

Nicholas D. Bowers

Shareholder

NDBowers@mdwgcg.com

Philadelphia – 215.575.2742



As a seasoned litigator, Nick has represented companies, schools and professionals across a range of disciplines in relation to civil and commercial disputes. His representative experience includes construction injury, auto and trucking accident cases as well as products and premises liability matters. Nick represents construction firms, industrial clients and others in relation to catastrophic injury claims, both pre-suit and during litigation, as well as pursuant to OSHA investigations and similar governmental inquiries. Additionally, he represents property management companies in personal injury claims by tenants due to mold exposure.

Nick's practice also encompasses litigation stemming from construction defect and other property loss. In this regard, he regularly handles cases involving claims for alleged defect(s) and damage arising from negligence as well as the Pennsylvania Unfair Trade Practices Act and Consumer Protection Law. Nick's experience extends to shipping loss matters, including actions involving the Carmack Amendment.

Nick's practice has grown to include the defense of school districts, municipalities and private schools in relation to allegations of abuse. He is cognizant of the complex and sensitive nature of these cases and well-versed in the applicable statutory framework.

During the course of his career, he has tried cases in a broad range of claims in both Federal and State Courts, obtaining favorable outcomes for clients at trial, arbitration and by way of summary judgment. Since 2017, Nick has been selected by Super Lawyers as a Rising Star in the field of Civil Litigation Defense, a recognition awarded to no more than 2.5 percent of attorneys under the age of 40 in the region.

Nick also has experience in the area of insurance fraud ("SIU") litigation. In this role, he handles a wide variety of auto litigation (including BI, UM/UIM and PIP) as well as premises liability matters flagged for suspected fraudulent activity.

Practices

- General Liability
- Premises & Retail Liability
- Product Liability
- Construction Injury Litigation
- Automobile Liability
- Fraud/Special Investigation
- Insurance Services – Coverage & Bad Faith Litigation
- Trucking & Transportation Liability

Nick graduated from Loyola University Maryland in 2005. While at Loyola, he was a four-year starter on the NCAA Division One Men's Tennis Team, serving as captain during his senior year. After Loyola, he was employed on Capitol Hill in Washington, DC at the United States House of Representatives. In this role, he served as staff for the Committee on Ways and Means, which is the House Committee responsible for formulating bills related to taxation and international trade.

Outside of his practice, Nick enjoys spending time with his family, experiencing the outdoors and riding the highs and lows of Philadelphia sports.

Education

- Temple University Beasley School of Law (J.D., 2009)
- Loyola University Maryland (B.A., 2005)

Admissions

- New Jersey, 2009
- U.S. District Court District of New Jersey, 2009
- Pennsylvania, 2013
- U.S. District Court Eastern District of Pennsylvania, 2014

Honors & Awards

- Pennsylvania Super Lawyers Rising Star (2017-2022)

Associations & Memberships

- Pennsylvania Bar Association
- Philadelphia Bar Association
- Loyola University, Philadelphia Alumni Chapter, Board of Directors

Classes/Seminars Taught

- *Pennsylvania First Party Medical Benefits (PIP): An Overview And Strategies For Effective Claims Handling*, Marshall Dennehey Virtual Client Presentation, March 5, 2021
- *An Overview of Pennsylvania Law for Auto & Premises Claims*, Marshall Dennehey Virtual Client Presentation, February, 2021
- *Accident Prevention and Investigation: Strategies for Risk Mitigation*, Client Presentation, April 2017
- *Pennsylvania First-Party Benefits: An Overview*. Client seminar. Presented August, 2015.
- *SIU and the Third-Party Liability Case: An Overview and Tactics*. CLE Course. Presented July, 2015.

Published Works

- "Bankruptcy Fraud—Tactics for the Effective Use of a Plaintiff's Bankruptcy Filing in Defending Civil Claims," *Defense Digest*, Vol. 19, No. 4, December 2013
- "Acupuncture Billing Has PIP Carriers on Pins and Needles," *SIU Perspectives*, Vol.

