

Michael A. Salvati

Shareholder

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A litigator and legal scholar, Michael provides streamlined solutions to his casualty clients' most complex litigation challenges. With a focus on product liability, premises liability, automobile and other personal injury claims, he provides counsel to manufacturers of consumer goods, regional and national retail chains, manufacturing facilities, restaurants/bars, commercial landowners, pharmacies and more. Michael has experience in all aspects of defense litigation, from initial claim investigation through discovery and trial. Michael has also assisted in the defense of class actions involving various subject matters, ranging from alleged product failures to data breach claims.

Michael prioritizes efficiency, achieving favorable outcomes, and ensuring the best possible results for his clients. By dissecting the key issues in litigation, he aims to avoid unnecessary complexities and legal disputes. He approaches every client matter strategically, by first assessing the case; identifying critical legal arguments; and creating a well-informed legal strategy.

An avid reader and life-long student, he keeps abreast of legal topics pertinent to his clients, so he can better understand the current legal landscape and how it may impact their cases. A prolific writer, he has published substantive articles in *The Pennsylvania Lawyer*, *The Legal Intelligencer* and *Law360*.

Michael's scholarship and devotion to the law has not gone unnoticed. In 2023, he was selected to serve a five-year term on the Supreme Court of Pennsylvania's Civil Jury Instruction Subcommittee, which drafts jury instructions used by trial judges throughout the Commonwealth of Pennsylvania.

Admitted to practice in both Pennsylvania and New Jersey, Michael is a member of the Pennsylvania, Philadelphia and New Jersey State Bar Associations. He is additionally a member of the Defense Research Institute where he has served as an editor for its *Product Liability Defenses*, a State-by-State Compendium.

Practices

- Premises & Retail Liability
- Product Liability
- Automobile Liability
- First-Party Property

Prior to joining the firm, Michael served as a judicial law clerk to the Honorable Timothy G. Farrell of the Superior Court of New Jersey. In that capacity, Michael managed the judge's dockets, drafted opinions and orders, and served as a mediator in Small Claims and Special Civil Part cases.

Michael earned his juris doctor at Villanova Law School, where he graduated in the top 10% of his class, was a member of the Order of the Coif, and served as an Associate Editor of the Villanova Law Review. He earned his bachelor's degree in history from Villanova University, where he graduated first in his class with a 4.0 GPA.

Michael resides in South Jersey with his wife and twin boys.

Education

- Villanova University Charles Widger School of Law (J.D., *magna cum laude*, 2011)
- Villanova University (B.A., *summa cum laude*, 2008)

Admissions

- New Jersey, 2011
- Pennsylvania, 2011
- U.S. District Court District of New Jersey, 2012
- U.S. District Court Eastern District of Pennsylvania, 2013
- U.S. District Court Middle District of Pennsylvania, 2021

Honors & Awards

- Pennsylvania Super Lawyers Rising Star (2024-2025)

Associations & Memberships

- New Jersey Bar Association
- Pennsylvania Bar Association
- Pennsylvania Supreme Court Subcommittee for Civil Jury Instructions
- Philadelphia Bar Association

Representative Cases & Matters

Obtained summary judgment in a premises liability case pending the Eastern District of Pennsylvania. The case involved an alleged trip-and-fall at a Chester County movie theater. At the close of discovery, we filed a Rule 702 Motion challenging Plaintiffs' expert and a Motion for Summary Judgment. The Court granted both, finding that Plaintiffs' expert did not satisfy the "reliability" or "fit" requirements of Rule 702; and finding that Plaintiffs could not prove that the defendants were on notice of an any allegedly hazardous condition.

Obtained summary judgment on behalf of our client, a nonprofit organization, in a premises liability action in the Eastern District of Pennsylvania. The plaintiff allegedly fractured her leg after slipping and falling on an icy walkway outside the client's community center. We argued that her claims were barred by a liability waiver she signed

as part of her membership application. Although the plaintiff denied signing the waiver, the court ordered targeted discovery, and both parties retained handwriting experts. The court ultimately found that the defense had persuasively established the authenticity of the signature and that the plaintiff's unsupported denials were insufficient to create a genuine dispute of material fact. Summary judgment was entered in favor of our client.

