

Kevin E. Hexstall

Co-Chair, Environmental & Toxic Tort Practice
Co-Chair, Social Services & Human Services Liability
Co-Chair, Asbestos & Mass Tort Litigation
Chair, DE&I Committee

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Kevin is a member of the Casualty Department where he defends clients in suits brought against them involving environmental, toxic torts and mass torts litigation. A member of the firm's Board of Directors, he is an experienced and highly accomplished trial attorney who has successfully defended insureds in complex cases throughout the country.

Kevin is often retained by major corporations to serve as first-chair trial counsel in cases involving catastrophic injuries or fatalities. He has represented Fortune 100 Companies in premises and product liability wrongful death claims throughout the country. Kevin also serves as lead national trial counsel for significant premises and security claims for some of the world's largest multinational retail corporations. His list of clients represented in high exposure cases also includes: a major moving equipment/storage company, auto and tire manufacturers, multiple trucking companies and the City of Philadelphia.

In addition to his experience in civil litigation, Kevin has developed a successful criminal defense practice. Prior to joining Marshall Dennehey, Kevin served as chairman of the Criminal Defense Section for a Philadelphia, Pennsylvania, law firm. He defends NFL and NBA athletes as well as entertainers, in civil and criminal proceedings.

In 1994 Kevin graduated from the University of North Carolina at Chapel Hill where he earned a Bachelors of Arts degree. He then attended Ohio Northern University – Pettit College of Law in Ada, Ohio, where in 1997 he earned a *juris doctor*, graduating with dean's list honors. While attending law school, Kevin served on the executive board of the Moot Court Program and received the Book Award for the Criminal Law Clinic.

Media Links

http://www.lehighvalleylive.com/easton/index.ssf/2013/04/truck_driver_in_fatal_williams_1.html

Practices

- Environmental & Toxic Tort Litigation
- Product Liability
- Premises & Retail Liability
- Commercial Litigation
- Catastrophic Claims Litigation
- White-Collar Crime
- Trucking & Transportation Liability
- Social Services & Human Services Liability

<http://www.youtube.com/watch?v=HCtdLCIFbl>

http://www.nj.com/news/index.ssf/2010/08/mother_of_man_killed_in_crash.html

Education

- Ohio Northern University Pettit College of Law (J.D., 1997)
- University of North Carolina at Chapel Hill (B.A., 1994)

Admissions

- New Jersey, 1998
- Pennsylvania, 1998
- U.S. District Court Eastern District of Pennsylvania
- U.S. District Court District of New Jersey
- New York, 2026

Honors & Awards

- ABA Tort Trial & Insurance Practice Section, National Trial Academy (2006)
- American Lawyer Media. Recognized as one of twelve Pennsylvania minority attorneys "On the Verge" in a diversity supplement published in The Legal Intelligencer and Pennsylvania Law Weekly (2007)
- Pennsylvania Super Lawyers (2014-2020)
- Pennsylvania Super Lawyers Rising Star (2006-2008, 2010-2011)

Associations & Memberships

- American Bar Association
- Diverse Partners Network
- National Association of Criminal Defense Lawyers
- Pennsylvania Bar Association
- Philadelphia Bar Association:
- 2007 Tort Trial & Insurance Practice Section, Vice Chair Toxic Tort & Environmental Law Committee
- 2007 - 2008 Tort Trial & Insurance Practice Section, Vice Chair Diversity Committee
- 2007 Tort Trial & Insurance Practice Section, National Leadership Academy, Member
- 2008 - 2010 Tort Trial & Insurance Practice Section, National Leadership Academy, Taskforce Member

Representative Cases & Matters

Secured a unanimous 6-0 defense verdict in a New Jersey premises liability case after the jury found no negligence on the part of the defendant. The plaintiff alleged that a six-foot drill bit fell from a retail display, causing a concussion, post-concussion syndrome and permanent cognitive impairments. The defense demonstrated that the item was displaced only after an unidentified customer struck the shelving with a shopping cart and that there was no evidence store employees knew or should have known of the condition. Through surveillance video, fact witness testimony and expert evidence, the defense also established that the impact was inconsistent with the forces necessary to cause a

concussion and highlighted alternative explanations for the plaintiff's claimed injuries. Following a six-day trial, the jury returned a complete defense verdict, finding the defendant was not negligent.

