

## Patrick J. Boland III

Shareholder

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Scranton – 570.496.4609



Patrick is a member of the Professional Liability Department where he focuses his practice in municipal liability, civil rights law, commercial litigation, homeowners association litigation, as well as the defense of architects and engineers and various professionals in errors and omissions cases. Patrick also is experienced in representing non-profit organizations, including condominium, homeowner and property owners' associations, as well as their Boards of Directors and individual Board Members.

Patrick has concentrated in civil litigation throughout his career, representing various insurance carriers and their insureds. He also has experience litigating premises liability, and products liability matters.

In 1991, Patrick earned his B.S. from Saint Joseph's University in Philadelphia, Pennsylvania. He then went on to attain his *juris doctor* from Seton Hall University School of Law in Newark, New Jersey, in 1994.

Patrick is admitted to practice in Pennsylvania State courts as well as in the United States District Court for both the Middle and the Eastern Districts of Pennsylvania. In addition, he is admitted to practice in the United States Court of Appeals for the Third Circuit.

Patrick is very active in his local community. He is a member of Scranton Tomorrow, a non-profit organization dedicated to the enhancement of a vibrant environment for Scranton residents, businesses, and visitors. He is also a volunteer for various charitable projects through his parish, The Church of St. Gregory. Additionally, Patrick served as a boys' basketball coach for over 25 years, including eight years at his alma mater, Scranton Preparatory School, where he previously served as a member of the Alumni Board of Governors.

### Practices

- Public Entity & Civil Rights Litigation
- Insurance Agents & Brokers Liability
- Non-Profit D&O
- Real Estate E&O Liability
- Lawyers' Professional Liability
- Architectural, Engineering & Construction Defect Litigation
- Accountants' Professional Liability

## Education

- Seton Hall University School of Law (J.D., 1994)
- Saint Joseph's University (B.S., 1991)

## Admissions

- Pennsylvania, 1995
- U.S. District Court Eastern District of Pennsylvania
- U.S. District Court Middle District of Pennsylvania
- U.S. Court of Appeals 3rd Circuit

## Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®

## Associations & Memberships

- Lackawanna County Bar Association
- Pennsylvania Bar Association
- Scranton Preparatory School Alumni Board of Governors
- Scranton Tomorrow

## Classes/Seminars Taught

- *Remain Calm, All is Well! Keeping Your Head When Everyone Else is Losing Theirs*, August 16, 2024, Scranton, PA
- *Ensuring Local Governments Comply with the Law*, April 24, 2019, Scranton, PA
- *Handling the Police Liability Claim*, February 22, 2011, Scranton, PA

## Published Works

- "To Read or Not to Read (Insurance Policies), That is the Question," *Legal Update for Insurance Agents & Brokers*, August 1, 2024

## Significant Representative Matters

- Obtained summary judgment in federal court for a municipality and three of its police officers. This case involved claims of civil rights violations, malicious prosecution and failure by the municipality to properly train and supervise.
- Plaintiff's wife reported to police that the plaintiff tried to kill her by firing a shotgun at her while she slept. Following a thorough investigation and witness interviews, police arrested plaintiff and charged him with attempted murder. The next day, plaintiff's wife recanted her story and told police that she was the one who fired a shotgun in the couple's home in an effort to frame her husband for attempted murder. Police immediately had plaintiff released from prison. Plaintiff's wife was later charged with, and pleaded guilty to, making false statements to authorities. Thereafter, plaintiff sued the police department and arresting officer claiming that defendants falsely arrested and imprisoned him and maliciously prosecuted him without probable cause in violation of his 4th and 14th Amendment rights. Following discovery, a motion for summary judgment was filed on behalf of defendants. The court found that the undisputed facts of record clearly showed the existence of probable cause at the time

of arrest and summary judgment was granted in favor of defendants.

- An insurance agency sued a real estate developer and another insurance agency for unfair competition, trade libel, and defamation following the revocation of an insurance contract. Plaintiff was one of several entities to submit a bid for a complete insurance package for the developer. The plaintiff was initially awarded the contract. However, a second insurance company sent two e-mail messages to several individuals involved in the decision to award the contract claiming that the bid by the plaintiff was improper, incomplete, and contained unsworn falsifications subjecting the plaintiff and its representative to possible criminal charges. The contract was then revoked and awarded to the second insurance company. Not surprisingly the plaintiff sued the second insurance company seeking damages for defamation and commercial disparagement. Nearly two years later, plaintiff named our client, the real estate developer, as a defendant. We filed preliminary objections and argued that all claims against the client were barred by application of the one-year Statute of Limitations under Pennsylvania law for defamation, trade libel, and commercial disparagement. The court sustained the preliminary objections finding the action against our client was commenced outside the limitation period. As such, the client was dismissed from the action.
- Obtained summary judgment in the Pike County Court of Common Pleas in a defamation action brought against a property owners' association and several of its board members. Plaintiff sought compensatory and punitive damages from the Association and its individual board members after three separate newsletters were mailed to property owners referring to Plaintiff as a "fool" and accusing him of acting in self-interest and being part of a "band of merry men." Following oral argument, the Judge found that the statements were made in the context of a volatile community election, and, as a matter of law, the statements at issue were entirely incapable of defamatory meaning.

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## Results

### **Defense verdict for PA Borough and Police Chief following a six-day jury trial.**

The plaintiff, a part-time police officer, alleged that she told her Police Chief that she believed the hiring/promotions of three male police officers to full-time positions were illegal. After that meeting, the plaintiff claimed she was not assigned to higher-paying assignments like the male police officers in the department. She sued the borough and the police chief for First Amendment retaliation under Section 1983, and gender-based discrimination and retaliation pursuant to Title VII of the Civil Rights Act, and the Pennsylvania Human Relations Act. Following a six-day trial and five hours of deliberation, the jury returned a complete defense verdict on all counts against both defendants.

### **Summary judgment on behalf of a local municipality and police sergeant.**

The plaintiff's wife reported to police that the plaintiff tried to kill her by firing a shotgun at her while she slept. Following a thorough investigation and witness interviews, police arrested the plaintiff and charged him with attempted murder. The next day, the wife recanted her story and told police that she was the one who fired a shotgun in the couple's home in an effort to frame her husband for attempted murder. Police immediately had the plaintiff released from prison. The wife was later charged with, and

pleaded guilty to, making false statements to authorities. Thereafter, the plaintiff sued the police department and arresting officer, claiming the defendants falsely arrested and imprisoned him and maliciously prosecuted him without probable cause in violation of his 4th and 14th Amendment rights. Following discovery, a motion for summary judgment was filed on behalf of the defendants. The court found that the undisputed facts of record clearly showed the existence of probable cause at the time of arrest, and summary judgment was granted in favor of the defendants.

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## Thought Leadership

August 1, 2024

**To Read or Not to Read (Insurance Policies)? That Is the Question**