Successfully obtained dismissal of a wrongful death action against a product manufacturer and distributor for lack of personal jurisdiction. The case involved allegations of a defective windshield installed in Pennsylvania, but the defense team demonstrated that the clients—located in Ohio and South Carolina—lacked sufficient contacts with the forum state, overcoming the plaintiff's stream-of-commerce jurisdiction theory.

Prevailed on a Motion to Dismiss in a data breach class action in the Eastern District of Pennsylvania. Sixteen named plaintiffs brought claims alleging that a hacker had accessed the personal information of over 1,000,000 individuals nationwide. We defended the debt collection company whose computer servers were compromised. Plaintiffs asserted broad and novel legal theories, including negligent failure to protect data, breach of implied contract, invasion of privacy, negligence per se, and violations of various state consumer protection laws. We successfully contested these claims, resulting in the dismissal of eight plaintiffs for lack of standing and 15 of the 17 asserted causes of action being dismissed.

Obtained a defense verdict as second chair in a federal jury trial involving an allegedly defective motorcycle that caught fire when left running contrary to instructions in the owner's manual, causing significant fire and smoke damage to the plaintiffs' residence.

Obtained a summary judgment on behalf of a janitorial franchising company, successfully arguing that it was not responsible for the rogue acts of its franchisee who allegedly stole jewelry and engaged in sexual acts while cleaning the plaintiff's office.

Obtained summary judgment on behalf of two homeowners, successfully arguing that they had no duty to prevent their general contractor from injuring his subcontractor, the plaintiff, who had fallen from a ladder on the job.

Successfully defended a retail pharmacy and its delivery driver at arbitration on an auto accident claim for which liability was uncontested. Michael obtained a limited tort finding and limited plaintiff to recovery of her unpaid medical expenses, which were minimal. The suit had initially been filed as a major jury case before being remanded to arbitration, and the award was less than 1% of plaintiff's original demand.

Obtained a dismissal on jurisdictional grounds of product liability and wrongful death claims brought against a truck dealership that was located in Ohio and that did not conduct regular business in Pennsylvania.

Obtained a summary judgment for the manufacturer of a smoker in a failure to warn claim involving an allegedly defective barbecue smoker by successfully challenging the

opinions of the plaintiff's expert as speculative.

Classes/Seminars Taught

- *The Misuse Defense: Strategic Approaches to Defending Product Liability Claims for Insurers*, A.M. Best Podcast, April 1, 2026
- *Strategies to Mitigate Risk and Avoid Litigation*, Marshall Dennehey Client Presentation, May 14, 2025
- Panel Member, *Nuts and Bolts of Litigation Practice Under the Fair Share Act*, Pennsylvania Bar Institute, April 2016.
- *Litigation Pointers for Defending the Supermarket Slip and Fall Case*, Liberty Mutual Insurance, February 2015

Published Works

- "Pa. Supreme Court Must Defend Established Venue Standard," *Law360*, February 17, 2023
- "A Two-Pronged Test Becomes One - Why the Superior Court's Venue Decision in *Hangey* Departs From Decades of Prior Precedent," *The Pennsylvania Lawyer*, January/February 2023
- "After 'Tinchier,' Evidence of Industry Standards Should be Admissible in PI Litigation," *The Legal Intelligencer*, Personal Injury Supplement, November 5, 2021
- "There's No Turning Back Now: Product Liability Jury Instructions in the Wake of *Tinchier v. Omega Flex*," *Defense Digest*, Vol. 24, No. 2, June 2018
- "There's No Place Like 'Home': Challenging General Jurisdiction When an LLC Is a Citizen of the Forum State," *Defense Digest*, Vol. 23, No. 2, June 2017
- "Pennsylvania's Fair Share Act: Practical Pointers for Litigators," *Defense Digest*, Vol. 20, No. 2, June 2014, co-author

Media Commentary

- "A Titanic Decision": Pa. Supreme Court's Ruling Makes Venue Challenges Harder," *The Legal Intelligencer*, November 29, 2023

Results

Received Precedential Decision from PA Superior Court in Venue Transfer Case

We secured a unanimous, precedential decision upholding a venue transfer from Philadelphia to Butler County under forum non conveniens, setting a new standard for defendants after a series of appellate reversals.

Car dealership dismissed from lawsuit for lack of personal jurisdiction.

