

Laurianne Falcone

Shareholder

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Laurie handles premises liability matters for retail facilities, daycare centers, amusement parks, homeowners and businesses involving personal injury matters and governmental entities. She handles trucking and transportation as well as automobile liability litigation. Laurie is also a certified arbitrator in Philadelphia.

Prior to joining Marshall Dennehey, Laurie served as a law clerk to the Honorable Gene D. Cohen in the Court of Common Pleas of Philadelphia County where she wrote judicial opinions, observed trials, and prepared lecture materials for the National Judicial College.

Laurie is a graduate of Temple University School of Law and Ursinus College.

Education

- Temple University Beasley School of Law (J.D., 2000)
- Ursinus College (B.A., 1997)

Admissions

- New Jersey, 2000
- Pennsylvania, 2000
- U.S. District Court District of New Jersey, 2000
- U.S. District Court Eastern District of Pennsylvania, 2002

Honors & Awards

- Pennsylvania Super Lawyer Rising Star (2005-2008, 2013-2015)

Associations & Memberships

- Pennsylvania Bar Association
- Philadelphia Association of Defense Counsel

Practices

- Premises & Retail Liability
- Amusements, Sports & Recreation Liability
- General Liability
- Trucking & Transportation Liability
- Automobile Liability

- Philadelphia Bar Association

Classes/Seminars Taught

- *Civil Litigation State of Affairs – The Impact of COVID-19 in Pennsylvania and New Jersey & What's Next*, Marshall Dennehey Client Webinar, May, 2021
- *An Overview of Commercial Auto Insurance in Pennsylvania & Ohio*, Marshall Dennehey Client Presentation, January 26, 2021
- *The Art of the Deposition*, Pennsylvania Bar Institute, June 2015
- *Premises Liability Litigation: Focus on the Slip, Trip and Fall Case*, Pennsylvania Bar Institute, November 2014
- *Trying a Case in State Court from Start to Finish*, Pennsylvania Bar Institute, July 2012, June 2014
- *Preservation of Evidence--Counsel's Responsibility?*, Defense Research Institute 15th Annual Personal Injury Potpourri, Philadelphia, PA, April 16, 2013
- *Handling the Slip Trip & Fall*, Pennsylvania Bar Institute, August 2010, Winter 2012
- *Pennsylvania's New Joint and Several Liability Law*, Pennsylvania Bar Institute, October 2011
- *Premises Liability Seminar*, Pennsylvania Association for Justice, 2010
- *How the Medicare, Medicaid and SCHIP Extension Act of 2007 Will Impact our Practice*, May 26, 2009
- *Accident Documentation and Investigation*, 2007 to present

Published Works

- "Production of Surveillance Evidence in Personal Injury Cases," *The Legal Intelligencer*, Personal Injury Supplement, November 22, 2016
- "It's All About the Timing...A Guide to Producing Surveillance Evidence of the Plaintiff in Personal Injury Cases," *Defense Digest*, Vol. 22, No. 3, September 2016
- "Managing a Litigation Practice From a Woman's Perspective," *The Pennsylvania Lawyer*, July-August, 2014
- "Let's Spare Some Trees - Standard Discovery Requests in Philadelphia Arbitration Cases," *Defense Digest*, Vol. 11, No. 3, September 2005
- "With Friends Like These, Who Needs Enemies?" *Defense Digest*, Vol. 10, No. 4, December 2004
- "The Jury Can Only Follow the Instructions It's Given: An Analysis of Vallone v. Creech," *Defense Digest*, Vol. 9, No. 3, September 2003

Significant Representative Matters

- Obtained a defense verdict in a lawsuit alleging that the defendant set off a firework that struck an 11-year-old girl, resulting in second degree burns and permanent scarring on her back. Plaintiffs alleged through two independent eyewitnesses that the defendant was the perpetrator, although the defendant was acquitted in his criminal trial. The jury was not permitted to hear any evidence regarding the criminal trial or to know that the defendant was acquitted. The jury found that the defendant was not negligent.
- Defense verdict in lawsuit alleging negligent supervision by daycare facility of five-year-old child who sustained a severe fracture to his arm. Plaintiffs alleged that daycare employee was not properly "spotting" the child while he swung on the monkey bars at a local playground. Jury found defendant was not negligent because child had swung on monkey bars before without "spotting" and employee was

standing just several feet away. Plaintiffs were awarded \$40,000 at initial arbitration.

