

Benjamin J. Matzke

Associate

BJMatzke@mdwgcg.com

Philadelphia – 215.575.2815



Benjamin is an associate in the firm's Casualty Department, where he focuses his practice on defending products liability matters, including automobile design cases, industrial equipment, appliances, and many other consumer goods. He also represents clients in premises liability actions, workplace and construction accidents, as well as motor vehicle accident cases.

Benjamin received his Bachelor of Arts from the University of Pittsburgh, where he graduated *magna cum laude* while majoring in both Environmental Studies and Political Science. After graduation, he went directly to the University of Miami School of Law, where he received the Dean's Certificate of Achievement Award in Legal Research Techniques. While attending Miami Law, Benjamin was also an active member of the Maritime Law Society, as well as the Environmental Law Society, for which he served as the Vice President and helped to organize and run student seminars and lectures from professionals in the Environmental Law field, organize community service in the form of beach clean-ups, and distribute information on career and scholastic opportunities in the Environmental Law field. During his final year of law school, Benjamin worked as a law clerk for Horr, Skipp & Perez, a boutique maritime defense firm that represented cruise lines and smaller vessels in litigation involving personal injury, wrongful death, limitation of liability actions, etc. in Florida state court and the United States District Court for the Southern District of Florida.

Prior to joining Marshall Dennehey as an Associate in October of 2023, Benjamin was a judicial law clerk for the Honorable Denise M. Bowman of the Court of Common Pleas of Bucks County, Pennsylvania, where he performed research assignments and drafted memorandum decisions and opinions for various civil and family court cases.

Practices

- Product Liability
- Trucking & Transportation Liability
- Premises & Retail Liability
- Automobile Liability
- General Liability

Education

- University of Miami School of Law (J.D., 2022)

- University of Pittsburgh (B.A., *magna cum laude*, 2019)

Admissions

- Pennsylvania, 2022

Significant Representative Matters

- Successfully obtained dismissal of a wrongful death action against a product manufacturer and distributor for lack of personal jurisdiction. The case involved allegations of a defective windshield installed in Pennsylvania, but the defense team demonstrated that the clients—located in Ohio and South Carolina—lacked sufficient contacts with the forum state, overcoming the plaintiff's stream-of-commerce jurisdiction theory.

Results

Defense Verdict After Five-Day Jury Trial in Medical Malpractice Action Where Initial Demand was \$5 Million

We received a defense verdict in a five-day jury trial in Philadelphia County involving multiple defendants. We defended the medical malpractice claim alleging a violation of HIPAA privacy and an intrusion upon plaintiff's seclusion resulting in his eviction and severe emotional distress. The plaintiff claimed an anonymous email he sent to our client, a social worker, purporting to seek mental health therapy was a "mental health record" and subject to HIPAA privacy laws. When it was discovered that the email was from the same individual stalking and harassing the client's sister who worked at the apartment complex where he lived, our client provided the email to her sister, who then gave it to her employer to support legal action against the plaintiff. The email was used in an eviction proceeding, and the plaintiff claimed that the disclosure of the email violated his privacy rights under HIPAA and that he suffered humiliation and severe emotional distress as a result. The claim involved counts for medical and legal professional negligence, negligence per se, intrusion upon seclusion, conspiracy to commit an intrusion upon seclusion, intentional and negligent infliction of emotional distress, and a plea for punitive damages. The initial demand of \$5 million was reduced to \$125,000 before trial. No offer was made and a unanimous defense verdict was rendered in less than three hours.