

John P. Gonzales

Co-Chair, Public Entity & Civil Rights Litigation
Practice Group

JPGonzales@mdwccg.com

Philadelphia – 215.575.2871



John is a shareholder in the Philadelphia office of Marshall Dennehey and serves as Co-Chair of the Public Entity & Civil Rights Litigation Practice Group. He practices in the areas of civil rights, municipal liability, school claims and employment law.

John has represented police officers and public officials in state and federal court in all aspects of civil rights litigation including claims involving use of force, wrongful arrest and land use. In addition, John has represented public and private employers in wrongful discharge, employment discrimination and defamation claims from administrative proceedings through trial. John has tried dozens of cases in state and federal courts and argued cases before the Third Circuit Court of Appeals.

In addition to his trial work, John has presented numerous seminars to police departments, law firms and government agencies in the areas of police practices, civil rights issues and municipal liability. He has consulted with police departments concerning the development of policies and procedures and provided advice and guidance to employers concerning employment-related matters.

John received his *juris doctor* from Temple University School of Law, where he was a member of the Moot Court Honor Society, and graduated from the University of Scranton with a Bachelor of Arts in history and philosophy and a Master of Arts in history. He is admitted to practice in Pennsylvania and the U.S. District Courts for the Eastern and Middle Districts of Pennsylvania and the Third Circuit Court of Appeals.

Education

- Temple University Beasley School of Law (J.D., 1993)
- University of Scranton
 - B.A., 1989; M.A. 1989

Practices

- Employment Law
- Public Entity & Civil Rights Litigation
- School Leaders' Liability

Admissions

- Pennsylvania, 1994
- U.S. District Court Eastern District of Pennsylvania, 1994
- U.S. District Court Middle District of Pennsylvania, 2000
- U.S. Court of Appeals 3rd Circuit, 2006

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, Employment Law – Management (2024-2026)
- Pennsylvania Super Lawyers (2019-2020, 2023-2026)

Associations & Memberships

- Montgomery County Bar Association
- Pennsylvania Bar Association

Classes/Seminars Taught

- *Workers' Compensation Winter Roundup*, Graham Company webinar, December 15, 2020
- *Understanding the Debate with the ADA, FMLA and Workers' Compensation*, Marshall Dennehey webinar, October 27, 2020
- *Mitigating the Risk of Workplace Bullying*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019
- Local Government Immunity in Pennsylvania, Client Seminar, October 2018
- *Deal or No Deal - Improving Your Negotiating Strategy*, Philadelphia Law Department, August 2018
- *Legal Updates for Law Enforcement*, Pennsylvania Chiefs of Police Association's Centennial Training Education Conference, July 14, 2014
- *Managing a Maturing Workforce: The Legal Perspective*, Delaware Valley Trust, June 2014
- *Social Media & Cyber Breaches: the Internet's Impact on Your Business*, The Graham Company, co-presenter, May 2014
- *Navigating The Bermuda Triangle: The Intersection of Workers' Compensation, FMLA and ADA*, Roadmap to Success - Understanding Workers' Compensation, Marshall Dennehey seminar, October 24, 2013
- *Hot Topics in Employment*, Marshall Dennehey / AIG Seminar, Philadelphia, PA, October 10, 2013
- *Land Use Litigation and Liability Issues for Local Government*, Delaware Founders Insurance Trust, September 2011
- *Land Use Civil Rights and Avoiding Liability* video and webinar, Delaware Valley Insurance Trust, 2009
- *Police Liability Seminar*, Delaware Valley Insurance Trust, November 2007
- *Law Enforcement Seminar - Use of Force Issues*, Dauphin County, 2006
- *Train the Trainers Program*, Municipal Police Officer Education and Training Commission, November 2005
- *Use of Force in Pennsylvania*, Lorman Education Services, CLE, February 4, 2005
- *Use of Force in Pennsylvania*, Lorman Education Services, CLE, February 6, 2004

- *Tort Claims Act*, Delaware Valley Insurance Trust, March 2004
- *Civil Rights Liability*, Delaware Valley Insurance Trust, March 2004

Published Works

- "Pennsylvania's Emergence Code: An Additional Level of Protection for Municipalities and Their Employees Performing Emergency Services," *Defense Digest*, Vol. 6, No. 2, April 2000
- Co-author, "Sex-Based Shift Assignments: Employers May Use Common Sense," *Defense Digest*, Vol. 2, No. 7, 1996
- Co-author, "Employment Discrimination Claims: Arbitration Under Collective Bargaining Clauses," *Defense Digest*, Vol. 2, No. 6, 1996
- Co-author, "Third Circuit Takes Pennsylvania Beyond 402(A)," *Defense Digest*, Winter, 1994

