

DAVID S. WOLF

OF COUNSEL



AREAS OF PRACTICE

General Liability
Product Liability
Automobile Liability
Trucking & Transportation Liability

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2000 Market Street, Suite 2300
Philadelphia, PA 19103

ADMISSIONS

Pennsylvania
1981

U.S. District Court Eastern District
of Pennsylvania
1982

U.S. Court of Appeals 3rd Circuit
1983

EDUCATION

Villanova University School of Law
(J.D., 1981)

Dickinson College (B.A., magna
cum laude, 1978)

HONORS & AWARDS

Pennsylvania Super Lawyers
2017-2020

OVERVIEW

As an attorney in the firm's Casualty Department, David primarily litigates premises liability matters for a wide spectrum of clients, from large commercial enterprises to individuals. David handles a wide variety of cases, including slip and falls, retail store accidents, assault cases, product liability, dog bites, indemnity claims, dram shop/liquor liability cases, trucking and transportation, and automobile accidents, including UM/UIM claims. David also serves as arbitrator and Judge Pro Tem for the Philadelphia Court of Common Pleas and the Federal Court for the Eastern District of Pennsylvania.

A trial attorney for more than 30 years, David has tried a large number of cases before juries and arbitrators in both the state and federal courts. Prior to joining Marshall Dennehey, David worked for Liberty Mutual's field legal office in Philadelphia, handling general liability and workers' compensation matters. David rose through the ranks at Liberty Mutual to become an Attorney of Record and then managing attorney of the office, overseeing a sizeable staff of attorneys, paralegals and support staff for one of Liberty Mutual's largest in-house counsel operations in the country.

THOUGHT LEADERSHIP

Pennsylvania Supreme Court Expands Liability of Contractors for Completed Work – Even If a Defect Is Obvious

Philadelphia - Headquarters
General Liability
Construction Injury Litigation
Catastrophic Claims Litigation
September 1, 2023

Key Points: Defense Digest, Vol. 29, No.

Pennsylvania's Fair Share Act: Practical Pointers for Litigators

Philadelphia - Headquarters
General Liability
June 1, 2014

By Michael A. Salvati, Esq. and David S. Wolf, Esq.* Key Points: Defense Digest, Vol. 20, No. 2, June 2014

ASSOCIATIONS & MEMBERSHIPS

Defense Research Institute

Pennsylvania Bar Association

Pennsylvania Defense Institute,
Co-Chair, Civil Rules Committee,
2015-2016

Philadelphia Association of
Defense Counsel, President,
2016-17

Philadelphia Association of
Defense Counsel, President-Elect,
2015-2016

Philadelphia Association of
Defense Counsel, Vice President,
2014-2015

Philadelphia Association of
Defense Counsel, Treasurer,
2013-2014

Philadelphia Association of
Defense Counsel, Secretary,
2012-2013

Philadelphia Association of
Defense Counsel, Executive Board
Member, 2005-present

Philadelphia Bar Association,
State Civil Litigation Section

CLASSES/SEMINARS TAUGHT

Insights Into Civil Litigation Practices and Procedures in Pennsylvania's Venues, Liberty Mutual Insurance Company Personal Lines Unit, July 2017

Cross-Examining Your First Medical Expert, Philadelphia Association of Defense Counsel's Young Lawyer's Program in April, 2016

Insights Into Civil Litigation Practices and Procedures in Pennsylvania's Venues, Liberty Mutual Insurance Company Personal Lines Unit, April 2015

Litigation Pointers for Defending the Supermarket Slip and Fall Case, Liberty Mutual Insurance, February 2015

Served on Pennsylvania Bar Institute faculty in 2013 for presentations concerning the Pennsylvania Fair Share Act and its effect on civil litigation from the defense perspective

Attorney Development Program, Liberty Mutual

Conflicts of Interest and Medicare Set-Asides, Liberty Mutual CLE Programs

Presentations to Liberty Mutual claims groups on a variety of topics; including, internal litigation management protocols, the statute of repose in construction claims, wrongful death/survivor actions, dog bite cases, and topical discovery issues

PUBLISHED WORKS

"Pennsylvania Supreme Court Expands Liability of Contractors for Completed Work – Even If a Defect Is Obvious," *Defense Digest*, Vol. 29, No. 3, September 2023

