

Patricia A. Monahan

Shareholder

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Patricia concentrates her practice on insurance coverage, bad faith disputes and special insurance investigations. She regularly provides guidance to national and global insurance carriers concerning coverage issues and litigates coverage and bad faith claims brought against them.

Patricia routinely provides counsel and defense of issues arising from commercial, personal, specialty property and casualty policies, professional liability policies, health/life policies and workers' compensation policies. She has tried a wide range of bad faith lawsuits in both state and federal court and has substantial experience handling complex discovery issues presented in bad faith lawsuits. Patricia also focuses her practice on the investigation, defense and affirmative prosecution of fraudulent claims. She has extensive experience with cases involving medical provider fraud, claimant fraud, insurance claim inflation, staged accidents, application/rate evasion fraud, workers' compensation fraud and automobile thefts.

While a large portion of Patricia's practice is focused on insurance coverage, special insurance investigations and bad faith disputes, she also is experienced in employment law defending public entities and private employers from discrimination and retaliation claims, state whistleblower suits, and employment claims filed under Section 1983, such as those arising under the First and Fourteenth Amendments. She also has represented employers before the National Labor Relations Board, the Pennsylvania Human Relations Commission, the EEOC, various county courts of common pleas, Commonwealth Court of Pennsylvania, Superior Court of Pennsylvania, the United States District Court for the Western District of Pennsylvania, and the United States District Court of Appeals for the Third Circuit.

Further, Patricia's experience also includes the defense of claims for intentional torts, civil rights violations, and any claim that may fall under a public entity's errors and omissions policy, employment policy, or general liability policy. She has tried numerous civil rights

Practices

- Insurance Services – Coverage & Bad Faith Litigation
- Employment Law
- Public Entity & Civil Rights Litigation

cases to verdict, including claims arising out of police pursuits, false arrests, excessive use of force, denial of due process, and zoning matters.

In 1986, Patricia received a Bachelor of Science in Business Administration from the University of Florida, and in 1990, she achieved her *juris doctor* from the University of Pittsburgh. Throughout her legal career, Patricia has been an active trial lawyer and was elected as a shareholder with Marshall Dennehey in 1999. Her past experience also includes service in the role of solicitor to local municipalities. Patricia is a frequent speaker on employment and insurance coverage topics and has authored several articles for the firm's *Defense Digest*. She has received an AV® Preeminent™ rating by Martindale-Hubbell.

Education

- University of Pittsburgh School of Law (J.D., 1990)
- University of Florida (B.S., 1986)

Admissions

- Pennsylvania, 1990
- Supreme Court of the United States, 1999
- U.S. District Court Western District of Pennsylvania, 1990
- U.S. District Court Middle District of Pennsylvania, 2020
- U.S. District Court Eastern District of Pennsylvania, 2021
- U.S. Court of Appeals 3rd Circuit, 1994

Honors & Awards

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

Associations & Memberships

- Allegheny Bar Association
- American Bar Association
- Pennsylvania Bar Association

Classes/Seminars Taught

- *Defense Litigation: Key Concepts and Current Developments*, Marshall Dennehey Client Seminar, March 2026
- *Defense Perspectives: Bodily Injury and Bad Faith Claims*, Marshall Dennehey Client Seminar, April 2025
- *Handling UM/UIM Cases in Pennsylvania*, Marshall Dennehey Client Webinar, May, 2021
- *Employment Liability in the Cyber Age*, Marshall Dennehey / AIG Employment Seminar, Pittsburgh, PA, May 2, 2013
- Speaker on various topics including employment claims, civil rights litigation, federal practice and insurance bad faith