Secured a unanimous defense verdict in a premises liability matter involving a national home improvement retailer. The plaintiff alleged that she developed Complex Regional Pain Syndrome (CRPS) following a fall in the retailer's parking lot in October 2022. Plaintiff claimed that the incident necessitated significant ongoing medical treatment, including the implantation of a permanent spinal cord stimulator. The plaintiff sought substantial damages, including claims for extensive future medical care. The defense team successfully challenged the credibility of the plaintiff's allegations and expert testimony through rigorous cross-examination and the presentation of defense experts in forensic engineering, human factors, and pain management. The defense also demonstrated that the plaintiff's alleged condition was attributable to pre-existing medical issues rather than the incident at issue. Following a six-day trial, the jury deliberated for just 42 minutes before returning a unanimous verdict finding no negligence on the part of the defendant.

Secured a no-cause verdict on behalf of a national home improvement retailer in a personal injury action. The plaintiff alleged that on May 20, 2019, she was injured at one of the retailer's stores when an associate moved a lumber cart, causing a PVC pipe to fall and strike her head and right shoulder. She claimed permanent traumatic brain injury, concussion, and spinal injuries, supported by her orthopedic and neurologic experts. Our defense orthopedic and neurologic experts testified that the plaintiff's reported symptoms were more consistent with malingering or a somatoform disorder. After a one-week trial and approximately 45 minutes of deliberation, the jury unanimously found the defendant was not negligent. The last demand was \$1.2 million, and the final offer was \$100,000.

Obtained a defense verdict following a 10-day jury trial on behalf of a national home improvement company and garden center, where the plaintiff's demand was over seven figures. The plaintiff, a 79-year-old female, was using a rollator (walker) to assist her walking when she fell at a garden center. Plaintiff claimed that the front wheel of her rollator struck and got caught on the raised baseplate bolts of a column, causing her to fall. The plaintiff was taken out on a stretcher with a fractured leg that required ORIF surgery and a recommendation for future hip replacement. The defense established via an in-store surveillance video, forensic engineering expert and cross-examination, that it was very unlikely that the plaintiff's rollator ever came into contact with the baseplate. Furthermore, even if the plaintiff did contact the baseplate, it was due to her being inattentive and not as a result of any alleged negligence by the garden center. The jury returned a defense verdict after only 35 minutes of deliberation.

Matkowsky v. Defendant (Philadelphia Court of Common Pleas Civil Division): Plaintiff's Estate filed a Wrongful Death lawsuit claiming that Plaintiff contracted and died of Lung Cancer as a result of being exposed to asbestos from Defendant's product. Result: Jury finds Defendant Not Liable.

Commonwealth of Pennsylvania v. Defendant (Lehigh County Court of Common Pleas

Criminal Division): Defendant was employed as truck driver for a major trucking corporation. He was involved in a near fatal accident which left a 21 year old woman in a coma for days. The Commonwealth of Pennsylvania claimed the Defendant was grossly negligent for running a steady red light and charged him with a Aggravated Assault by Vehicle – First Degree Felony. Result: Jury finds Defendant Not Guilty of All Charges after 90 minutes of deliberation.

Irene Abromovich v. Defendant, et al (Philadelphia County Civil Trial Division), Co-counsel: Plaintiff alleged sustaining herniated disc which required a discectomy and a lumbar fusion as a result of a fall which occurred on Defendant's premises. Result: Philadelphia jury finds that Defendant was not negligent and returned a verdict in favor of the Defendant.

Dimmick v. Defendant (Philadelphia Court of Common Pleas Civil Division): Plaintiff alleged that his Lung Cancer was caused by his exposure to asbestos after working with and around Defendant's products for a number of years. Result: Jury finds Defendant Not Liable.

