

Christian D. Marquis

Shareholder

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Christian's practice includes the defense of professionals, public entities, police officers and public officials. He has handled numerous cases defending public entities and public officials in matters involving general negligence and intentional tort claims, land use and zoning issues including municipal statutory appeals, mandamus and inverse condemnation claims, and administrative regulatory issues. He also defends public entities, public officials and police officers in civil rights actions including land use and zoning denials, unlawful use of force, wrongful arrest and malicious prosecution claims, and also wrongful termination and discrimination claims.

Christian has significant experience representing architects and engineers, construction contractors, home and code inspectors, real estate agents and other professionals in the defense of professional and general negligence, construction injuries and accidents, construction defect and breach of contract claims. He also defends clients in personal injury, commercial, environmental and toxic tort litigation matters, more recently surrounding fracking related to natural gas drilling. Christian has tried and handled cases in state and federal courts.

In 1995, Christian graduated from St. Vincent College with a Bachelor of Arts degree in mathematics. In 1996, he graduated from the Pennsylvania State University with a Bachelor of Science degree in chemical engineering. He then earned his *juris doctor* from the New England School of Law, Boston, Massachusetts, in 1999.

Education

- New England Law | Boston (J.D., 1999)
- The Pennsylvania State University (B.S., 1996)
- Saint Vincent College (B.A., 1995)

Admissions

Practices

- Public Entity & Civil Rights Litigation
- Miscellaneous Professional Liability
- Automobile Liability
- Real Estate E&O Liability

- Pennsylvania, 2000
- U.S. District Court Western District of Pennsylvania, 2000
- U.S. Court of Appeals 3rd Circuit, 2007

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, "Lawyer of the Year," Pittsburgh, Personal Injury Litigation – Defendant (2019)
- The Best Lawyers in America®, Personal Injury Litigation – Defendants (2014-2027)
- The Best Lawyers in America®, Litigation - Municipal (2014-2026)
- Pennsylvania Super Lawyer Rising Star (2005-2006)

Associations & Memberships

- Allegheny County Bar Association
- Pennsylvania Bar Association

Published Works

- "Taking vs. Tort: Which Is It in Relation to Sanitary Sewer Overflows?," *Defense Digest*, March 2021, Vol. 27, No. 2
- "The First Amendment's Protection Applies To Certain Comments Directed Toward Police Officers," *Defense Digest*, Vol. 13, No. 4, December, 2007
- "Nanty-Glo Rule Applies to Preliminary Objections Raising Issues of Fact," *Defense Digest*, Vol. 10, No. 1, March, 2004

Significant Representative Matters

- After the completion of discovery, successfully obtained settlement of less than \$42,000 on behalf of a police department and its officer arising out of a family dispute where seven family members filed Section 1983 civil rights claims alleging malicious and retaliatory prosecution where the initial demand was over \$750,000.
- In a case where a plaintiff filed a Section 1983 civil rights claim based on alleged unlawful excessive use of force where a police canine, upon the command of its controlling officer, grabbed the plaintiff's abdomen, taking him to the ground and resulting in puncture wounds. Obtained a settlement of \$20,000 where the plaintiff's demand was \$250,000.
- Currently handling a case on behalf of a roofing contractor where the plaintiff school district is alleging against multiple parties that the roof was improperly constructed, resulting in roof leakage associated damages in excess of \$600,000.
- Currently handling a case on behalf of a civil engineering and surveying firm resulting from an allegedly improperly designed storm water management system associated with a land development plan. Decedent's estate has raised claims against multiple parties that storm water drainage formed ice on a state road, causing decedent's accident.
- Obtained summary judgment in favor of a municipal authority wherein plaintiffs claimed damages in excess of \$75,000 as a result of a landslide that impacted their property allegedly as a result of a defective sanitary sewer line and corresponding trenching.
- Obtained summary judgment in favor of a township wherein a plaintiff alleged that she sustained various personal injuries as a result of a motor vehicle versus tractor trailer

accident that was allegedly caused by a defective traffic signal.

- Successfully obtained a favorable decision on appeal before the Commonwealth Court in a reported decision on behalf of a borough and its council on the basis of high public official immunity wherein a plaintiff sought damages as a result of being debarred during a public meeting by the council from bidding on public works contracts.
- Obtained a jury defense verdict on behalf of a township wherein a plaintiff alleged that he sustained a foot fracture after stepping into an uncovered utility trench.
- Obtained a non-jury defense verdict on behalf of a city wherein a plaintiff alleged that his rental property sustained damages as a result of a sanitary sewer back-up.
- Obtained a decision in favor of a home inspector after binding arbitration wherein a plaintiff alleged that the inspector was negligent for failing to discover the existence of mold during a home inspection.
- Obtained a non-jury defense verdict on behalf of a police officer wherein a plaintiff alleged unlawful use of force during the course of an arrest.
- Successfully negotiated a favorable settlement in the amount of \$15,000 on behalf of a township wherein a police officer who demanded \$75,000 alleged wrongful termination from the township police department in violation of his equal protection rights.

