

JOHN P. GONZALES

CO-CHAIR, PUBLIC ENTITY & CIVIL RIGHTS LITIGATION PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Employment Law
Public Entity & Civil Rights Litigation
School Leaders' Liability

CONTACT INFO

(215) 575-2871
JPGonzales@mdwgc.com

2000 Market Street, Suite 2300
Philadelphia, PA 19103

ADMISSIONS

Pennsylvania
1994

U.S. District Court Eastern District
of Pennsylvania
1994

U.S. District Court Middle District
of Pennsylvania
2000

U.S. Court of Appeals 3rd Circuit
2006

EDUCATION

Temple University School of Law
(J.D., 1993)

University of Scranton (B.A., 1989;
M.A. 1989)

HONORS & AWARDS

AV® Preeminent™ by Martindale-
Hubbell®

The Best Lawyers in America®,
Employment Law – Management
2024-2025

Pennsylvania Super Lawyers
2019-2020, 2023-2024

OVERVIEW

John is a shareholder in the Philadelphia office of Marshall Dennehey and serves as Co-Chair of the Public Entity & Civil Rights Litigation Practice Group. He practices in the areas of civil rights, municipal liability, school claims and employment law.

John has represented police officers and public officials in state and federal court in all aspects of civil rights litigation including claims involving use of force, wrongful arrest and land use. In addition, John has represented public and private employers in wrongful discharge, employment discrimination and defamation claims from administrative proceedings through trial. John has tried dozens of cases in state and federal courts and argued cases before the Third Circuit Court of Appeals.

In addition to his trial work, John has presented numerous seminars to police departments, law firms and government agencies in the areas of police practices, civil rights issues and municipal liability. He has consulted with police departments concerning the development of policies and procedures and provided advice and guidance to employers concerning employment-related matters.

John received his *juris doctor* from Temple University School of Law, where he was a member of the Moot Court Honor Society, and graduated from the University of Scranton with a Bachelor of Arts in history and philosophy and a Master of Arts in history. He is admitted to practice in Pennsylvania and the U.S. District Courts for the Eastern and Middle Districts of Pennsylvania and the Third Circuit Court of Appeals.

THOUGHT LEADERSHIP

Marshall Dennehey Announces 2024 Pennsylvania Super Lawyers and Rising Stars

May 17, 2024

Twenty-eight attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2024 edition of Pennsylvania Super Lawyers magazine.

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ASSOCIATIONS & MEMBERSHIPS

Montgomery County Bar Association

Pennsylvania Bar Association

YEAR JOINED

1994

CLASSES/SEMINARS TAUGHT

Workers' Compensation Winter Roundup, Graham Company webinar, December 15, 2020

Understanding the Debate with the ADA, FMLA and Workers' Compensation, Marshall Dennehey webinar, October 27, 2020

Mitigating the Risk of Workplace Bullying, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019

Local Government Immunity in Pennsylvania, Client Seminar, October 2018

Deal or No Deal - Improving Your Negotiating Strategy, Philadelphia Law Department, August 2018

Legal Updates for Law Enforcement, Pennsylvania Chiefs of Police Association's Centennial Training Education Conference, July 14, 2014

Managing a Maturing Workforce: The Legal Perspective, Delaware Valley Trust, June 2014

Social Media & Cyber Breaches: the Internet's Impact on Your Business, The Graham Company, co-presenter, May 2014

Navigating The Bermuda Triangle: The Intersection of Workers' Compensation, FMLA and ADA, Roadmap to Success - Understanding Workers' Compensation, Marshall Dennehey seminar, October 24, 2013

Hot Topics in Employment, Marshall Dennehey / AIG Seminar, Philadelphia, PA, October 10, 2013

Land Use Litigation and Liability Issues for Local Government, Delaware Founders Insurance Trust, September 2011

Land Use Civil Rights and Avoiding Liability video and webinar, Delaware Valley Insurance Trust, 2009

Police Liability Seminar, Delaware Valley Insurance Trust, November 2007

Law Enforcement Seminar - Use of Force Issues, Dauphin County, 2006

Train the Trainers Program, Municipal Police Officer Education and Training Commission, November 2005

Use of Force in Pennsylvania, Lorman Education Services, CLE, February 4, 2005

Use of Force in Pennsylvania, Lorman Education Services, CLE, February 6, 2004

Tort Claims Act, Delaware Valley Insurance Trust, March 2004

Civil Rights Liability, Delaware Valley Insurance Trust, March 2004

PUBLISHED WORKS

"Pennsylvania's Emergence Code: An Additional Level of Protection for Municipalities and Their Employees Performing Emergency Services," *Defense Digest*, Vol. 6, No. 2, April 2000