1, No. 1, October 2013

- "Winning Legal Strategies for Combating A Prickly Problem 'Sticking' New Jersey Carriers," *Defense Digest*, Vol. 19, No. 2, June 2013
- *Case Law Alerts*, regular contributor, 2012-present

Significant Representative Matters

- Obtained dismissal of clients by Summary Judgment in a Philadelphia premises liability case in which we represented both the landowner and tenant. The plaintiff originally demanded \$2 million, later reduced to \$800,000. Although our clients were responsible for sidewalk maintenance, the plaintiff's deposition testimony confirmed she tripped on a smaller portion of an alleged defect which was larger in other areas of the sidewalk. We successfully argued that this portion was de minimis and not actionable under Pennsylvania law. Despite a comprehensive opposition and a Motion for Reconsideration, the Court agreed with our arguments, dismissing all claims against our clients with prejudice.
- Secured dismissal with prejudice of clients (bar owners) in high value dram shop case involving the unfortunate death of an automobile occupant. Court granted defense motion and found that Plaintiff's claims were barred as a matter of law.
- First chair trial counsel in two-week trial at Philadelphia Court of Common Pleas in case involving a catastrophically injured Plaintiff and settlement demand of \$25 million. The case and trial involved complex issues pertaining to post-Tincher product liability in Pennsylvania as well as successor liability and statutory employer considerations. Resolved on terms favorable to client prior to verdict.
- Secured dismissal with prejudice in significant property loss/theft case. Plaintiff alleged that his landlord stole several artifacts and other materials from him while Plaintiff was out of the country. Plaintiff testified that he filed for bankruptcy and obtained a discharge after the alleged theft. Plaintiff did not list his claim against my client on his bankruptcy petition and thus Plaintiff forfeited his post-discharge right to this "asset" (claim) per the United State Bankruptcy Code. Plaintiff voluntarily dismissed case with prejudice when confronted with bankruptcy evidence and legal argument.
- Secured summary judgment in favor of large oil refinery based on argument that refinery was the owner out of possession and thus had no control over the premises and therefore had no duty of care with respect to the Plaintiff.
- Obtained defense verdict in Philadelphia premises liability matter. Plaintiff alleged she slipped and fell on "dirty water" which accumulated in the lobby of Defendant's premises. Defense verdict secured based on Plaintiff's failure to establish that Defendant had actual or constructive notice of alleged dangerous condition.

Results

Victory Achieved in a Bench Trial Before the Philadelphia Court of Common Pleas

We prevailed in a bench trial in the Philadelphia Court of Common Pleas before the Honorable Joshua Roberts. This case involved a declaratory judgment action prosecuted on behalf of a major vehicle rental company and their insurer. Our client sought declaratory judgment based on an investigation which revealed material misrepresentations in association with the presentation of claims. Following trial, the court entered declaratory relief, voiding the applicable policy ab initio and terminating

coverage.

Turf War - Summary Judgment for Synthetic Turf Field Installer

We obtained summary judgment in the Philadelphia, PA Court of Common Pleas in a case involving the alleged defective design and installation of a synthetic turf field. Our client was the alleged installer of a turf field located at a popular venue for recreational athletics. The plaintiff sustained a full tear of his right ACL, a complex tear of the medial meniscus and partial tear of the IT band when he tripped on an exposed seam in the turf. Discovery revealed that a flood occurred during turf installation, arguably impacting the outcome. Nevertheless, the court granted our motion for summary judgment premised on an argument that the plaintiff could not establish a deviation from the standard of care for turf installation in the absence of qualified expert testimony.

Summary Judgment in a Construction Accident Case in Philadelphia Court of Common Pleas

Our client was the roofing contractor on a project in Philadelphia. The plaintiff was an employee of a subcontractor of our client. The plaintiff was injured when he fell through a skylight cutout in the roof. He fell approximately 15 feet and sustained injuries, including a broken hip (requiring ORIF) and fractured vertebra. The plaintiff was hospitalized for one month. The last settlement demand was \$2.5 million. We moved for summary judgment based upon arguments that our client, the roofing contractor who did not occupy the site nor control the work, breached no duty of care to the plaintiff. The court granted summary judgment.

Thought Leadership

March 1, 2025

Change Is in the Air: A Shift in Pennsylvania Judge's Role in Jury Selection Effective April 1, 2025