Representative Cases

- *Osiris Enterprises v. Borough of Whitehall*, 877 A.2d 560 (Pa. Cmwlth. 2005)
 - *Osiris Enterprises v. Borough of Whitehall*, 398 F. Supp. 2d 400 (W.D. Pa. 2005)
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Results

Summary Judgment Obtained for School District in Slip-and-Fall Case

We secured summary judgment on behalf of a school district in Fayette County, Pennsylvania. The plaintiff alleged he sustained a concussion as a result of a fall from a loading dock when making a delivery to a middle school in the school district. He argued that the loading dock was dangerous due to inappropriate depth, causing boxes on his hand truck to strike a wall, thus pushing him off of the loading dock. The court concluded that, because of the plaintiff's prior uneventful encounters with the loading dock, the plaintiff was aware of the intricacies of the loading dock. Additionally, the court concluded that the plaintiff was an experienced delivery driver who, as indicated, was in the best position to perceive whether conditions were dangerous or not, and was, thus, in the best position to take appropriate precautions for his safety. Therefore, the court held that the defendants had no duty to warn or otherwise act to protect the plaintiff.

Successful Appeal of Summary Judgment in Favor of Insurer

We successfully appealed a summary judgment in favor of an insurance client that had been sued by another insurance carrier for more than \$1.6 million in damages arising out of a fire loss to an insured auto repair facility. The opposing insurance company had paid \$1.6 million in damages and intended to pursue a product liability claim against a vehicle manufacturer, alleging a defectively manufactured vehicle had caused the fire. Our client insured the vehicle that was allegedly defective. After the insurance companies

conducted a preliminary expert evaluation, the vehicle was destroyed by a salvage yard in the normal course of business. A claim was made against our client for promissory estoppel where it was alleged the vehicle was destroyed despite a promise to preserve. The Pennsylvania Superior Court affirmed the Court of Common Pleas of Erie County's rejection of the claims against our client and agreed with our contention that the promissory estoppel claim was a disguised claim for negligent spoliation, which the Supreme Court of Pennsylvania does not recognize.

Promissory Estoppel Claim Does Not Survive Summary Judgment

We obtained summary judgment for an insurance carrier client that had been sued by another insurance carrier for more than \$1.6M in damages arising out of a fire loss. The opposing insurance company had paid \$1.6M in damages and intended to pursue a product liability claim against a vehicle manufacturer, alleging that a defectively manufactured vehicle had caused the fire to an auto repair facility. Our client insured the vehicle that was allegedly defective. After the insurance companies conducted a preliminary expert evaluation, the vehicle was destroyed by a salvage yard in the normal course of business. A claim was made against our client for promissory estoppel where it was alleged that the vehicle was destroyed despite a promise to preserve. The Court of Common Pleas of Erie County rejected the claims against our client and agreed with our defense that the promissory estoppel claim was a disguised claim for negligent spoliation, which the Supreme Court of Pennsylvania does not recognize. Moreover, assuming such a cause of action could withstand summary judgment, the damages claimed were speculative in that without the vehicle it could never be proven that a manufacturing defect within the vehicle had caused the fire. Although the \$1.6M damages were established, whether the insurance company could prove causation of damages was speculative and the promissory estoppel claim could not survive summary judgment.

Federal claims against borough and its employees dismissed.

Our attorneys obtained judgment in favor of a local borough and its employees/agents following numerous rounds of motions to dismiss in the Western District. The plaintiff, a construction contractor, brought suit alleging the borough violated its constitutional civil rights by failing to issue it a grading permit in the time it perceived as reasonable. The matter is more generally described as a land use dispute, involving the plaintiff's excessive dumping and destruction of a local sewer line, thus jeopardizing the health and safety of the local residents. In support of dismissal, we argued that no substantive due process rights were violated, and that the civil conspiracy claim as to the individual defendants failed as a matter of law. The court agreed and granted the plaintiff leave to amend. Failing to heed our position, the plaintiff filed an additional complaint, to which we again moved to dismiss. The court agreed with our arguments and dismissed the federal claims, with prejudice.

Thought Leadership

March 1, 2021

Taking vs. Tort: Which Is It in Relation to Sanitary Sewer Overflows?