

Darren M. Newberry

Shareholder

DMNewberry@mdwcg.com

Pittsburgh – 412.803.1183



Darren Newberry is a shareholder in the Casualty Department primarily handling multi-party catastrophic high-exposure matters involving products liability, premises liability, trucking liability, liquor liability and toxic tort litigation. Darren has handled high exposure matters involving chemical spills and mold exposure, pipeline explosions, construction defects, multi-vehicle trucking accidents, and other serious personal injury/property matters. As part of his practice, he also handles retail and premises liability cases involving slips and falls, design and construction defect and negligent security claims. Additionally, Darren has experience defending organizations in claims involving allegations of sexual assault and sexual misconduct, including those involving minors in institutional settings.

Prior to joining Marshall Dennehey, Darren worked for a defense firm handling similar matters as well as medical malpractice claims. Prior to that, he served as an Assistant District Attorney for Washington County, Pennsylvania, where he prosecuted criminal cases. In that capacity, Darren tried a number of jury cases to verdict, many of which involved serious felony offenses, including criminal homicide.

Before serving as an Assistant District Attorney, Darren was a law clerk for the Honorable (Ret.) Janet Moschetta Bell, of the Washington County Court of Common Pleas, and served as a judicial intern for two (2) years for the Honorable Nora Barry Fischer of the United States District Court for the Western District of Pennsylvania.

Born in Oregon, Darren was raised in Pittsburgh after his family relocated to the area in 1987. He earned his law degree at the Duquesne University School of Law in 2009.

Darren is a member of the American Bar Association, the Pennsylvania Bar Association, and the Allegheny County Bar Association.

Practices

- Catastrophic Claims Litigation
- Product Liability
- Premises & Retail Liability
- Environmental & Toxic Tort Litigation
- Trucking & Transportation Liability
- Hospitality & Liquor Liability
- Automobile Liability
- Social Services & Human Services Liability

Education

- Thomas R. Kline School of Law of Duquesne University (J.D., 2009)
- Ithaca College (B.A., 2005)

Admissions

- Pennsylvania, 2009
- U.S. District Court Western District of Pennsylvania, 2012
- U.S. Court of Appeals 3rd Circuit, 2014

Associations & Memberships

- Allegheny County Bar Association
- American Bar Association
- Pennsylvania Bar Association

Significant Representative Matters

- Obtained a defense verdict after a six-week jury trial in a \$279 million dollar property damage claim involving the rupture of a railcar containing chlorine.
- Successfully defended a multi-fatality lawsuit involving exposure to toxic chemicals and significant issues regarding workplace hazards.
- Successfully defended a multi-million dollar liquor liability case involving a shooting outside a nightclub involving significant issues of joint and several liability and the criminal conduct of third parties.
- Successfully defended a multi-million dollar liquor liability case involving an automobile accident in which a third-party was significantly injured by a driver traveling on the wrong side of the roadway.
- Successfully defended a national automobile service chain in a multi-million dollar negligence action involving significant injuries to a minor-occupant of a vehicle in a roll-over accident.
- Obtained summary judgment on behalf of a steel manufacturing facility in a lawsuit seeking significant damages arising out an incident involving a crush injury from a steel beam and involving issues related to worker's compensation and statutory employer immunity.
- Successfully defended a national ride-share company in a multi-million dollar lawsuit arising out of injuries sustained by an unrestrained back-seat passenger.
- Successfully defended a natural gas drilling company in a claim arising out an explosion of certain property based on the alleged migration of natural gas during gas transmission activities.
- Successfully defended a fire subrogation case involving the destruction of an upscale downtown restaurant and significant issues related to the fire's cause and origin.

Results

Marshall Dennehey Successfully Represents Client in Multi-Million Dollar Chemical Spill Case

In a lawsuit seeking \$279 million in alleged property damages, Marshall Dennehey attorneys successfully defended their client, a subcontractor of a railroad repair shop, against any and all liability.

The case involved the August 2016 rupture of a railroad tank car containing 178,000 lbs. of liquefied chlorine at the plaintiff's chlorine manufacturing plant in West Virginia. The tank car had recently been returned to the plaintiff after undergoing extensive repairs in the spring of 2016. The chemical producer-plaintiff filed suit against three parties as a result of the chlorine release: its fleet maintenance manager, the railcar repair shop that performed the 2016 repairs to the tank car and our client, a subcontractor of the railroad repair shop involved in the aspect of the repairs which the plaintiff claimed were performed negligently.

At the time of the 2016 repairs, the tank car was 37 years old and had several characteristics associated with it that were known in the railroad industry to cause cracks in the tank's shell. It was undisputed at trial that there was a small, pre-existing crack in the tank shell prior to the 2016 repairs at issue, and that, but-for this pre-existing crack, the tank car would not have ruptured in August of 2016, which was the first time the tank car was loaded with chlorine since the repairs were completed. Allegations of comparative negligence were asserted by all of the defendants against the plaintiff for its decision to repair, rather than scrap, the tank car in 2016.

During trial, the plaintiff asserted it was entitled to \$278 million in replacement-value property damage associated with alleged damage to its equipment at its 500-acre chlorine manufacturing plant. The plaintiff requested, and the trial judge granted, a jury instruction providing that the jury could award replacement value damages. The nearly six-week trial encompassed over 30 witnesses and 10 expert witnesses. After deliberations, the jury awarded only \$12.8 million in damages, assessing the railcar repair shop with 40% of liability, the plaintiff's fleet maintenance manager with 20% of liability, and the plaintiff itself with the remaining 40% of liability. No liability was assessed to our client.