

# Michael D. Winsko

Shareholder

[MDWinsko@mdwcg.com](mailto:MDWinsko@mdwcg.com)

Pittsburgh – 412.803.2449



Michael Winsko is a shareholder in the Casualty Department whose practice focuses on the defense of corporations, individuals, and local governments in complex civil litigation matters. In this capacity, he has successfully handled numerous high-exposure premises liability, liquor liability, trucking and transportation, products liability, and catastrophic injury/wrongful death actions throughout the state and federal courts of Pennsylvania. As a part of his practice, Mike assists clients in the defense of design and construction defects, trucking/automobile accidents, fall down incidents, and negligent security claims.

A native of the Pittsburgh area, Mike attended Duquesne University where he received an undergraduate degree in accounting in 2012. Mike then earned his *juris doctor* from Duquesne University School of Law in 2015. While in law school, Mike interned for Chief Judge Joy Flowers Conti of the United States District Court for the Western District of Pennsylvania. He also was a writer and the business managing editor for the Duquesne University School of Law's Business Law Journal. Prior to joining Marshall Dennehey, Mike worked for a regional firm in Pittsburgh, Pennsylvania focusing on various areas of civil defense litigation.

## Practices

- Catastrophic Claims Litigation
- Product Liability
- Premises & Retail Liability
- Trucking & Transportation Liability
- Hospitality & Liquor Liability
- Construction Injury Litigation
- Public Entity & Civil Rights Litigation
- Automobile Liability

## Education

- Thomas R. Kline School of Law of Duquesne University (J.D., 2015)
- Duquesne University (B.S., 2012)

## Admissions

- Pennsylvania, 2015
- U.S. District Court Western District of Pennsylvania, 2015

## Honors & Awards

- The Best Lawyers: Ones to Watch®, Transportation Law (2026-2027)

- The Best Lawyers: Ones to Watch®, Product Liability Litigation - Defendants (2021-2027)
- Pennsylvania Super Lawyers Rising Star (2023-2025)

## Published Works

- "*Bowman v. Sunoco Inc.*: Preserving the Validity of Exculpatory Clauses Within Employment Contracts in Pennsylvania," *Duquesne Business Law Journal*, Volume 16

## Significant Representative Matters

- Obtained a defense verdict following a three-day jury trial in a slip and fall injury case. The plaintiff slipped in the lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. Plaintiff alleged she fell due to a wet floor caused by the facilities management's cleaning process and the lack of sufficient visible wet floor caution signs. Plaintiff underwent two surgeries, claimed ongoing pain and suffering, and sought \$500,000 prior to trial. We represented the building ownership and the facilities management company. Problematic for the defense was the lack of a surveillance video of the incident, photographs of the lobby contemporaneous to the incident, or an incident report. Despite this, we persuaded the jury to find for the Defense by establishing a consistent and credible history of habitual practice in the placement of wet floor signs across the lobby in highly visible areas. We also won the credibility battle through our well-prepared witnesses. Although faced with a sympathetic plaintiff with a substantiated history of medical treatment, we succeeded by presenting the case using "old school" personal injury defense tactics that were necessary due to the lack of video, photographs, and documentation.
- Obtained summary judgment on behalf of a construction company arising out of a fall down incident based on plaintiff's status at the time he entered the premises.
- Obtained summary judgment on behalf of a construction company relating to work performed on a commercial property in relation to alleged deficient barricades pertaining to a work site
- Obtained summary judgment on behalf of a local agency relating to a trip and fall incident based on governmental immunity.
- Obtained summary judgment on behalf of an insurer relating to exclusion language within the insurance policy.
- Obtained summary judgment on behalf of a school district and a township involving a catastrophic claim and the placement of a jersey barrier under Pennsylvania's Political Subdivision Tort Claims Act.
- Obtained summary judgment on behalf of a construction company pursuant to the statutory employer doctrine in relation to a job site injury of a subcontractor.
- Obtained summary judgment on behalf of a restaurant in relation to a premise liability matter concerning an employee of one of its affiliated companies.

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## Results

### **Defense Verdict Following Jury Trial in Slip and Fall Case in the Court of Common Pleas of Allegheny County.**

The plaintiff slipped in the lobby of a commercial building and claimed a serious and

ongoing injury to her right shoulder. She alleged she fell due to a wet floor caused by the facilities management's cleaning process and the lack of sufficient visible wet floor caution signs. The plaintiff underwent two surgeries, claimed ongoing pain and suffering, and sought \$500,000 prior to trial.

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#### **Defense Verdict Secured in Slip-and-Fall Jury Trial**

We obtained a defense verdict following a three-day jury trial in a slip-and-fall injury case in the Court of Common Pleas of Allegheny County. The plaintiff slipped in the allegedly wet lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. Problematic for our case was the lack of a surveillance video of the incident, photographs of the lobby contemporaneous to the incident, or an incident report. Despite this, we persuaded the jury to find for the defense by establishing a consistent and credible history of habitual practice in the placement of wet floor signs across the lobby in highly visible areas.

#### **Dismissal of Class Action Against a Retailer**

Our retail client faced a class action suit alleging claims it charged Pennsylvania state tax on face masks/coverings during the COVID-19 pandemic (when they were not subject to sales tax). The plaintiff on his own behalf and on behalf of the putative class alleged claims for violations of the Pennsylvania Unfair Trade Practices Consumer Protection Law and the Pennsylvania Fair Credit Extension Uniformity Act, as well as common law claims for unjust enrichment, fraud and misappropriation/conversion. The plaintiff claimed that face masks and coverings became exempt from Pennsylvania sales tax as of March 6, 2020, when the governor issued a Proclamation of Disaster Emergency. Prior to the Proclamation, non-medical face masks/coverings were subject to sales tax because they were classified as ornamental wear or clothing accessories. The court held that the plaintiff failed to state a claim for any of the causes of action alleged and held that amendment would be futile.