Carlton Baker v. Defendant (Philadelphia County Civil Trial Division): Plaintiff alleged that Defendant was negligent in supervising its employees, when he was allegedly struck with a chain at work by co-worker. Plaintiff sustained lacerations to the head requiring stitches, a black eye, soft tissue injuries to the neck and back, and permanent loss in range of motion in his arm. Result: Verdict in favor of Defense on all counts after Bench Trial before Court of Common Pleas Judge.

Webber v. Honeywell International Inc. (Philadelphia Court of Common Pleas Civil Division) Plaintiff was diagnosed with peritoneal mesothelioma at 42 years old. He alleged that his disease was caused by asbestos exposure from working with automobile brakes manufactured by Bendix, a predecessor company of Honeywell. Honeywell presented evidence from numerous witnesses during the course of this five-week trial to establish that Bendix brakes did not play a role in the development of Mr. Webber's peritoneal mesothelioma. Result: Jury finds Honeywell not liable.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with drugging and raping seven different women, on nine separate occasions. All nine cases consolidated for trial. Result: Philadelphia jury finds Defendant Not Guilty of 33 out of 35 counts. Defense Attorneys and Prosecutor comment on verdict.

Sheil v. Honeywell International Inc. (Philadelphia Court of Common Pleas Civil Division) Plaintiff asserted a wrongful death claim on behalf of her deceased husband claiming that he died of peritoneal mesothelioma after making personal brake changes on 50 vehicles. Result: Jury finds Defendant Not Liable.

Woodley v. Defendant (Philadelphia Court of Common Pleas Civil Division): Plaintiff alleged that he was suffering from Asbestosis as a result of working for a number of years with a product manufactured by Defendant. Result: Jury finds Defendant Not Liable after 2 ½ hours of deliberation.

Frank Brooks v. Defendant, et al (Philadelphia County Civil Trial Division): Plaintiff alleged that his lung cancer was a result of exposure to asbestos from Defendant's product. Potential for Jury Verdict in excess of \$1,000,000. Result: Motion to Dismiss Granted in favor of Defendant prior to Phase II of jury trial.

Stafford v. Honeywell International Inc. (Philadelphia Court of Common Pleas Civil Division): Plaintiff asserted a wrongful death claim on behalf of her deceased husband claiming that he died of peritoneal mesothelioma after 30 years of making personal brake changes on family vehicles. Result: Jury finds Defendant Not Liable.

United States of America v. Defendant (US District Court Eastern District of PA Criminal Court): Defendant charged with Indecent Exposure, Disorderly Conduct, and Solicitation in case involving undercover Federal Employee. Result: Defendant found Not Guilty of All Charges.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with Carjacking, Robbery, Kidnapping, Conspiracy, and related charges. Result: Defendant found Not Guilty of All Charges.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with Burglary, Conspiracy, and related charges. Result: Defendant found Not Guilty of All Charges.

Commonwealth of PA v. Defendant (Chester County District Court Criminal Division): Defendant charged with Vehicular Homicide and related offenses. Result: All charges withdrawn at the Preliminary Hearing, and Defendant plead No Contest to Summary Traffic Offenses only.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with drugging and raping three different women, on separate occasions. All three cases consolidated for trial. Result: Philadelphia jury finds Defendant Not Guilty of All charges.

State of New Jersey v. Defendant (Atlantic County Superior Court Criminal Division): Defendant, charged with harassment of customer at area restaurant. Result: Defendant found Not Guilty of All charges at Bench Trial before Superior Court Judge.

Commonwealth of PA v. Defendant (Centre County Municipal Court): Defendant charge with Driving Under the Influence of Alcohol. Result: Not Guilty of All Charges after Bench Trial before Municipal Court Judge.

Commonwealth of PA v. Defendant (Philadelphia County Court of Common Pleas Criminal Division): Defendant charged with Aggravated Assault, Recklessly Endangering Another Person, and Violation of Uniform Firearms Act. Result: Defendant Found Not Guilty of All Charges.

