

Michele P. Frisbie

Shareholder

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Michele defends a wide variety of cases and has a special interest in working closely with professionals to achieve the successful, cost-effective defense of suits against specialists such as those involved in the sale, appraisal and management of real estate; insurers and insurance brokers and agents; attorneys; mental health service providers and municipal entities. Michele also has extensive experience involving personal injury such as premises liability, dog bites, automobile accidents, dram shop and hotel, restaurant and store security.

Michele has direct experience as a past board member of the Bucks County Bar Association Board of Directors and its Mandatory Continuing Education and Member Services Committee and the Central Bucks Family YMCA and its Building and Grounds and Financial Development Committees.

In 1992, she joined Marshall Dennehey as a file clerk. Michele graduated cum laude from St. Joseph's University in 1993. She attended Villanova University School of Law in 1993 and served as a law clerk until her graduation in 1996, when she joined Marshall Dennehey as an attorney. During her free time, Michele is an ACE certified group fitness instructor and a personal trainer.

Education

- Villanova University Charles Widger School of Law (J.D., 1996)
- Saint Joseph's University (B.A., *cum laude*, 1993)

Admissions

- Pennsylvania, 1996

Honors & Awards

Practices

- General Liability
- Automobile Liability
- Hospitality & Liquor Liability
- Public Entity & Civil Rights Litigation
- Miscellaneous Professional Liability
- Amusements, Sports & Recreation Liability
- Non-Profit D&O

- Pennsylvania Super Lawyers Rising Star (2005-2006)

Associations & Memberships

- Bucks County Bar Association, Chair of Mandatory Continuing Legal Education Committee (2009-2012)
- Bucks County Bar Association, Board of Directors (2002-2004)
- Bucks County Bar Association, Chair Member Services Committee (2004-2007)
- Pennsylvania Bar Association

Published Works

- "Video Training Offerings During and After COVID-19 Leave Gym Operators and Trainers Open to These Liability Issues." *Club Industry*, June 14, 2020
- "Law Firms That Put Employees' Well-Being First Get A Lot More in Return," *The Legal Intelligencer*, June 2, 2020
- "Please Release Me? Gym Releases and Other Agreements with Exculpatory Clauses," *Defense Digest*, September 2018, Vol. 24, No. 3
- "The 'Deciders' on Preemptive Strikes," *Defense Digest*, Vol. 13, No. 2, 2007
- "Pennsylvania Supreme Court Clearing Paths for Municipal Tort Plaintiffs," *Defense Digest*, Vol. 5, No. 1, 1999

Presentations

- "Personal Injury Exculpatory Clauses," Stafford Webinars, April 28, 2021

Pro Bono Activities

- Board of Directors, Central Bucks Family YMCA

Significant Representative Matters

- Obtained a dismissal with prejudice in a Magisterial District Court matter involving breach of duty allegations against members of a homeowners' association board. The pro se plaintiff claimed the board officers violated the Pennsylvania Uniform Planned Community Act by failing to properly notice and conduct meetings, perform annual audits, and manage community funds. We successfully argued that the plaintiff's claims were derivative in nature and therefore outside the jurisdiction of the Magisterial District Judge. "The Judge took no testimony or evidence," and the matter was dismissed.
- Obtained a summary judgment in favor of a HOA, with the court holding that the HOA had no duty to protect the plaintiffs from the attacks of a neighbors' dangerous dog. On two occasions, the plaintiffs were attacked by their neighbors' dogs, causing serious injuries and permanent scarring. The plaintiffs alleged that the HOA had a duty to protect them from the co-defendants' dogs. The court granted summary judgment for the HOA, holding that under *McMahon v. Pleasant Valley West Association*, 952 A.2d 731 (Pa. Commw. 2008), an HOA has a "duty to the members of the common-interest community to use ordinary care and prudence in managing the property of the community that is subject to its control." However, that duty does not extend to removing an allegedly dangerous dog as the HOA has neither the obligation nor the ability to remove dogs from the community.
- Won an arbitration in a premises liability case where the plaintiff claimed she slipped and fell on a container of clear hand sanitizer spilled on the floor of the baking goods

aisle of a grocery store. The plaintiff acknowledged she was not looking where she was going. There was no evidence of how the substance got on the floor, how long it had been there, or that the store was aware of it.

- Obtained a dismissal with prejudice of a products liability case filed against an alcohol beverage manufacturer. The Plaintiffs are individuals who were seriously injured or killed when the alleged minor drunk driver of the vehicle in which they were passengers was involved in a single car accident. The Plaintiffs claimed that the manufacturer was liable to them because the product had more alcohol than other alcohol beverages, was improperly marketed to minors, like their driver, and did not warn of the dangers associated with the beverage. Our team argued several points including that Pennsylvania does not recognize such a products liability cause of action because the dangers of drinking alcohol and driving are obvious, and the manufacturer has no duty to warn potential users of such dangers. Additionally, alcohol is not an unreasonably dangerous product.
- Obtained a transfer and dismissal with prejudice on a motion to dismiss in a legal malpractice action. We argued that the plaintiff's claim that the negligence of her daughter's court-appointed guardian ad litem led to the award of custody of the child to the father following a dependency hearing. The custody award, the plaintiff alleged, put her at a disadvantage in the divorce and damaged her and the child. First, Michele successfully argued for the transfer of the matter from the county of the mother's residence to the county of the dependency hearing. She then successfully argued that the plaintiff had no right to bring a cause of action for herself or the child.
- Defense verdict for a real estate seller's agent in a claim of misrepresentation of the condition of the property.
- Defense verdict in a coverage claim arising out of wind damage to a mobile home.
- Motion to dismiss granted in a case claiming appraisers conspired with the builder of a residential development to conceal the presence of a Superfund site adjacent to the development.
- Motion to dismiss granted in a case against attorneys who allegedly failed to timely file a legal malpractice cause of action arising from an underlying toxic tort claim.
- Secured the voluntary withdrawal of a case against a local sewer authority which allegedly improperly removed trees from the easement that ran over the plaintiff's property.
- Secured the dismissal of a claim that an insurance broker allegedly failed to secure a binder for a homeowners' policy which resulted in no coverage after a fire.
- Secured the dismissal of a mental health institution in a case where the plaintiff, a convicted murderer, claimed that if the institution had not negligently treated him for his drug and alcohol addictions, he would not have committed the crime.

Results

Dismissal with Prejudice Obtained in Case Targeting Alcoholic Beverage Manufacturer

We secured a dismissal with prejudice in a product liability case in Pennsylvania. The plaintiffs, who were involved, but not responsible, for a drunk driving accident, claimed that the beverage manufacturer was liable to them because the product had more alcohol than other alcoholic beverages and was improperly marketed to minors. Our team successfully argued several points, including that Pennsylvania does not recognize such

a product liability cause of action because the dangers of drinking alcohol and driving are obvious, and the manufacturer has no duty to warn potential users of such dangers.

Claim for Corporate Veil Piercing in Wrongful Death Dram Shop Action Dismissed

The plaintiff included a count seeking to pierce the corporate veil and pursue the principals of the liquor licensee under an enterprise theory of liability. We argued that there is no cause of action for corporate veil piercing under an enterprise theory; rather, these theories are used to recover if, and only if, the entity is not able to satisfy any judgment against it. The court dismissed the count.