

Stuart H. Sostmann

Office Managing Attorney

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With over two decades of experience as a litigator, Stuart concentrates his practice in the area of commercial general liability. He routinely handles high exposure matters in the fields of product liability, premises liability, auto liability, construction litigation, marine liability, dram shop and commercial litigation. This includes cases involving personal injuries and property damage claims.

As the Managing Attorney of the firm's third-largest office, Stuart oversees the daily operations, including the supervision of 75 employees. In addition to his managerial duties, Stuart serves as the Casualty Supervisor, where he ensures that all client matters are handled promptly, professionally, and effectively by the team of attorneys.

In his career, Stuart has represented manufacturers, suppliers and retailers in product liability matters, including electronics, medical equipment, food products, appliances, farm equipment, plumbing equipment, power tools, toys and sports and recreational equipment. He frequently represents property owners, retailers, pharmacies, general contractors, subcontractors and utilities in premises liability litigation. He has tried numerous cases to verdict in counties throughout Western Pennsylvania.

A significant portion of Stuart's practice has been devoted to construction litigation. These cases are highly complex and require deep industry knowledge and experience. Stuart has handled a wide range of construction injury and defect cases, representing contractors, subcontractors, material suppliers, engineers, architects, and other construction professionals throughout Pennsylvania. His experience includes defending against claims involving construction defects such as water intrusion from faulty roofing or window and door seals, cracked foundations or improper waterproofing, structural and design issues, mold intrusion, drywall defects, and soil subsidence, heaving, or movement.

Stuart attended the University of Pittsburgh graduating with a B.A. in Political Science.

Practices

- Construction Injury Litigation
- Product Liability
- First-Party Property
- Automobile Liability
- Architectural, Engineering & Construction Defect Litigation
- Hospitality & Liquor Liability
- Commercial Litigation
- Premises & Retail Liability
- Catastrophic Claims Litigation
- Environmental & Toxic Tort Litigation
- General Liability

He then attended the University of Pittsburgh School of Law where he participated in the Appellate Moot Court Program, Student Bar Association and the Health Law Certificate Program. He obtained his *juris doctor* from the University of Pittsburgh School of Law.

Stuart currently serves on the Marshall Dennehey Diversity, Equity and Inclusion Committee working to improve the recruitment, retention and advancement of diverse attorneys and professionals. He is the former President of the Pennsylvania Defense Institute, an organization of civil defense attorneys, executives of insurance companies and self-insured corporations. Stuart is also a member of the Allegheny County Bar Association and the Academy of Trial Lawyers of Allegheny County. Among his many honors, he is Rated AV® Preeminent™ by LexisNexis Martindale-Hubbell and is recognized among the Best Lawyers in America for his work in product liability litigation. Stuart is additionally recognized as Pennsylvania Super Lawyer.

Education

- University of Pittsburgh School of Law (J.D., 1999)
- University of Pittsburgh (B.A., *cum laude*, 1996)

Admissions

- Pennsylvania, 1999
- Supreme Court of the United States, 2023

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, "Lawyer of the Year," Pittsburgh, Product Liability Litigation – Defendants (2026)
- The Best Lawyers in America®, Product Liability Litigation - Defendants (2022-2027)
- Pennsylvania Super Lawyers (2018-2022; 2025-2026)

Associations & Memberships

- Allegheny County Bar Association
- American Bar Association
- Pennsylvania Defense Institute, President 2022-2023; Executive VP of Operations 2021-2022; Executive VP of Programming 2020-2021

Classes/Seminars Taught

- *AI in the Legal Profession*, Marshall Dennehey Client Presentation, September 2024
- *Civil Litigation State of Affairs – The Impact of COVID-19 in Pennsylvania and New Jersey & What's Next*, Marshall Dennehey Client Webinar, May, 2021
- *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
- *Brief Overview of Pennsylvania Contractual Indemnity and Additional Insured Issues*, Nationwide Insurance Company, April 2012

- *Discoverability and Proper Use of Claim Notes*, Berkley Mid-Atlantic, October 2011

Published Works

- "Yes! Waivers of Liability for Recreational Activities Are Still Effective in Pennsylvania," *Defense Digest*, Vol. 23, No. 1, March 2017
- "Timing Is Everything, Even for Bad Faith Claims," *Defense Digest*, Vol. 6, No. 1, February 2000

Media Commentary

- "How I Made Office Managing Partner: 'Stay True to Yourself, and Things Will Work Out to Your Benefit,' Says Stuart Sostmann of Marshall Dennehey," *Law.com*, January 3, 2025

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.
- Successfully argued a precedent-setting case in the Pennsylvania Superior Court where a waiver of subrogation clause in a construction contract was applied to building damages caused by a windstorm three years after the project was completed.
- Successfully defended a product installer at trial in a single vehicle accident, where the placement of the product in the vehicle was claimed to be the cause of the crash at high speed. A defense verdict was obtained after a 5 day jury trial where the demand was \$800,000 prior to trial.

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,

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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.

Marshall Dennehey Successfully Represents Client in Multi-Million Dollar Chemical Spill Case

In a lawsuit seeking \$279 million in alleged property damages, Marshall Dennehey attorneys successfully defended their client, a subcontractor of a railroad repair shop, against any and all liability.

The case involved the August 2016 rupture of a railroad tank car containing 178,000 lbs. of liquefied chlorine at the plaintiff’s chlorine manufacturing plant in West Virginia. The tank car had recently been returned to the plaintiff after undergoing extensive repairs in the spring of 2016. The chemical producer-plaintiff filed suit against three parties as a result of the chlorine release: its fleet maintenance manager, the railcar repair shop that performed the 2016 repairs to the tank car and our client, a subcontractor of the railroad repair shop involved in the aspect of the repairs which the plaintiff claimed were performed negligently.

At the time of the 2016 repairs, the tank car was 37 years old and had several characteristics associated with it that were known in the railroad industry to cause cracks in the tank’s shell. It was undisputed at trial that there was a small, pre-existing crack in the tank shell prior to the 2016 repairs at issue, and that, but-for this pre-existing crack, the tank car would not have ruptured in August of 2016, which was the first time the tank car was loaded with chlorine since the repairs were completed. Allegations of comparative negligence were asserted by all of the defendants against the plaintiff for its

decision to repair, rather than scrap, the tank car in 2016.

During trial, the plaintiff asserted it was entitled to \$278 million in replacement-value property damage associated with alleged damage to its equipment at its 500-acre chlorine manufacturing plant. The plaintiff requested, and the trial judge granted, a jury instruction providing that the jury could award replacement value damages. The nearly six-week trial encompassed over 30 witnesses and 10 expert witnesses. After deliberations, the jury awarded only \$12.8 million in damages, assessing the railcar repair shop with 40% of liability, the plaintiff's fleet maintenance manager with 20% of liability, and the plaintiff itself with the remaining 40% of liability. No liability was assessed to our client.

Thought Leadership

January 3, 2025

How I Made Office Managing Attorney: 'Stay True to Yourself, and Things Will Work Out to Your Benefit,' Says Stuart Sostmann of Marshall Dennehey

December 1, 2023

On the Pulse...Construction Injury Litigation Practice Group