Classes/Seminars Taught

- *From Interview to Offer: Navigating Clerkships, Networking & Career Success* - Panelist, Rutgers Law School Minority Student Program, February 12, 2025

- *Lessons from the Courtroom: Building a Successful Career in Litigation* - guest speaker, Villanova Criminal Law Society, October 17, 2024
- *The Top Emerging Trends in Asbestos Litigation*, Perrin Conferences – Cutting Edge Asbestos Litigation, Miami, FL, March 12, 2024
- *Juries - Mock Trial*, Product Liability Advisory Council 2021 Fall Conference, September 30, 2021. Kevin participated in an interactive mock jury demonstration focused on jurors and their assessment of defense attorney styles, science and problematic evidence.
- *Maintaining Relationships With Outside Counsel Panel*, Perrin Conferences In-House Counsel Perspectives Symposium, June 22, 2021
- *Punitive Damages – Getting Into the Mind of the Juror*, Guest Speaker, Products Liability Advisory Committee (PLAC) Conference, October 2019, Chicago, IL.
- *It's Not Just Lung Cancer or Mesothelioma Anymore: Introducing a New Class of Asbestos Plaintiffs with "Other Cancers"*, American Conference Institute's 23rd National Forum on Asbestos Claims & Litigation, May 21 - 23, 2018, Chicago, IL
- Speaker at Defense Research Institute National Asbestos Medicine Conference, Young Lawyers Session, New Orleans, LA, November 2016
- Speaker at Honeywell Global Conference – "Diversity Advantage", Morristown, NJ, September 2015
- *Defending the Criminal Case*, Marshall Dennehey CLE Series, February 2015
- *Strategies in Defending a Lung Cancer Case*, Marshall Dennehey CLE Series, September 2014
- *Today's Jury Pool – The Impact of Generation Y and the Social Media Revolution*, Marshall Dennehey Warner Colman & Goggin CLE Series, November 2013
- *Commercial Shipping and the Jones Act*, Defense Research Institute (DRI) Asbestos Medicine Seminar, November 2013
- *Mock Jury Selection in a Toxic Tort case. American Bar Association*, Toxic Torts and Environmental Law Committee, TIPS 20th Annual Spring CLE Meeting, The New Frontier: Science, Technology and the Law, April 2011
- *Crime and Punishment*, Ohio Northern University Pettit College of Law, Speaker, Pre-Law Undergraduate Scholars (PLUS) program, June 2010
- *Fattah Conference on Higher Education*, Philadelphia, PA, Speaker, 2009, 2010
- *Some Like It Hot: Emerging Issues in Toxic Tort and Environmental Law*, Moderator, Wind Energy Projects, ABA TIPS 19th Annual Spring CLE Meeting, April 2010
- *The Costs of Bet-the-Company Verdicts-Impacts and Staying Power*, HB Litigation Conferences' Emerging Trends in Asbestos Litigation Conference, March 2010
- *Environmental & Toxic Tort Issues*, Insurance Companies Seminars/CLEs
- *Bankruptcy - Utilizing Trust Application Information to Develop your Defense in Asbestos Litigation*, CLE Seminar at Resolute Management, Inc.
- *Diversity Forum - Making Your Own Path in Today's Society*, Ohio Northern University College of Law
- *Business Development and Networking: Building A Client Base*, Drexel Law Co-Op
- *Power of 3: Assignment/Inclusion/Mentoring*, Philadelphia Diversity Seminar
- Criminal Justice Section of Community College of Philadelphia
- Rowan University Career Day
- Landis Middle School Commencement Ceremony Keynote Speaker
- Cumberland County Community College Career Day
- *Say Yes to Education*, College Seminar

Media Commentary

- ["Pa. Jury Rejects Claims Linking 'Just For Men' Hair Dye to Cancer," *The Legal Intelligencer*, July 19, 2024](#)
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Results

Appeal Successful Before the Pennsylvania Department of Human Services

We were successful on appeal of a child abuse determination levied against an Aveanna home health nurse. The three-day hearing was litigated before the PA Department of Human Services. As a result of the court's order, the nurse's record of child abuse is being expunged. The matter arose out of the alleged attack of a child-patient by a family dog during home nursing care. It was asserted that the nurse failed to properly supervise and protect the child, and failed to properly respond to the incident when it occurred. We established a lack of definitive proof that the nurse negligently left the child unsupervised. We also called into question the circumstances surrounding the alleged attack, including whether the dog had a known history of aggression, which led to credibility issues on the part of the family member witnesses. Medical experts also testified on the appellant's behalf to address possible alternate explanations for the child's injuries. Ultimately, we established that the prosecution failed to meet its burden of proof, highlighting multiple errors and inconsistencies relating to the investigation as well as the reporting processes. This is a significant outcome in a difficult jurisdiction with many problematic underlying facts (which led to the decision to not call the nurse to testify in her defense).

