

Jonathon E. Cross

Co-Chair, Amusements, Sports & Recreation Liability Practice

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Jon focuses his practice on a wide range of casualty matters, with particular emphasis on amusements, sports and recreation liability claims. As a former athlete, Division-I college baseball coach, and camp owner, Jon brings a unique and comprehensive perspective to representing and defending sports, amusement, and recreation facility owners, coaches, instructors, youth athletic organizations, professional athletes, educational institutions, and college fraternities against various claims. His extensive background enables him to effectively navigate the complexities of defending against claims within these educational institutions and organizations, including those involving specific sports such as football, soccer, basketball, ice hockey, baseball, lacrosse, and track and field. He also has extensive experience defending a wide range of recreational and entertainment facilities, including trampoline parks, water parks, roller skating centers, amusement parks, zip line adventure courses, rock climbing wall centers, go-kart tracks, bowling alleys, indoor sports centers, golf courses, aquatic clubs, camps, martial arts studios, white water rafting companies, concert venues, sports stadiums, resorts, liquor establishments, and more.

With the emergence of sports related concussion claims, Jon advises and represents school districts, colleges, youth leagues, trainers, referees and recreational parks in claims that arise from failure to recognize a concussion and the failure to follow return-to-play protocol. Further, Jon handles the catastrophic injury related sports and recreation claims sustained by concussions, the second impact syndrome, drownings, and other serious bodily injuries.

Jon also serves as Marshall Dennehey's representative on the Insurance Law Global Sports and Recreation committee, where he presents and authors articles on emerging sports litigation topics.

On the professional liability side, Jon provides legal counsel and representation to contractors, architects and engineers, accountants, attorneys, insurance brokers, real

Practices

- Amusements, Sports & Recreation Liability
- School Leaders' Liability
- Hospitality & Liquor Liability
- Premises & Retail Liability
- Architectural, Engineering & Construction Defect Litigation
- Miscellaneous Professional Liability

estate brokers and financial advisors in a wide range of matters including legal malpractice, accounting malpractice, wrongful use of civil process, abuse of process, negligence and breach of contract claims.

Outside of his law practice, Jon serves on the Executive Board of the Richie Ashburn Foundation, which raises funds to provide over 19 free baseball camps and clinics yearly to children throughout the Philadelphia and suburban area. He works with the Foundation to raise funds to support blind and visually impaired children to play "beep" baseball.

Jon coached four seasons of Division-I baseball at the University of Pennsylvania. Previously, he coached for nine years at Germantown Academy, where he also was a member of the Board of Trustees (eight years) and served as chair of the sports/athletic committee. Jon additionally was a head baseball coach at the William Penn Charter School in Philadelphia, and he formerly operated his own winter and summer baseball camps.

Education

- Villanova University Charles Widger School of Law (J.D., 1996)
- Lafayette College (B.A., 1993)

Admissions

- Pennsylvania, 1996

Honors & Awards

- Pennsylvania Super Lawyers Rising Star (2006-2008, 2010-2011)

Associations & Memberships

- Germantown Academy, Fort Washington, PA, Board of Trustees (1999-2007)
- Germantown Academy, Fort Washington, PA, Sports Committee Chair (1999-2007)
- Pennsylvania Bar Association
- Philadelphia Bar Association
- Richie Ashburn-Harry Kalas Foundation, Executive Board Member (1998 - present)
- Insurance Law Global - Sports and Recreation Committee, 2020- Present
- International Amusement and Leisure Defense Association, Inc. (IALDA), Member
- Sports and Entertainment Risk Management Alliance, (SERMA), Member

Classes/Seminars Taught

- *Information Gathering for New Claims and Prevention of Spoliation*, 5th Annual ideal3 Summit, Minneapolis, MN, June 2026
- *Legal Roundtable*, Amusement Industry Manufacturers and Suppliers (AIMS) Conference, Orlando, FL, January 15, 2026
- *Defensibility Strategies – Reduce Liability: Supervision & Documentation*, International Adventure & Trampoline Park Association's (IATP) Annual Conference, September 10, 2025

