

## JOSEPH V. LESINSKI

SHAREHOLDER



### AREAS OF PRACTICE

General Liability  
Automobile Liability  
Product Liability  
Hospitality & Liquor Liability  
Construction Injury Litigation  
Commercial Litigation  
Trucking & Transportation Liability  
Premises & Retail Liability  
Catastrophic Claims Litigation

### CONTACT INFO

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Pittsburgh, PA 15219

### ADMISSIONS

Pennsylvania  
2012

U.S. District Court Western District  
of Pennsylvania  
2014

### EDUCATION

Saint Louis University School of  
Law (J.D., 2006)

University of Dayton (B.A., 2003)

### HONORS & AWARDS

AV® Preeminent™ by Martindale-  
Hubbell®

### ASSOCIATIONS & MEMBERSHIPS

Allegheny County Bar Association

Pennsylvania Bar Association

### YEAR JOINED

2012

### OVERVIEW

Joe is a shareholder in the Casualty Department and concentrates his practice in the defense of companies and individuals in complex civil litigation matters. In this capacity, he has successfully handled numerous complex product liability, premises liability, auto liability, trucking and transportation liability, dram shop and construction accident cases involving property damage, serious personal injury and death throughout the state and federal courts of Pennsylvania. He routinely defends manufacturers, suppliers and retailers of electronics, industrial equipment, food products, farm equipment, sports equipment and others.

Joe graduated from the University of Dayton in 2003 and earned his law degree from Saint Louis University School of Law in 2006.

### THOUGHT LEADERSHIP

#### Does the Fair Share Act Apply to Faultless Plaintiffs? A Defense Position In the Wake of Spencer v. Johnson

Pittsburgh  
General Liability  
December 1, 2021

#### Will COVID-19 Cases Successfully Challenge Employer Immunity from Civil Claims Under the Pennsylvania Workers' Compensation Act?

Pittsburgh  
General Liability  
Workers' Compensation  
April 1, 2020  
Defense Digest, Vol. 26, No.

## CLASSES/SEMINARS TAUGHT

*An Overview of Pennsylvania Law for Auto Law & Premises Claims*, Marshall Dennehey Virtual Client Presentation, February, 2021

*An Overview of Commercial Auto Insurance in Pennsylvania & Ohio*, Marshall Dennehey Client Presentation, January 26, 2021

*Jurisdictional Trends & The COVID-19 Impact on FL NY NJ & PA*, Marshall Dennehey Virtual Client Presentation, December, 2020

*Vagaries of Product Liability Laws in the Post-Tincher Time Period*, Client Seminar, May 2018

*Construction Defect Litigation: From A to Z*, National Business Institute, Pittsburgh, PA, April 2015

## PUBLISHED WORKS

"Does the Fair Share Act Apply to Faultless Plaintiffs? A Defense Position in the Wake of *Spencer v. Johnson*," CounterPoint, newsletter of the PA Defense Institute, December 2021.

## RESULTS

### Summary Judgment for Wellhead Manufacturer.

#### Product Liability

**May 11, 2018**

We obtained summary judgment on behalf of a wellhead manufacturer in a product liability matter pending in Western Pennsylvania. The plaintiff drill operator alleged a wellhead was defectively designed, causing oil and gas to escape during operation, which led to a fire at the well site. The plaintiff asserted economic losses in excess of \$1.4 million. We successfully argued that the plaintiff failed to elicit sufficient expert opinion to support the defect claim and also spoliated evidence in discarding the subject wellhead.

#### SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict in an automobile liability jury trial on behalf of an international oilfield services company and its employee. The employee was operating a semi-trailer truck while hauling 40,000 pounds of drilling equipment. The plaintiff alleged that she was rear-ended by the truck while attempting to merge onto the highway at a cloverleaf intersection. The plaintiff's passenger vehicle was pushed off the highway and rolled multiple times. Through the testimony of an accident reconstruction expert, Joe effectively established that the plaintiff had come to a complete stop on the side of the highway while attempting to merge and had pulled out in front of the truck just seconds prior to impact, obtaining a maximum speed of only 25 mph. The jury returned a verdict finding the plaintiff at fault for the accident.

Secured an insignificant damage award in a premises liability jury trial involving a large daycare facility. Plaintiffs, the parents of a minor child at the time of the incident, argued that the daycare was negligent in failing to provide adequate supervision of their child. The child, who was 4 months old at the time of the incident, was bitten on the face by an older child while the care provider momentarily left the room to obtain a stroller.

Obtained Summary Judgment on behalf of a well head manufacturer in a products liability matter. The plaintiff drill-operator alleged that the well head was defectively designed, causing oil and gas to escape during operation leading to a fire at the well site. Plaintiff asserted economic losses in excess of \$1,400,000. Joe successfully argued that plaintiff failed elicit sufficient expert opinion to support the defect claim and further spoliated evidence in discarding the subject well head.

Prevailed on preliminary objections in the nature of a demurrer in favor of the mother of a mentally ill individual who went on shooting spree at a national behavioral health care provider. The shooting incident resulted in one death and personal injuries to several others and received a great deal of media attention. Plaintiffs claimed the shooters mother should be liable because she "took charge" of her adult son and voluntarily assumed a duty to control him. Joe argued that the mother had no duty to control her adult son under Restatement (Second) of Torts Sections 319 and 324A. In a 26-page opinion dismissing all claims against the mother, the judge held that "tort law does not impose a duty on a parent of an adult child to control the conduct of that child so as to prevent the child from causing physical harm to another."

Obtained a defense verdict of behalf of the County of Beaver in a case involving an individual who was injured by fencing while playing softball. Joe effectively established the lack of any actionable defect.