Successful Representation of National Home Improvement Corporation's Tool & Truck Rental Division

Marshall Dennehey's trial and appellate attorneys were successful in their representation of a national home improvement retail corporation's tool and truck rental division. Handling the case at both the trial and appellate levels, the defense was successful in convincing the New Jersey appellate court to affirm the trial court's decision on July 23, 2024. At the trial level, the judge granted our motion for a directed verdict and dismissed the case. The plaintiff had rented a flatbed truck in 2018 to move a cabinet he had just purchased. He alleged that a store employee gave him a set of ramps to use in the truck, but while doing so, they moved and he fell, sustaining serious and permanent injury to his back. The plaintiff alleged he later returned to the store and was told that he had been given the wrong ramps. The panel said that the record included no actual evidence that the ramp did not fit the truck beyond the employee's saying it was the wrong ramp, or that the ramp slipped because it was incompatible with the truck. Even in his testimony, the panel said the plaintiff did not actually identify any physical cause for the ramp to move. "The dearth of evidence establishing the manner and cause of the slip or slide of the ramp rendered it impossible for the jury to make a reasoned determination as to whether defendant's purported negligence proximately caused plaintiff's fall and injuries," the panel said. The court, therefore, affirmed the case on appeal.

Secured Defense Verdict for Global Men's Hair Dye Manufacturer in Bladder Cancer Claim

We won a defense verdict in a high-exposure product liability trial, defeating claims that a client's hair dye caused bladder cancer.

The verdict was reached after a two-and-a-half week jury trial in the Philadelphia Court of Common Pleas. The plaintiffs' claim was that the hair dye made by global men's hair dye manufacturer caused the husband's bladder cancer. Prior to trial there was a significant demand, but the jury wholly rejected the plaintiffs' negligence and strict liability claims.

Background: The plaintiff was a part-time barber in Reading and Philadelphia, Pennsylvania, from 1994–2008. On occasion, he used the defendant's hair dye on his customers and himself. He also worked full-time as a book binder at various printing companies. In August of 2016 he was diagnosed with bladder cancer. He filed suit against the manufacturer, claiming that their hair dye was contaminated with the chemical 4-aminobiphenyl (4-ABP), which is a known carcinogen.

Numerous expert witnesses were called by both sides—toxicologists, epidemiologists, organic/analytical chemists, urologists and occupation physicians. The defense denied that the hair dye product contained 4-ABP because its manufacturing process is conducted in such a manner that it would not create 4-ABP. This was supported via corporate witnesses and multiple experts. After one hour and 13 minutes of deliberations, the jury found that the defendant was not negligent and their product was not defective.

Read about this verdict in *The Legal Intelligencer* (subscription required): [Pa. Jury Rejects Claims Linking 'Just For Men' Hair Dye to Cancer.](#)

Defense Verdict in Premises Liability Case with Well Over Seven-Figures at Stake

We obtained a defense verdict following a 10-day jury trial on behalf of a national home improvement company and garden center, where the plaintiff's demand was over seven figures. The plaintiff, a 79-year-old female, was using a rollator (walker) to assist her walking when she fell at a garden center. Plaintiff claimed that the front wheel of her rollator struck and got caught on the raised baseplate bolts of a column, causing her to fall. The plaintiff was taken out on a stretcher with a fractured leg that required ORIF surgery and a recommendation for future hip replacement.

The defense established—via an in-store surveillance video, forensic engineering expert and cross-examination—that it was very unlikely that the plaintiff's rollator ever came into contact with the baseplate. Furthermore, even if the plaintiff did contact the baseplate, it was due to her being inattentive and not as a result of any alleged negligence by the garden center. The jury returned a defense verdict after only 35 minutes of deliberation.