

Joseph V. Lesinski

Co-Chair, Construction Injury Litigation Practice

JVLesinski@mdwccg.com

Pittsburgh – 412.803.2006



Joe is a shareholder in the Casualty Department and concentrates his practice in the defense of companies and individuals in complex civil litigation matters. In this capacity, he has successfully handled numerous complex product liability, premises liability, auto liability, trucking and transportation liability, dram shop and construction accident cases involving property damage, serious personal injury and death throughout the state and federal courts of Pennsylvania. He routinely defends manufacturers, suppliers and retailers of electronics, industrial equipment, food products, farm equipment, sports equipment and others.

A significant portion of Joe's practice is dedicated to construction litigation. As co-chair of the Construction Injury Litigation Practice, he handles a wide range of construction injury and defect cases. These matters are complex and require a deep understanding of the construction industry. He represents contractors, subcontractors, material suppliers, engineers, architects, and other construction professionals throughout Pennsylvania. Joe has handled a wide range of construction injury cases, representing contractors, subcontractors, material suppliers, engineers, architects, and other construction professionals throughout Pennsylvania. His experience includes defending against personal injury claims arising from construction site accidents, such as falls from heights, scaffolding and ladder failures, equipment malfunctions, trench collapses, electrical injuries, and other workplace hazards inherent to the construction process.

Joe graduated from the University of Dayton in 2003 and earned his law degree from Saint Louis University School of Law in 2006.

Education

- Saint Louis University School of Law (J.D., 2006)
- University of Dayton (B.A., 2003)

Practices

- General Liability
- Automobile Liability
- Product Liability
- Hospitality & Liquor Liability
- Construction Injury Litigation
- Commercial Litigation
- Trucking & Transportation Liability
- Premises & Retail Liability
- Catastrophic Claims Litigation

Admissions

- Pennsylvania, 2012
- U.S. District Court Western District of Pennsylvania, 2014

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®

Associations & Memberships

- Allegheny County Bar Association
- Pennsylvania Bar Association
- The International Amusement & Leisure Defense Association (IALDA), Member

Classes & Seminars Taught

The Art of Mediation, Marshall Dennehey Client Presentation, May 5, 2026

The Fundamentals of Premises Liability in New Jersey and Pennsylvania, Marshall Dennehey Client Presentation, May 5, 2026

Health Club Claims, Marshall Dennehey Client Webinar, February 5, 2025

Litigating Premises and Products Liability Cases – Key Issues Impacting Claims Analysis, Marshall Dennehey Client Presentation, May 21, 2024

An Overview of Pennsylvania Law for Auto Law & Premises Claims, Marshall Dennehey Virtual Client Presentation, February, 2021

An Overview of Commercial Auto Insurance in Pennsylvania & Ohio, Marshall Dennehey Client Presentation, January 26, 2021

Jurisdictional Trends & The COVID-19 Impact on FL NY NJ & PA, Marshall Dennehey Virtual Client Presentation, December, 2020

Vagaries of Product Liability Laws in the Post-Tincher Time Period, Client Seminar, May 2018

Construction Defect Litigation: From A to Z, National Business Institute, Pittsburgh, PA, April 2015

Published Works

- "Does the Fair Share Act Apply to Faultless Plaintiffs? A Defense Position in the Wake of *Spencer v. Johnson*," CounterPoint, newsletter of the PA Defense Institute, December 2021.

