped in the middle of the road after its hood flew open. The collision injured three members of a family and killed a six-year-old child. The Superior Court vacated the judgment and remanded for a new trial on the basis that the trial judge had improperly granted summary judgment to several vehicle repair shops, all of whom knew of but failed to repair the condition that made the car's hood fly open.

Thought Leadership

January 1, 2026

What Lawyers Can Do to Protect and Promote Judicial Independence

Pennsylvania Bar Association Quarterly

October 30, 2025

Combatting Nuclear Verdicts in Plaintiff-Friendly Jurisdictions

A.M. Best Podcast

May 1, 2023

Medical Malpractice Venue Un-Reform

May 1, 2023

Jury Verdicts Like the \$183 Million Award Against Penn Medicine Can Be Tied Up for Years, But Usually Stand

The Philadelphia Inquirer

August 26, 2022

Medical Malpractice Venue Rule Overturned

August 18, 2021

Pennsylvania Supreme Court Resuscitates Peer Review Privilege