We obtained dismissal of our client, a car dealership, from a suit pending in Montgomery County, Pennsylvania, on the basis of a lack of personal jurisdiction. The plaintiff, who had addresses in Pennsylvania and Florida, had purchased a used Range Rover that allegedly experienced ongoing maintenance issues. The plaintiff sought repairs from various car dealerships, including our client. When the repairs were unsuccessful, she brought claims for breach of warranty, breach of contract and unfair trade practices

against each of them. Our client had serviced the vehicle once, in Florida, and had no meaningful connections with Pennsylvania. The court was not impressed with the plaintiff's arguments regarding our client's website (accessible everywhere, including Pennsylvania) and unspecified, unrelated sales and shipments to Pennsylvania. The court dismissed our client, alone among the defendants, for lack of personal jurisdiction.

Defense Prevails in Workplace Injury/Premises Liability Case

The defendants were two family-owned companies that grow, process and sell mushrooms. One defendant, our client, owned the property, and the other operated the business there. The plaintiff worked for an independent company that was contracted to load compost into the defendants' mushroom beds. The plaintiff encountered a problem with the equipment used to lift the compost (the source of the problem is in dispute). A connection between components broke, and a metal pan fell on the plaintiff's arm, crushing it. The plaintiff alleged he had previously reported the problem to the defendants. Our attorneys successfully argued that the defendant who owned the property was a "landlord out of possession" and not responsible for injuries to third parties on the premises. The plaintiff argued that his complaint to one defendant about the equipment problem was notice to both, because both companies were owned by the same family. The court ruled that the shared ownership of the companies did not impose a legal duty on a defendant that was not otherwise responsible for the property.

Product Liability Case Dismissed for Lack of Personal Jurisdiction Over a National Corporation

In this complex lawsuit, the plaintiff suffered traumatic injury when the steering column of his tractor trailer became unyoked, rendering it uncontrollable and causing it to crash. The manufacturer is a Delaware LLC headquartered in North Carolina, but it manufactured the truck at its plant in Virginia. The plaintiff, a Pennsylvania citizen, crashed while driving it in Texas. The suit was filed in Philadelphia, as the LLC's sole corporate parent is a Pennsylvania corporation. Based upon that, the plaintiff argued that the LLC should be deemed a citizen of Pennsylvania. The trial court sustained our preliminary objections due to lack of jurisdiction. We briefed and argued the appeal the plaintiff filed with the Superior Court, which affirmed on the basis that, despite its Pennsylvania parent, the LLC itself is not "at home" in Pennsylvania because it is formed and headquartered elsewhere. Therefore, there is no general personal jurisdiction over it.

Thought Leadership

June 30, 2026

Featured Conversations... Key Takeaways from A.M. Best's Webinar on the Misuse Defense in Product Liability Claims, Featuring Michael Salvati

April 1, 2026

Superior Court Clarifies Crashworthiness Doctrine and Provides Key Jury-Instruction Guidance

October 1, 2025

Third Circuit Court of Appeals Holds a Product Liability Plaintiff Does Not Need an Expert to Survive Summary Judgment in Certain Cases

April 1, 2025

Court Affirms Dismissal of Product Liability Claim Over Absence of Driver-Assistance Features

October 1, 2024

Federal District Court Applies Recently Revised Rule 702 Standard Regarding Experts.

April 1, 2024

Federal District Court Finds Post-Incident Human Factors Review of Product Manual to Be Discoverable

December 1, 2023

Pennsylvania Supreme Court Loosens Venue Rules Further

November 28, 2023

Pennsylvania Supreme Court Loosens Venue Rules Further

October 1, 2023

Federal District Court Recognizes Important Limitations on “Post-Sale Duty to Warn”

April 1, 2023

District Court Makes Interesting Observations Regarding Evidence of Industry Standards and Alternative Designs in Ruling on Motion to Preclude Experts

February 17, 2023

Pa. Supreme Court Must Defend Established Venue Standard

January 31, 2023

A Two-Pronged Test Becomes One: Why the Superior Court’s Venue Decision in Hangey Departs from Decades of Prior Precedent

July 1, 2022

Trial Court Denies Product Manufacturer’s Motion in Limine, Adding to Conflicting Case Law on Issue of Admissibility of Compliance with Industry Standards

December 27, 2021

Pennsylvania Supreme Court Rules Part of Jurisdictional Statute Unconstitutional.

Taking Forum Shopping Tool Out of Plaintiffs' Toolkit

November 4, 2021

**After 'Tincher,' Evidence of Industry Standards Should be Admissible in PI
Litigation**