Significant Representative Matters

- Successful defense in \$30 million product liability trial. Obtained major defense result for our client in a product liability lawsuit where the Plaintiff's final pre-trial demand was \$22 million and claimed exposure exceeded \$30 million. The dispute arose after Plaintiff alleged compressor systems designed and sold by our client caused weld debris to migrate downstream, damaging filtration devices and allowing excess lubricating oil into a natural gas pipeline, which allegedly led to multimillion-dollar losses at a power plant. Through material testing and expert testimony, we established that the weld debris claim was unfounded and that Plaintiff's own design decisions, inadequate maintenance, equipment failures, and poor system response were the more likely causes of the contamination. Based on this evidence, Plaintiff was unable to meet its burden of proof. Our client paid nothing to resolve the case despite the significant exposure.
- Obtained a defense verdict in an automobile liability jury trial on behalf of an international oilfield services company and its employee. The employee was operating a semi-trailer truck while hauling 40,000 pounds of drilling equipment. The plaintiff alleged that she was rear-ended by the truck while attempting to merge onto the highway at a cloverleaf intersection. The plaintiff's passenger vehicle was pushed off the highway and rolled multiple times. Through the testimony of an accident reconstruction expert, Joe effectively established that the plaintiff had come to a complete stop on the side of the highway while attempting to merge and had pulled out in front of the truck just seconds prior to impact, obtaining a maximum speed of only 25 mph. The jury returned a verdict finding the plaintiff at fault for the accident.
- Secured an insignificant damage award in a premises liability jury trial involving a large daycare facility. Plaintiffs, the parents of a minor child at the time of the incident, argued that the daycare was negligent in failing to provide adequate supervision of their child. The child, who was 4 months old at the time of the incident, was bitten on the face by an older child while the care provider momentarily left the room to obtain a stroller.
- Obtained Summary Judgment on behalf of a well head manufacturer in a products liability matter. The plaintiff drill-operator alleged that the well head was defectively designed, causing oil and gas to escape during operation leading to a fire at the well site. Plaintiff asserted economic losses in excess of \$1,400,000. Joe successfully argued that plaintiff failed elicit sufficient expert opinion to support the defect claim and further spoliated evidence in discarding the subject well head.
- Prevailed on preliminary objections in the nature of a demurrer in favor of the mother of a mentally ill individual who went on shooting spree at a national behavioral health care provider. The shooting incident resulted in one death and personal injuries to several others and received a great deal of media attention. Plaintiffs claimed the shooters mother should be liable because she "took charge" of her adult son and voluntarily assumed a duty to control him. Joe argued that the mother had no duty to control her adult son under Restatement (Second) of Torts Sections 319 and 324A. In a 26-page opinion dismissing all claims against the mother, the judge held that "tort law does not impose a duty on a parent of an adult child to control the conduct of that child so as to prevent the child from causing physical harm to another."
- Obtained a defense verdict of behalf of the County of Beaver in a case involving an individual who was injured by fencing while playing softball. Joe effectively established the lack of any actionable defect.

Results

Defense Verdict Obtained After Seven-Day Bench Trial

We received a defense decision after a seven-day bench trial in a product liability action in which the exposure in the case exceeded \$30 million. Our client designs, sells and services engineered equipment for the energy industry, including natural gas compression apparatuses for use in transmission pipeline systems. In 2015, the client sold the plaintiff two reciprocating compressor systems to replace outdated equipment at a station located near Downingtown, PA. The compressor systems were designed to inject oil into the gas stream for piston lubrication. This lubricating oil needed to be removed from the gas stream using filtration devices supplied by the plaintiff. The plaintiff claimed weld debris contained within certain vessels of the compressors migrated downstream upon commissioning and compromised several gas filtration devices. The plaintiff further contended the damaged filtration devices permitted excess lubricating oil into the pipeline, which fouled multiple turbines owned by its downstream customer at a large natural gas-fired power plant, causing significant economic losses. The applicable contract between the plaintiff and our client contained a forum selection clause requiring litigation to take place in Lake County, Indiana. The plaintiff claimed commercial losses of \$18 million, plus attorney fees (per contract) in the neighborhood of \$4 million. The plaintiff also maintained it was entitled to pre-judgment interest. If successful in establishing liability, this sum would have added another \$5 million to \$7 million to the damage award, depending on the interest rate employed by the court. Therefore, the pure exposure in the case exceeded \$30 million. In response to the plaintiff's claims, we successfully established that the weld debris incident was a red herring and did not damage the filtration equipment. Material testing of debris from within the filtration devices revealed very little weld debris compared to pipe scale and other naturally occurring components. Through key expert testimony, we established that the plaintiff could not meet its burden of proof because the oil contamination events may have been caused by several factors directly attributable to the plaintiff's lack of design engineering, inadequate equipment maintenance, equipment failure and inappropriate response to system alarms.

Summary Judgment for Wellhead Manufacturer

We obtained summary judgment on behalf of a wellhead manufacturer in a product liability matter pending in Western Pennsylvania. The plaintiff drill operator alleged a wellhead was defectively designed, causing oil and gas to escape during operation, which led to a fire at the well site. The plaintiff asserted economic losses in excess of \$1.4 million. We successfully argued that the plaintiff failed to elicit sufficient expert opinion to support the defect claim and also spoliated evidence in discarding the subject wellhead.

Thought Leadership

December 1, 2021

Does the Fair Share Act Apply to Faultless Plaintiffs? A Defense Position In the Wake of Spencer v. Johnson