- *Litigation Basics - The Complaint*, Marshall Dennehey Client Webinar, April 17, 2025
- *Legal Roundtable*, Amusement Industry Manufacturers and Suppliers (AIMS) Conference, Orlando, FL, January 16, 2025
- *Health Club Claims*, Marshall Dennehey Client Webinar, February 5, 2025
- *Florida Tort Reform*, Marshall Dennehey Client Presentation, October 1, 2024
- *Concussion: Is the Long Ball Game Finally Finished?* ILG 360° London Annual Conference 2023, March 15, 2023
- *Negligent Security Claims*, Marshall Dennehey Client Presentation, January 25, 2023
- *Concussion in Sport - Causation and Risk Management in the Spotlight*, Insurance Law Global Webinar, October 6, 2022
- *Concussion Litigation - It's Heading Your Way*, Insurance Law Global Virtual Conference, March 26, 2021
- *From the NFL to Friday Night Lights...Tackling Concussion Litigation*, Philadelphia Insurance Companies, October 4, 2017
- *The Present and Future of Concussion Litigation*, Philadelphia Insurance Companies' Continuing Education Program, May 2017
- *Sports Tort Liability and Risk Management*, University of Delaware, Sports & Facility Management Department, November 2016
- *What Insurance Professionals Should Know About Emerging Sports Liability Issues*, A.M. Best Webinar, October 13, 2016
- *From the NFL to Friday Night Lights...Emerging Youth Sports Concussion Claims and Risk Management*, Insurance Casualty Actuaries of New England, April 7, 2016
- *Athletic Risk Management and Concussion Litigation*, University of Delaware, Sports & Facility Management Department, October 2015
- *Youth Sports Risk Management*, New Jersey Recreation & Park Association's 2015 Annual Conference, Atlantic City, NJ, March 2015
- *Tackling Concussion Litigation*, New Jersey Recreation & Park Association's 2015 Annual Conference, Atlantic City, NJ, March 2015
- *Youth Sports Risk Management*, University of Delaware, Sports & Facility Management Department, March 2015
- *Tackling Concussion Litigation*, University of Delaware, Sports & Facility Management Department, March 2015
- *Emerging Claims -- Youth Sports Concussion Litigation*, Casualty Actuarial Society's Centennial Conference, New York, NY, December 2014

Published Works

- "'No-duty' Rule is Key to the Successful Defense of Sports Injury Lawsuits in Pennsylvania, U.S.A.", *The Sports Bulletin* 3rd Edition, Insurance Law Global, August 2024
- "Parents Are Precluded From Waiving Child's Rights to Jury Trial in Pennsylvania," *The Sports Bulletin*, 2nd Edition, January 2024, Insurance Law Global
- "Appellate decision in the Pennsylvania zipline case may permit general pleadings for recklessness and gross negligence, which may nullify the early effectiveness of the defense of waiver and release," *The Sports Bulletin*, 1st Edition 2023, Insurance Law Global, March 2023.
- "Heads Up and Watch Out! Potential Liability for Traumatic Brain Injury Pursuant to the Safety in Youth Sports Act," *Defense Digest*, Vol. 23, No. 4, December 2017
- "Boom! Lightning Liability at University Athletic Events," *URMIA Journal*, September 2015
- "Fair Game? Legal Exposures Alter the Playing Field for Youth Sports," *Defense*