Published Works

- "Pa. Supreme Court Evaluates Constitutional Parameters of a Jury's Punitive Damage Award," *Pennsylvania Law Weekly*, October 3, 2023
- "I've Been Served With a Writ of Summons. Now What?," *Defense Digest*, December 2018, Vol. 24, No. 4
- "Defending Claims While Working Within the Tripartite Relationship," *The Legal Intelligencer*, Insurance Law Supplement, August 30, 2016
- "When is an Accident Not an Accident?" *Life, Health & Disability*, the newsletter of the DRI's Life, Health & Disability Committee, November 21, 2014
- "Pennsylvania Superior Court Is the First State Appellate Court To Address the Unfair Insurance Practices Act Protection for Victims of Abuse," *Defense Digest*, Vol. 19, No. 3, September 2013
- "Pennsylvania Superior Court Panel Has Found That an Insured's Conduct Is Not Subject to Scrutiny in a Subsequent Bad Faith Law Suit," *Defense Digest*, Vol. 17, No. 3, September 2011
- "Are Damages For Emotional Distress Recoverable In a Pennsylvania Bad Faith Lawsuit Even Though the Bad Faith Statute Does Not Provide For Such Damages?," *Defense Digest*, Vol. 16, No. 1, March 2010
- "Top Court Limits The Scope of a Public Employee's First Amendment Retaliation Claim," *Defense Digest*, Vol. 12, No. 3, September 2006
- "The First Amendment's Rising Popularity in Municipal Employment Litigation," *Defense Digest*, Vol. 10, No. 2, June 2004
- "Is Every Worker With a Physical Impairment Afforded Protection Under the ADA?," *Defense Digest*, Vol. 8, No. 1, March 2002
- "The Anatomy of a Civil Rights Malicious Prosecution Claim," Co-Author, *Defense Digest*, Vol. 8, No. 1, March 2002
- "Pennsylvania Supreme Court Limits Employment At-Will," *Defense Digest*, Vol. 5, No. 1, 1999

Significant Representative Matters

- Summary judgment granted for insurer in a claim for breach of contract and bad faith where the homeowner made a claim for vandalism when his tenant did not finish renovating the leased premises. The Court held that the damages were not "sudden and accidental" and that the policy exclusions for faulty workmanship and renovations were applicable as a matter of law.
- Defense verdict against an insurance carrier for breach of contract for denying a property loss claim and also obtained a \$30,000 judgment against the plaintiff under the Pennsylvania insurance fraud statute for submitting a fraudulent claim.
- Defense verdict for a major insurance carrier in a state court statutory bad faith lawsuit.
- Defense verdict for a Pennsylvania municipality against several police officers' claims for first amendment violations and age discrimination.
- Summary judgment obtained for a school district in an age discrimination and first amendment retaliation claim.
- Defense verdict for a Pennsylvania county against a former employee's claim that she was subjected to race discrimination, racial harassment, and retaliation.
- Summary judgment secured for employer law firm against a part-time attorney's claim that she was discriminated against, subjected to hostile work environment, and

retaliated against based on her status as a working mother.

- Defense verdict for insurance carrier in a bad faith trial arising out of the carrier's coverage position taken on an automobile stacking issue.
- Successfully defended insurance broker in a claim for alleged negligence in failing to cancel a policy binder.
- Defense verdict for municipal employer against a former employee's claim that he was terminated in violation of the state whistleblower law.
- Defense verdict for municipality whose snowplow hit an oncoming vehicle head-on against claim for personal injuries of vehicle occupant.
- Summary judgment secured for municipal employer against first amendment claims of several police officers claiming to have been defamed and subjected to a retaliatory investigation.
- Summary judgment secured for Pennsylvania school district against former school board secretary's claim that she was terminated in violation of her first amendment rights and state whistleblower law.
- Summary judgment secured for publicly traded company against former employee's claim that the company unevenly applied sales quotas to older workers, resulting in dismissal of the employee

Representative Cases

- *Creasy v. Slippery Rock Area School District*, 2013 U.S. Dist. LEXIS 80523
- *Whitesell v. Dobson Communications*, 102 Fair Empl. Prac. Cas. (BNA), aff'd 2009 LEXIS 25791 (U.S. App.)
- *Diede v. City of McKeesport*, 654 F. Supp. 2d 363 (W.D. Pa. 2009)
- *Moore v. Darlington Township*, 690 F. Supp. 2d 378 (W.D. Pa. 2009)
- *Borough of West Mifflin v. Lancaster*, 45 F.3d 780 (1995)
- *Heller v. Fulare*, 454 F. 3d 174 (3d Cir. 2006)
- *Keefer v. Durkos*, 2006 US Dist LEXIS 68519 *Loughren v. USAA*, 909 A.2d 896 (Pa. Super. 2006)
- *Loughren v. USAA*, 909 A.2d 896 (Pa. Super. 2006)

