

## BENJAMIN M.H. GOSHKO

SHAREHOLDER



### AREAS OF PRACTICE

Construction Injury Litigation  
Trucking & Transportation Liability  
Product Liability  
Architectural, Engineering & Construction  
Defect Litigation  
General Liability

### CONTACT INFO

(215) 575-2717  
[BMGoshko@mdwvcg.com](mailto:BMGoshko@mdwvcg.com)

2000 Market Street, Suite 2300  
Philadelphia, PA 19103

### ADMISSIONS

Pennsylvania  
2009

U.S. District Court Eastern District  
of Pennsylvania  
2012

U.S. Supreme Court  
2014

New Jersey  
2018

U.S. District Court District of New  
Jersey  
2021

U.S. District Court Middle District  
of Pennsylvania  
2021

### OVERVIEW

Benjamin provides legal counsel across a wide range of industries including construction, trucking/transportation, product liability, and hospitality. He has successfully defended claims on behalf of construction contractors, product manufacturers, property owners, restaurants, and hotels in litigation involving fire losses, negligence, auto accidents, catastrophic injuries, and wrongful death. Regardless of complexity, Benjamin handles cases through every stage of litigation in state and federal court, from the taking and defending of depositions to trying matters to verdict. He understands the interests of his clients in the practical, prompt, and efficient resolution of claims.

Prior to joining Marshall Dennehey, Benjamin was an experienced litigator for an defense firm in Montgomery County, Pennsylvania, where he represented a broad range of clients in insurance defense and subrogation litigation. He served for many years as an arbiter with the Montgomery County Court of Common Pleas, as a pro bono PFA volunteer for the Bucks County Court, and as a member of the Inn of Court.

Benjamin graduated from Temple University Beasley School of Law where he served as senior articles editor for the International and Comparative Law Journal. He is licensed to practice law in state and federal courts in Pennsylvania, New Jersey and before the United States Supreme Court.

Outside of the office, Benjamin is an avid cyclist and history buff.

### EDUCATION

Temple University Beasley School  
of Law (J.D., 2009)

Temple University (B.A., summa  
cum laude, 2005)

---

## ASSOCIATIONS & MEMBERSHIPS

Insurance Society of Philadelphia

Montgomery County Bar Association

Montgomery County Inn of Court

---

## YEAR JOINED

2021

---

## PRO BONO

Christian Legal Clinics of Philadelphia

## THOUGHT LEADERSHIP

### Superior Court Holds, Seeking Relief in County Court in Alleged Breach of Contract Provides Venue in the Filing County.

Philadelphia - Headquarters  
General Liability  
October 1, 2024

This case concerned a breach of contract claim related to drilling rights between the parties on the defendant's property. Case Law Alerts, 4th Quarter, Octo

### Superior Court Limits Judicial Discretion on "Credible" Allegations of Venue

Philadelphia - Headquarters  
General Liability  
July 1, 2024

In this dental malpractice suit, the plaintiff claimed the defendant negligently performed a tooth implant procedure in Bucks County. The plaintiff filed suit in Philadelphia County on the grounds that the defendant operated a business at 5675 N. Case Law Alerts, 3rd Quarter, July

### Superior Court Rules that Claims Under Medical Marijuana Act Are Subject to Two-Year Statute of Limitations

Philadelphia - Headquarters  
General Liability  
July 1, 2024

This case concerned the plaintiff's claim that she was terminated from employment due to her status as a medical marijuana patient. She filed suit against her employer for termination in violation of the Medical Marijuana Act (MMA), 35 P.S. Case Law Alerts, 3rd Quarter, July

### Expert Testimony on Permanency of Respiratory Injury Requires Reference to Empirical Data

Philadelphia - Headquarters  
Product Liability  
General Liability  
April 1, 2024

This matter involved a plaintiff's claim that he developed reactive airway disease syndrome (RADS) from exposure to the fogging disinfectant HaloSpray.

### Methadone Clinic Owed No Duty to Jogger Killed by Negligently Treated Patient

Philadelphia - Headquarters  
General Liability  
April 1, 2024

The decedent plaintiff in this matter was struck and killed by a vehicle operated by Ramsay, a patient of the defendant, a methadone clinic.

## RESULTS

### Summary Judgment Obtained in a Case Involving a Fungal Infection Allegedly Contracted at a Hotel

#### **Premises & Retail Liability**

**June 14, 2024**

We secured summary judgment in Monroe County, Pennsylvania, where the plaintiff filed suit claiming he contracted a fungal infection from staying at the defendant's hotel. The plaintiff produced an expert microbiologist's report, in addition to his treating physician's records, in support of his claims. Summary judgment was sought on the grounds that the plaintiff's expert was not competent enough to identify a specific fungus from photographs of the hotel room and the treating physician's records were equivocal as to the cause of the plaintiff's infection.

### Consolidated Cases Successfully Transferred to Correct Venue

#### **Construction Injury Litigation**

**February 5, 2024**

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.

### Summary judgment in property litigation dispute over water and septic intrusions.

#### **Property Litigation**

**January 27, 2023**

The plaintiff alleged that his client and a neighboring property owner were responsible for water and septic intrusions onto the plaintiff's property. The three Bucks County properties formed a large triangle between two roads in Perkasio, Pennsylvania. The plaintiff's complaints against his neighbors went back over seven years. We argued the trespass onto the plaintiff's property was permanent in nature and was barred under the statute of limitations, and that the plaintiff's experts failed to establish the intrusion emanated from our client's property.

#### **SIGNIFICANT REPRESENTATIVE MATTERS**

Obtained summary judgment for his client in this Bucks County matter which alleged that his client and a neighboring property owner were responsible for water and septic intrusions onto Plaintiff's property. The three properties formed a large triangle between two roads in Perkasio, Pennsylvania and Plaintiff's complaints against his neighbors went back over seven years. Ben argued the trespass onto Plaintiff's property was permanent in nature and barred under the statute of limitations and that Plaintiff's expert's failure to establish the intrusion emanated from his client's property.