Significant Representative Matters

- Defense verdict for local police department in case involving false arrest and malicious prosecution arising out of the misidentification of a suspect in a police lineup.
- Defense verdict for county employer in case involving Title VII Sex Discrimination in the termination of a county court reporter.
- Defense verdict for county employer in case involving allegations of sexual harassment and hostile work environment at a county prison.
- Defense verdict for local police department in case involving allegations of false arrest and excessive force arising out of the arrest of a suspect who allegedly assaulted a police officer during a traffic incident.
- Successful defense of a local police department in the district court and then on appeal to the Third Circuit in case involving allegations of excessive force in the death of a suspect who was alleged to have died while in custody from compression asphyxia.
- Successful defense of a local municipality in the district court and then on appeal to the Third Circuit in case involving a land use civil rights claim that a developer's substantive due process rights were violated in the context of zoning and land use decisions by a Board of Supervisors.
- Defense verdict for county employer in case involving claims of first amendment retaliation by a former deputy chief probation officer.
- Defense verdict for local police officers accused of wrongfully arresting a husband in a domestic dispute.
- Defense verdict for township detective accused of racial discrimination and conspiracy by an African American police officer in a failure to hire case.

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.

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.

Defense Verdict Received in Title VII/Section 1983 Sexual Harassment Case

We obtained a defense verdict in a Title VII/Section 1983 sexual harassment case. This claim was filed against a City in Pennsylvania and was heard in the U.S. District Court for the Eastern District of Pennsylvania. The plaintiff alleged that she was subjected to a hostile work environment by a City official, and that the City failed to take appropriate remedial measures. The jury concluded that the plaintiff failed to prove that she was sexually harassed after deliberating for just over an hour.

Defense Verdict Secured in Section 1983 Malicious Prosecution Trial

We secured a defense verdict in a Section 1983 malicious prosecution trial in the U.S. District Court for the Eastern District of Pennsylvania. The plaintiff alleged that our client's law enforcement officers falsified evidence and testimony in order to maliciously prosecute him for conspiracy for engaging in the illegal sale of narcotics. We successfully contended that the former narcotics detective, who corroborated the plaintiff's complaint, was lying, and called various members of our client's narcotics unit to testify about the facts of the investigation.

Defense verdict in Pennsylvania Whistleblower Law trial.

The plaintiff alleged she had been removed from her position as the Township Building Code Official and demoted to a lesser position in retaliation for testifying before a grand jury investigating allegations of misconduct involving a mixed-use apartment complex being developed within the Township.

Defense verdict in Section 1983 malicious prosecution jury trial.

We obtained a defense verdict in the U.S. District Court for the Eastern District of Pennsylvania in a Section 1983 malicious prosecution case. The plaintiff alleged that city narcotics officers planted drugs and stole money from her and then falsely charged her

with possession and possession with intent to distribute crack cocaine. The criminal charges against her were dismissed following a Post Conviction Relief Act hearing.

Defense verdict for York City Police Officer in the first civil case tried in PA since the pandemic began.

This was the first civil case tried in a U.S. District Court in Pennsylvania since the court closures caused by COVID-19. The plaintiff alleged that the police officer used excessive force in arresting her outside of a bar in the City of York. She filed a Section 1983 civil rights lawsuit, alleging she sustained a traumatic brain injury after the officer threw her head against a brick wall, threw her to the ground and then repeatedly punched her in the face. By utilizing video surveillance footage and several liability and damage experts, we were able to convince the jury that the force used by the officer was reasonable and justified by the plaintiff's resistance. The jury deliberated for less than 30 minutes before rendering its verdict.

Summary judgment on behalf of a children and youth services group in a civil rights lawsuit.

The suit was filed in the U.S. District Court for the Eastern District of Pennsylvania. The plaintiffs were the maternal grandparents of two children who were removed from the custody of their parents and placed in foster care. The plaintiffs alleged that the defendants violated their substantive and procedural due process rights protected by the 14th Amendment by failing to provide them with custody of the children and notice of court hearings. Addressing an open legal question, the court held that the plaintiffs did not stand in loco parentis to the children and, therefore, did not enjoy 14th Amendment protections. The court dismissed all claims against the county and the individual county employees.

Dismissal of civil rights action against a Pennsylvania children and youth agency.

We secured a dismissal of a civil rights action against a Pennsylvania children and youth agency and several of its caseworkers and staff attorneys. The plaintiff parents brought their five-month-old baby to the hospital with a spiral fracture mid-shaft on his right humerus. The hospital team collectively concluded that the injury was probably accidental in nature, but a nurse reported the injury to the agency, concerned that it might have been caused by abuse. By law the agency is bound to investigate suspected child abuse and did so. A judge approved the request for a safety plan that required a chaperone to be with the parents and child, even in the home, while the merits of the abuse investigation continued. At the end of the investigation, the judge concluded the injury was accidental, and the safety plan was terminated. The plaintiffs then filed an action, alleging the safety plan violated their Fourteenth Amendment substantive due process rights. The federal district court dismissed the case, concluding the plaintiffs' allegations of interference with the family unit, even if true, do not rise to the level of "shocking to the conscience" necessary for a due process violation. On appeal, the Third Circuit affirmed, stating that the nurse's report of possible child abuse, in conjunction with other evidence to support suspicion of the same, make the defendants' actions not "shocking to the conscience," and so no substantive due process claim was stated. Dismissal was affirmed.