Digest, Vol. 21, No. 1, March 2015

- "Cover All The Bases," Avoiding Youth Sports Injury Lawsuits, *Camp Business Magazine*, August 2014
- "Fair Game? Legal Exposures Alter the Playing Field for Youth Sports," *PropertyCasualty360.com*, May 2014
- "Court Recognizes Misconduct When Jurors Seek Out Their Own Expert Opinion," *Defense Digest*, Vol. 11, No. 2, June, 2005
- "The Witness Immunity Doctrine Does Not Preclude Experts From Being Sued for Professional Malpractice," Professional Liability Underwriting Society, *PLUS Journal*, May 2000
- "Obtaining Records With Fewer Headaches," (Co-Author), *Defense Digest*, Vol. 4, No. 6, 1998
- "New Procedures Complicate Production of Documents By A Non-Party," *Defense Digest*, Vol. 3, No. 6, 1997
- "Pennsylvania Superior Court Rules On Statute of Limitations For Defendants Who Leave The Commonwealth," *Defense Digest*, Vol. 3, No. 5, 1997
- "Procedural Difficulties with New Discovery Rule", *MDWCG Legal Malpractice Handbook*, October 1998
- "Effect of Fiorantino on Legal Malpractice Claims for Breach of Contract", *MDWCG Legal Malpractice Handbook*, October 1998
- "Legal Malpractice Defense that a Claim is Premature", *MDWCG Legal Malpractice Handbook*, 1999
- "Continuous Representation Rule Still Not the Law in Pennsylvania", *MDWCG Legal Malpractice Handbook*, 1999

Significant Representative Matters

- Success in defending trampoline parks in large loss lawsuits.
- Success in defending indoor water parks.
- Success in defending indoor athletic recreation facility.
- Success in defending indoor rock-climbing facilities.
- Success in defending amusement parks.
- Success in obtaining an defense verdict for major league baseball team and a former professional player.
- Success in obtaining an order to dismiss a multi-million dollar gas station fire lawsuit.
- Success in defending construction contractor for alleged OSHA violations.
- Success in defending a multi-million dollar lawsuit relating to defective fireworks.
- Success in obtaining a dismissal of a lawsuit against a security guard company.
- Success in handling multi-million dollar claims and obtaining favorable outcomes.
- Success in obtaining a dismissal of a legal malpractice case pursuant to plaintiff's failure to comply with the Pennsylvania Rules of Civil Procedure.
- Success in defending a golf club at trial for premises liability.
- Success in litigating numerous cases involving school districts and universities involving claims for negligence, discrimination and athletic field liability.
- Success in obtaining a jury verdict in favor of a major check cashing company.
- Success in obtaining defense verdict in a wrongful use of civil proceedings claim.

Results

Summary Judgment Secured in a Case Involving a Trampoline Park Injury

We obtained summary judgment in a lawsuit arising from an injury suffered at an indoor trampoline park. During the deposition, the plaintiff admitted that there are inherent risks of engaging in trampoline activities, including the risk of being injured. Under the no-duty rule, a defendant owes no duty of care to warn, protect, or insure against risks which are common, frequent, expected and inherent in an activity. In the motion for summary judgment, it was argued that a trampoline park has no duty to protect patrons from the inherent risks of injury when jumping from a trampoline. The court opined that the no-duty rule was implicated and granted summary judgment in favor of all defendants.

Company Under Fire in Product Liability Suit Had No Duty to Install or Advise to Install New Valves

We were successful on a motion for summary judgment that was granted dismissing all claims against our client, an environmental compliance services and tank testing company, in a case where the plaintiff made an \$8.75 million settlement demand. The plaintiffs, a minor mother and child, were at a gas station in Philadelphia when a vehicle inadvertently struck a fuel dispenser, knocking it over and causing a fire and explosion. The claims and cross-claims asserted against our client alleged it should have installed or advised the gas station owners to install a valve that would have prevented the fuel leakage that exacerbated the fire. We filed a summary judgment motion arguing that the claims and cross-claims asserted against our client went beyond the scope of the environmental compliance services it was hired to perform such that our client had no duty to either install or advise of installing different valves. The court granted our motion dismissing all claims and cross-claims against our client.

Thought Leadership

August 1, 2024

“No-duty” Rule Is Key to the Successful Defense of Sports Injury Lawsuits in Pennsylvania, U.S.A.