Results

Successful Appeal of Summary Judgment in Favor of Insurer

We successfully appealed a summary judgment in favor of an insurance client that had been sued by another insurance carrier for more than \$1.6 million in damages arising out of a fire loss to an insured auto repair facility. The opposing insurance company had paid \$1.6 million in damages and intended to pursue a product liability claim against a vehicle manufacturer, alleging a defectively manufactured vehicle had caused the fire. Our client insured the vehicle that was allegedly defective. After the insurance companies conducted a preliminary expert evaluation, the vehicle was destroyed by a salvage yard in the normal course of business. A claim was made against our client for promissory estoppel where it was alleged the vehicle was destroyed despite a promise to preserve. The Pennsylvania Superior Court affirmed the Court of Common Pleas of Erie County's rejection of the claims against our client and agreed with our contention that the promissory estoppel claim was a disguised claim for negligent spoliation, which the

Supreme Court of Pennsylvania does not recognize.

School District Prevails in Busing Dispute

We successfully defended a public school district that had been sued in federal court for not providing busing to charter schools within its district. The charter schools sought a temporary restraining order and a preliminary injunction to prevent the district from prioritizing busing to students attending traditional schools over those attending charter schools. The court agreed that the district was fairly maximizing its bus driver resources to service the most students possible.

Promissory Estoppel Claim Does Not Survive Summary Judgment

We obtained summary judgment for an insurance carrier client that had been sued by another insurance carrier for more than \$1.6M in damages arising out of a fire loss. The opposing insurance company had paid \$1.6M in damages and intended to pursue a product liability claim against a vehicle manufacturer, alleging that a defectively manufactured vehicle had caused the fire to an auto repair facility. Our client insured the vehicle that was allegedly defective. After the insurance companies conducted a preliminary expert evaluation, the vehicle was destroyed by a salvage yard in the normal course of business. A claim was made against our client for promissory estoppel where it was alleged that the vehicle was destroyed despite a promise to preserve. The Court of Common Pleas of Erie County rejected the claims against our client and agreed with our defense that the promissory estoppel claim was a disguised claim for negligent spoliation, which the Supreme Court of Pennsylvania does not recognize. Moreover, assuming such a cause of action could withstand summary judgment, the damages claimed were speculative in that without the vehicle it could never be proven that a manufacturing defect within the vehicle had caused the fire. Although the \$1.6M damages were established, whether the insurance company could prove causation of damages was speculative and the promissory estoppel claim could not survive summary judgment.

Pension rights action dismissed.

We successfully handled a pension rights action before the Commonwealth Court on behalf of a municipality. A police chief in small municipality alleged that a scrivener's error in his employment contract erroneously referencing Act 600 entitled him to an Act 600 pension plan upon retirement when his existing pension plan had been organized many years pursuant to Act 15. The police chief had never contributed to an Act 600 pension plan, which would have provided for much higher benefits and for which the municipality had no funds set aside to pay because it had never established an Act 600 plan. The Commonwealth Court held that the police chief's pension rights existed only under Act 15 because the municipal pension ordinance was established under Act 15, not Act 600. Pennsylvania law requires an ordinance to establish pension rights. Pension rights cannot be conferred only by agreement, without an ordinance. This decision was very important to the municipality we represented, and the opinion affirms well-established law that a municipality cannot contract for benefits if there is no enabling law for the benefits.

Thought Leadership

September 28, 2023

Pa. Supreme Court Evaluates Constitutional Parameters of a Jury's Punitive Damage Award

January 17, 2023

Pennsylvania Superior Court Addresses Stacking Waivers in Single Vehicle Policies

October 25, 2021

Pennsylvania Superior Court Strikes Down the Regular Use Exclusion

March 19, 2021

The Third Circuit Confirms that Gallagher Does Not Eradicate All Household Exclusions