

Gregory J. Kelley

Shareholder

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King of Prussia – 610.354.8273



Gregory concentrates the majority of his practice defending matters regarding architects and engineers, construction defect litigation and construction accidents. As well, he maintains a smaller portion of his practice in the defense of product liability claims. He splits his time between our King of Prussia, Pennsylvania, and Mount Laurel, New Jersey, offices.

Formerly a litigation specialist for a large casualty insurer in Pennsylvania and Delaware, Gregory was responsible for and developed experience in the evaluation, negotiation and defense strategy for catastrophic personal injury and property damage claims. He also served as an instructor for in-house claims professional seminars on topics of Case Evaluation & Negotiation and Insurance Coverage.

Prior to joining Marshall Dennehey in 2004, Gregory was with a defense firm where his practice involved defending personal injury and property damage matters, focusing on architect and engineer professional liability and construction claims, products, general, premises liability claims and insurance coverage matters.

In 1982, Gregory graduated from Villanova University with a Bachelor of Science degree. While working as an insurance claims professional, he earned his *juris doctor* from Widener University School of Law in 1992 and is admitted to practice in Pennsylvania and New Jersey.

Education

- Widener University Delaware Law School (J.D., 1992)
- Villanova University (B.S., 1982)

Admissions

- New Jersey, 1993

Practices

- Architectural, Engineering & Construction Defect Litigation
- Product Liability
- General Liability

- Pennsylvania, 1993
- U.S. District Court Eastern District of Pennsylvania, 1993
- U.S. District Court District of New Jersey, 1993
- U.S. Court of Appeals 3rd Circuit, 2000
- U.S. District Court Middle District of Pennsylvania, 2000

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, Litigation – Construction (2024-2026)
- The Best Lawyers in America®, Construction Law (2026-2027)

Associations & Memberships

- Pennsylvania Bar Association
- Philadelphia Bar Association

Classes/Seminars Taught

- *Liability Concerns for Architects, Engineers and Construction Professionals: Pennsylvania Architects, Engineering & Construction Defect Issues*, Marshall Dennehey Client Seminar, July 2015

Published Works

- “Stating a Claim for Negligent Misrepresentation for a Design Professional's Supply of Information,” *Defense Digest*, Vol. 22, No. 2. June 2016
- *Case Law Alerts*, Regular Contributor, 2010-present
- “The Federal Courts Require Complaints To State A Factually 'Plausible' Claim, And Factually 'Conceivable' (Speculative) Claims May Be Dismissed In The Pleadings Stage,” *Defense Digest*, Vol. 14, No. 1, March 2008
- “New Jersey: Parental Immunity For 'Negligent' Failure To Supervise Claim Calls For Case-By-Case Analysis Of Defense Strategy, Liability Evaluation And Coverage Determinations,” *Defense Digest*, Vol. 12, No. 1, March 2006

Significant Representative Matters

- Mediated a favorable settlement of less than \$1M for an Architectural firm in a high rise to condominium conversion project wherein the Owner claimed damages in excess of \$4.5M for delays and cost increases caused by Architect errors & omissions and negligent construction administration. The result was obtained at mediation in part due to use of document management and search technology through which it was argued that the results showed that Owner had intentionally withheld or destroyed some pertinent documents that were likely favorable to Architect and went against Owner's credibility.
- Mediated a favorable settlement for a large Architectural firm that involved construction of an addition to a county prison. The County claimed \$4.6M in damages for delays and cost increases, mostly due to negligent construction administration. The Architectural firm had formed a joint venture. Negotiations resulted in a \$2M settlement, to which our client only contributed \$300K as we were able to show that the substantial majority of the damages claimed pertained to the scope of activities performed by the joint venture partner.
- Successfully obtained summary judgment dismissal of an architect on the Statute of

Repose in a deck collapse/personal injury action where the settlement demand was \$2.5 million.

- Mediated a favorable settlement for an engineering firm in litigation that involved construction defect and delay claims in multiple projects for a chain store owner. Owner's demand against the contractor and three design professionals was \$10, million. After two days of mediation, the case settled for an amount well in excess of \$2 million, but our client contributed only \$170,000.
- Mediated a favorable settlement for an architect in a design error/construction delay/abandonment claim wherein a \$1.3 million claim was resolved for \$400,000 without litigation and without discovery expenses being incurred.
- Obtained a voluntary dismissal of an engineer in a catastrophic personal injury (quadriplegia) construction accident litigation in Philadelphia which has an exposure in excess of \$15 million.
- Obtained dismissal of a township engineer in a double fatality construction accident litigation wherein two workers died while installing new sewer lines in a residential development. Township engineer was joined on theory that it was responsible for design and oversight of construction of the excavated areas occupied by the workers when they were asphyxiated.

Certification

- OSHA 10-Hour Construction Certification
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Results

Successfully Defended Architect in Construction Defect Matter

We successfully defended an architect against a \$7 million claim brought by a general contractor in connection with the renovation of a historic, city-block-sized building in Philadelphia. The contractor alleged design errors and sought additional damages under the Contractor and Subcontractor Payment Act, inflating its claim to \$16 million. During contentious discovery, we exposed contradictions and falsehoods in the contractor's testimony, leading to a partial summary judgment that dismissed the bulk of claims against our client. Facing a looming trial and a remaining \$4 million claim, we worked with the building owner's counsel to convince the settlement judge of the claims' lack of merit. The plaintiff filed for bankruptcy, and the final settlement had to be approved in the Bankruptcy Court. The case settled for just \$362,500, with our client paying only \$181,250—an outstanding result in a high-stakes dispute.

Six-Figure Claim Against Lighting Designer Dismissed

We obtained dismissal of a six-figure claim in Philadelphia County via preliminary objections. The plaintiff homeowner sued a lighting designer for breach of contract, negligence for \$23k in remediation costs, statutory remedies for treble damages and legal fees. The plaintiff alleged the lighting designer was a home improvement contractor who violated the Home Improvement Consumer Protection Act (HICPA) and Unfair Trade Practices and Consumer Protection Law. The plaintiff omitted pertinent facts from the complaint. Using judicial notice, we presented facts from public records to show that the design services were performed in the construction of a new home. We argued that

HICPA does not apply to new construction and that the gist of the action doctrine barred the contract claim. The court agreed, dismissed the statutory and contract claims, and remanded the \$23k negligence claim to Common Pleas Court arbitration.