

# Donald L. Carmelite

Shareholder

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Harrisburg – 717.651.3504



Donald focuses his practice on the representation of police officers and public officials in state and federal court in all aspects of civil rights litigation including claims involving use of force, wrongful arrest, employment, and discrimination. Further, Don represents public entities in land use matters with an emphasis on claims made against building code officials.

In addition to the core areas of his practice, Don also handles a wide array of complex litigation involving liability for environmental, liquor/dram shop and professional claims. He has additional experience representing real estate professionals in every type of claim arising from the sale of a property covered by E&O policies and has defended claims made against licensed Brokers and Agents in a property manager capacity for HOAs. He also has years of experience defending motor vehicle and premises liability suits.

During his career, Don has served as first chair in over 10 jury trials and bench trials. He also has extensive mediation experience.

Don is very dedicated to his community. He engages and supports youth sports organizations and Boy Scouts of America. Don is an involved member of Saint Andrews Episcopal Church in York, Pennsylvania, where he previously served as a member of Vestry (board of directors). He is also the past president of the Friendly Sons of St. Patrick, Harrisburg Chapter.

Don received his Bachelor of Arts degree from Penn State University and his *juris doctor* from the University of Pittsburgh School of Law. Thereafter, Don served as law clerk to the Honorable Michael L. Krancer at the Pennsylvania Environmental Hearing Board.

## Practices

- Public Entity & Civil Rights Litigation
- Employment Law
- Miscellaneous Professional Liability
- Environmental & Toxic Tort Litigation
- Hospitality & Liquor Liability
- Automobile Liability
- Real Estate E&O Liability

## Education

- University of Pittsburgh School of Law (J.D., 1999)
- The Pennsylvania State University (B.A., 1996)

## Admissions

- Pennsylvania
- U.S. District Court Western District of Pennsylvania
- U.S. District Court Middle District of Pennsylvania
- U.S. District Court Eastern District of Pennsylvania

## Honors & Awards

- BV® Distinguished™ Rating by LexisNexis Martindale-Hubbell
- Pennsylvania Super Lawyer Rising Star (2011-2014)
- Susquehanna Valley Select Lawyers™ (2014)

## Associations & Memberships

- Cumberland County Bar Association
- Dauphin County Bar Association
- Pennsylvania Bar Association

## Classes/Seminars Taught

- *Mobile Devices: Don't Let Good Reception Be Game Over*, Dauphin County Bar Association, January 2018 and Cumberland County American Inns of Court, December 2017
- Personal Training For Client on All Aspects of the Political Subdivision Tort Claims Act, March 2016
- *Political Subdivision Claims Act*, School Claims Services LLC, December 12, 2014
- *Social Media in Litigation: Reloaded, a Closer Look at Using Social Media in Your Cases*, Dauphin County Bar Association, Harrisburg, PA, June 24, 2014
- *How To Try a Case in State Court*, Pennsylvania Bar Institute, Mechanicsburg, PA, June 16, 2014
- *Political Subdivision Tort Claims Act, Real Property Exception*, client seminar, February 2014
- *Basics of Litigation Involving State and Local Government*, Pennsylvania Bar Institute, June 2013

## Published Works

- "Discovering, Authenticating & Utilizing Social Media in Litigation: Strategy Considerations," co-author, *Defense Digest*, Vol. 20, No. 1, March 2014
- "Thumbs Up for Qualified Immunity," co-author, *Defense Digest*, 2011-03, Vol. 17, No.

- "The Bar Is Set: A Liquor Licensee's Duty to Third Persons in a Civil Suit," *Defense Digest*, 2008-09, Vol. 14, No. 3

## Significant Representative Matters

- Obtained a defense verdict in a state court bench trial on a case of first impression involving claims for excessive construction permit fees made against a local municipality
- Obtained summary judgment for a county adult probation officer in an excessive force claim
- Obtained summary judgment for a county corrections officer for a civil rights claim involving an inmate's grievances.
- Obtained summary judgment in favor of a county and its wardens and correction officers in an 8th Amendment Conditions of Confinement claim
- Obtained dismissal of inmate's statutory complaint against county DA for alleged misconduct
- Obtained dismissal of Chief County Detective in a claim involving sexual abuse of a minor during a school sponsored event
- Successfully defended PA Department of Labor & Industry investigation into child labor violations
- Obtained dismissal, in favor of liquor licensee, of all claims in general negligence; reaffirming that the exclusive remedy for an injured person is statutorily found in the Dram Shop Act based upon service of alcohol to a visibly intoxicated patron
- Obtained summary judgment in favor of a police office and township in excessive use of force and failure to train claim
- Obtained summary judgment, upheld by the Third Circuit, in favor of County Children and Youth Services Agency its social worker in parental rights claim
- Obtained discontinuance in favor of county vo-tech for negligence claims precluded by the Political Subdivision Tort Claims Act
- Obtained dismissal in favor of District Attorney in a Malicious Prosecution Claim
- Obtained dismissal from EEOC of Township employee's age discrimination claim
- Obtained summary judgment in favor of county prison and corrections officers for claims of excessive use of force
- Obtained discontinuance in favor of regional police department and its officers for claims of illegal search and seizure of personal property
- No causation jury defense verdict in a claim where plaintiff was determined to be totally disabled by the Social Security Administration, through the use of surveillance video and plaintiff's social media postings

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## Results

### **Summary judgment in a municipal liability case involving a trip and fall on a sidewalk.**

The plaintiff fell while walking and sued the owners of the property and York City, alleging the City was negligent in failing to maintain the sidewalk and in failing to inspect, correct or repair it. The defense argued that the plaintiff did not establish that York had any actual or constructive notice of the alleged defect, and that the plaintiff failed to meet her

burden under the sidewalks exception to the Political Subdivision Tort Claims Act, 42 Pa.  
C.S. § 8541, et seq.