"Appearances Do Matter," *The Philadelphia Lawyer*, Fall 2015

"Pennsylvania's Fair Share Act: Practical Pointers for Litigators," *Defense Digest*, Vol. 20, No. 2, June 2014, co-author

MEDIA COMMENTARY

"New Defense Bar Leader Eyes Growth, Lawmaking," *The Legal Intelligencer*, July 27, 2016 (my interview as new president of the Philadelphia Association of Defense Counsel)

"Attorneys Relieved After End of Raynor Sanction Row," *The Legal Intelligencer*, December 9, 2016

PRO BONO ACTIVITIES

Judge - LaSalle Mock Trial Invitation Program

RESULTS

Unanimous Precedential Decision Received by the Pennsylvania Superior Court

General Liability

Appellate Advocacy & Post-Trial Practice

October 30, 2023

We won a unanimous precedential decision that upheld the venue transfer of a significant case from Philadelphia to Butler County under the doctrine of forum *non conveniens*. The decision breaks a recent string of appellate reversals of venue transfers out of Philadelphia. The decision has been reported as creating the new standard that defendants must meet in order to secure a venue transfer based on forum *non conveniens*.

SIGNIFICANT REPRESENTATIVE MATTERS

Successfully defended a homeowner in a Philadelphia jury trial whose tenant - his daughter and family - had a pit bull that jumped a fence and mauled the elderly neighbor next door.

Granted a non-suit in a Philadelphia jury trial involving two adjacent homeowners whose shared common walkway was the location upon which the plaintiff tripped. We successfully argued that the alleged defect, a minimal height difference between the adjoining concrete surfaces, was trivial as a matter of law and barred a recovery by the injured plaintiff.

Represented appellant Turner Construction Company in a case in which the Pennsylvania Superior Court reversed the lower court in Turner's favor. The court permitted the late service of an indemnity cross-claim by Turner and re-affirmed the principle that an indemnity agreement was not enforceable against an employer of the plaintiff in a third party action unless the agreement specifically covered claims by employees. *Bianculli v. Turner Construction Co., et al.*, 433 Pa.Super. 237, 640 A.2d 461 (1994).

Represented a construction company alleged to have negligently dislodged a ceiling tile above the food court of a shopping mall, resulting in significant neurological injuries to a customer. The case resulted in a lengthy jury trial during which the co-defendant mall, faced with punitive damages exposure, settled with the plaintiff for a significant sum. The jury found that the client company was only a minor contributor to the accident.

Represented a leading package delivery and logistics services company in a case where their driver admitted to striking the plaintiff's vehicle. Despite this admission and proof that the plaintiff sustained a thoracic herniation, the jury returned a defense verdict for plaintiff's failure to prove a causal link between the accident and the injury.

Represented a large construction company in a jury trial in which it was alleged that a company truck crossed the center line of a roadway and forced the plaintiff motorcyclist to fall and sustain severe leg injuries. The jury returned a nominal award for the plaintiff after the defense countered the extent of pain and suffering through aggressive use of surveillance techniques.

Obtained a summary judgment in a home repair accident claim. The plaintiff was a subcontractor hired to perform window repairs at the client's house and fell off of a ladder upon descent, resulting in a leg fracture and internal fixation surgery. The plaintiff faulted the client homeowner, the only insured defendant, as being vicariously liable for the actions of the prime contractor, who plaintiff's expert characterized as the "owner's representative." David argued that the prime contractor remained independent, and there could not be vicarious liability for his alleged culpable conduct. The Court accepted the argument that the hiring of a contractor for home repair work does not establish an agency relationship in the absence of an explicit or implied understanding that such relationship existed.

Obtained defense trial and arbitration verdicts for a regional grocery store chain in store "slip and fall" accidents, emphasizing the store's "clean sweep" inspections policies and use of the notice defense.

REPRESENTATIVE CASES

Bianculli v. Turner Construction Company, 433 Pa.Super. 237, 640 A.2d 461 (1994)

Carpenter v. Radomski & Sons, Inc. (unpublished decision), 736 A.2d 2 (1998)

Commonwealth v. Berthesi, 350 Pa.Super. 383, 504 A.2d 891 (1986)