Co-author, "Sex-Based Shift Assignments: Employers May Use Common Sense," *Defense Digest*, Vol. 2, No. 7, 1996

Co-author, "Employment Discrimination Claims: Arbitration Under Collective Bargaining Clauses," *Defense Digest*, Vol. 2, No. 6, 1996

Co-author, "Third Circuit Takes Pennsylvania Beyond 402(A)," *Defense Digest*, Winter, 1994

RESULTS

Summary Judgment Obtained in a Section 1983 Malicious Prosecution Case

Public Entity & Civil Rights Litigation
February 12, 2025

We obtained summary judgment on behalf of several Philadelphia narcotics police officers in a Section 1983 malicious prosecution and fabrication of evidence lawsuit. The U.S. District Court for the Eastern District of Pennsylvania dismissed the case, with prejudice, finding the record was barren of any fabricated evidence by any of the defendant officers that was ever used in or influenced any criminal proceeding against the plaintiff, the officers possessed probable cause to charge the plaintiff, and the plaintiff tendered no evidence of an underlying constitutional violation.

Summary Judgment Secured in a Section 1983 Substantive Due Process Case

Public Entity & Civil Rights Litigation
December 23, 2024

We obtained summary judgment in a Section 1983 substantive due process claim involving a Philadelphia police officer. The officer had taken a photo of the plaintiff's son after he attempted suicide by jumping off a bridge, and the photo was later circulated on social media. The plaintiff alleged that circulation of the photo violated her substantive due process privacy rights, and she also asserted a claim for intentional infliction of emotional distress. One week before trial began, the Honorable Mark Kearney, U.S.

Defense Verdict Received in Title VII/Section 1983 Sexual Harassment Case

Public Entity & Civil Rights Litigation
May 9, 2024

We obtained a defense verdict in a Title VII/Section 1983 sexual harassment case. This claim was filed against a City in Pennsylvania and was heard in the U.S. District Court for the Eastern District of Pennsylvania. The plaintiff alleged that she was subjected to a hostile work environment by a City official, and that the City failed to take appropriate remedial measures. The jury concluded that the plaintiff failed to prove that she was sexually harassed after deliberating for just over an hour.

Defense Verdict Secured in Section 1983 Malicious Prosecution Trial

Public Entity & Civil Rights Litigation
September 15, 2023

We secured a defense verdict in a Section 1983 malicious prosecution trial in the U.S. District Court for the Eastern District of Pennsylvania. The plaintiff alleged that our client's law enforcement officers falsified evidence and testimony in order to maliciously prosecute him for conspiracy for engaging in the illegal sale of narcotics. We successfully contended that the former narcotics detective, who corroborated the plaintiff's complaint, was lying, and called various members of our client's narcotics unit to testify about the facts of the investigation.

Defense verdict in Pennsylvania Whistleblower Law trial.

Public Entity & Civil Rights Litigation
December 1, 2022

The plaintiff alleged she had been removed from her position as the Township Building Code Official and demoted to a lesser position in retaliation for testifying before a grand jury investigating allegations of misconduct involving a mixed-use apartment complex being developed within the Township.

SIGNIFICANT REPRESENTATIVE MATTERS

Defense verdict for local police department in case involving false arrest and malicious prosecution arising out of the misidentification of a suspect in a police lineup.

Defense verdict for county employer in case involving Title VII Sex Discrimination in the termination of a county court reporter.

Defense verdict for county employer in case involving allegations of sexual harassment and hostile work environment at a county prison.

Defense verdict for local police department in case involving allegations of false arrest and excessive force arising out of the arrest of a suspect who allegedly assaulted a police officer during a traffic incident.

Successful defense of a local police department in the district court and then on appeal to the Third Circuit in case involving allegations of excessive force in the death of a suspect who was alleged to have died while in custody from compression asphyxia.

Successful defense of a local municipality in the district court and then on appeal to the Third Circuit in case involving a land use civil rights claim that a developer's substantive due process rights were violated in the context of zoning and land use decisions by a Board of Supervisors.

Defense verdict for county employer in case involving claims of first amendment retaliation by a former deputy chief probation officer.

Defense verdict for local police officers accused of wrongfully arresting a husband in a domestic dispute.

Defense verdict for township detective accused of racial discrimination and conspiracy by an African American police officer in a failure to hire case.