- Defense verdict in lawsuit alleging negligence by amusement park for failing to provide a safe egress for adult on a water slide. Plaintiffs alleged that amusement park did not provide adequate assistance to adult patron who was unable to exit an inner tube and who hit her head on the bottom of the pool. Jury found defendant was not negligent because of videotape showing many patrons using the same attraction without incident and plaintiff was responsible for her own incident. Plaintiffs were awarded \$15,000 at initial arbitration.
- Defense verdict in lawsuit alleging negligence by amusement park for failing to provide a safe environment for five-year-old child on an "attractive nuisance" staircase. Plaintiffs alleged that amusement park did not provide sufficient padding in and around a staircase featuring a prominent television character. Jury found defendant was not negligent because defendant is not required to protect its patrons from mere accidents. Plaintiffs were awarded \$8,500 at initial arbitration.
- Defense verdict in lawsuit alleging assault and battery by employees of retail facility during shoplifting incident. Plaintiff alleged that retail facility was negligent for allowing two of its employees to physically assault suspected shoplifters while questioning them. Jury found defendant was not negligent because plaintiff's evidence was not credible to support that such an assault even occurred, even though plaintiff sustained an orbital fracture.
- Defense verdict in a slip and fall matter. Plaintiff alleged that she slipped and fell on a tar spot located on the sidewalk of a property rented by our clients where she sustained injuries that required surgery. Plaintiff lived only four houses away, but claimed she had never seen the tar spot before, despite having lived there for fourteen years and taking daily walks in the area. Our clients had only moved into the property three months before the fall occurred, and they had never noticed the tar spot before. Our expert engineer tested the tar spot and told the jury that it was not slippery and was not a defect. The case was complicated by the fact that there was a dusting of snow on the ground, which plaintiff claims obscured the tar spot. Plaintiff testified that the snow did not cause her fall, rather, it was the tar spot alone. The eight-member jury deliberated for 25 minutes before finding no negligence.
- Defense verdict in a case slip and fall matter. Plaintiff claimed that, when a piece of the top step broke off unexpectedly, she tripped and fell down the steps inside of the home she rented from our clients. Our clients testified that they had no notice of a dangerous condition, and plaintiff presented no evidence that anyone had knowledge of the deterioration of the steps. In addition, plaintiff's six prior criminal convictions for theft, forgery, criminal trespass, etc. were all admitted into evidence. Plaintiff attempted to argue that she turned her life around shortly before the incident happened, and our incident set her back. In closing, plaintiff's attorney labeled one of our medical experts a "paid assassin" and asked the jurors to give the plaintiff "something to celebrate." The jury was out for less than a half hour and found that our clients were not negligent.

Results

Defense Verdict in Premises Liability Case

We obtained a defense verdict in a premises liability case where the plaintiff alleged that she tripped and fell on the defendant's row home stairs outside the property. After less than an hour of deliberations, the jury found negligence, but no causation for the plaintiff's injuries.

Defense Verdict in Plaintiff's "Leaky" Case

We obtained a defense verdict in a three-day jury trial in the Montgomery County Court of Common Pleas. The 81-year-old plaintiff, who was staying at her daughter's home, alleged that she slipped and fell on water in the basement of the rental property and injured her hip. The property was owned by our clients. The plaintiff's daughter and son-in-law claimed they repeatedly complained to our clients of leaks from the ceiling in the basement, without response. They were in the midst of eviction proceedings with our clients for failure to pay rent for several months when the fall occurred. Our clients denied any knowledge of the leaking problem alleged by the tenants, though they did admit that they were aware of leaks in other areas which they attempted to fix. The jury deliberated for 2 ½ hours, had two questions, and asked for the negligence charge to be read back to them. They then returned a finding of no negligence. There was a nuisance value settlement offer made prior to trial, which was rejected.

Thought Leadership

March 1, 2023

Sometimes Discovery Disputes Can Be Interesting