

# Seth J. Schwartz

Chair, Construction Injury Practice

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A shareholder in the firm's Casualty Department and recipient of Martindale-Hubbell's highest AV® Preeminent™ rating, Seth represents construction companies and contractors, trucking companies, bars, commercial property owners and managers, and amusement parks and insurers throughout Pennsylvania. His practice focuses on high-exposure matters involving catastrophic injury or death in the areas of construction accidents and defects, trucking, liquor liability, premises liability, and sports and amusement. An accomplished trial lawyer, Seth has tried numerous jury cases in Philadelphia and across eastern Pennsylvania, securing multiple defense verdicts.

Prior to joining Marshall Dennehey, Seth was a staff trial attorney for seven years at Nationwide Insurance. He handled general defense litigation including automobile liability, construction matters, and premises liability. Before joining Nationwide Insurance, Seth entered private practice at a small civil litigation firm in Philadelphia, where he handled a range of civil litigation from premises liability to complex product liability matters.

Seth was appointed to judge pro tem for the Philadelphia Court of Common Pleas and to the Investigative Division of the Philadelphia Bar Association's Commission on Judicial Selection and Retention.

Seth graduated from Temple University School of Law in 1992. He attended college at The American University where he graduated in 1988 with honors.

## Education

- Temple University Beasley School of Law (J.D., 1992)
- American University (B.S.B.A., *cum laude*, 1988)

## Admissions

## Practices

- Construction Injury Litigation
- Architectural, Engineering & Construction Defect Litigation
- Trucking & Transportation Liability
- Hospitality & Liquor Liability
- Premises & Retail Liability
- General Liability
- Amusements, Sports & Recreation Liability

- Pennsylvania, 1992
- U.S. District Court Eastern District of Pennsylvania, 1994

## Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- BTI Client Service All-Star (2024)

## Associations & Memberships

- Pennsylvania Bar Association

## Classes/Seminars Taught

- *An Overview of Construction Defect Litigation in Pennsylvania*, Nationwide Insurance Company, December 16, 2014
- *Commercial Defense Practice in New York, New Jersey & Pennsylvania*, Nationwide Insurance Company, December 5, 2014
- *Commercial Defense Practice in New Jersey and Pennsylvania*, Nationwide Insurance Company, December 2013
- *Brief Overview of Pennsylvania Contractual Indemnity and Additional Insured Issues*, Nationwide insurance Company, April 2012
- Numerous presentations to property managers and insurance companies regarding effective claims handling and tender issues
- Pennsylvania Amusement Park Association Annual Conference, 2007

## Significant Representative Matters

- Defense jury verdict in premises liability matter. Seth was the only defense attorney and Plaintiff had two lawyers during trial. Plaintiff argued spoliation of evidence, had back surgery and "boarded" over seven figures in damages. Seth developed inconsistencies during the cross examination of Plaintiff's witnesses, and argued that Plaintiff failed to meet his burden of proof.
- Defense jury verdict in premises liability matter. Seth again was the only defense attorney and Plaintiff had two lawyers during trial. Plaintiff argued that the defendant failed to preserve evidence. It is also noted that the defendant had witness issues with a former employee. Plaintiff was a grandfatherly gentlemen claiming a serious a hip injury. Seth introduced evidence that there were gaps in Plaintiff's story, and during Seth's cross examination of Plaintiff's liability expert, the expert admitted that he did not have his entire file, although he initially told the jury he did; and, he acknowledged that the Defendant was compliant with a different set of industry regulations which he omitted to discuss during direct examination.
- Defense jury verdict in automobile rear-end collision with negligence stipulation involving surgery and significant wage loss claim. Negligence was admitted to the jury. Significant credibility issues developed during the case, including Plaintiff's vocational expert admitting in front of the jury of failing to produce all discoverable documents. After hearing the evidence, jury returned a defense verdict, although negligence was admitted.
- Defense jury verdict in rear-end motor vehicle accident case. Negligence was admitted. Plaintiff alleged surgery and a significant vocational claim. Numerous inconsistencies were developed during trial involving the Plaintiff's reporting of the incident to the doctor. After deliberation, jury awarded a defense verdict.
- Defense jury verdict in rear-end collision with negligence stipulation involving two

personal injury claims of multiple herniations and permanency. During trial, evidence was developed which revealed that Plaintiffs provided varying medical histories to different doctors. After hearing the evidence, jury returned a defense verdict.

- Defense jury verdict in premises liability case whereby the plaintiff, a pizza delivery person, allegedly fell on ice while delivering a pizza. During trial Plaintiff admitted on cross examination to observing alternative pathways and that he did not maintain a vigilant look out. The jury returned a defense verdict in favor of the homeowners.

## Pro Bono

- Christian Legal Clinics of Philadelphia
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## Results

### **Consolidated Cases Successfully Transferred to Correct Venue**

We successfully transferred two consolidated cases involving alleged falls by construction workers from Philadelphia to Cumberland County. Our clients were located in Lancaster County, and the only codefendant was located in Philadelphia County. We filed preliminary objections as to venue, arguing that the codefendant was a “phantom” defendant named to obtain venue in Philadelphia County. The court was convinced by our arguments. This ruling cuts against the current trend of giving broad deference to plaintiffs on venue issues.

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## Thought Leadership

December 1, 2023

**On the Pulse...Construction Injury Litigation Practice Group**