

## CAROL A. VANDERWOUDE

SHAREHOLDER



### AREAS OF PRACTICE

Appellate Advocacy & Post-Trial Practice  
Premises & Retail Liability  
General Liability  
Product Liability  
Environmental & Toxic Tort Litigation

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
2005

U.S. District Court Eastern District  
of Pennsylvania  
2005

### EDUCATION

California State University San  
Marcos (B.A., magna cum laude,  
1997)

Washington College of Law,  
American University (J.D., cum  
laude, 2001)

### ASSOCIATIONS & MEMBERSHIPS

Pennsylvania Bar Association

Philadelphia Bar Association

### YEAR JOINED

2005

### OVERVIEW

Carol is a member of the Appellate Advocacy and Post-Trial Practice Group in the Professional Liability Department. She focuses her practice on drafting concise, forceful briefs and delivering persuasive oral arguments in state and federal trial and appellate courts. Carol handles appeals across a wide range of subject areas which include, among others, products liability, toxic torts, medical malpractice, insurance coverage, civil rights, professional liability and premises liability. As part of her practice, Carol regularly handles emergency matters which arise throughout the course of litigation and assists trial counsel with development of legal strategies, preparation of pre-trial motions, trial briefs, and post-trial motions. She also performs appellate monitoring of high-exposure trials to assist trial counsel in preserving issues for appeal. This assistance includes handling and arguing legal issues before the trial court so trial counsel can focus on witnesses and the presentation of evidence.

In addition to her practice, Carol is actively involved in Pennsylvania defense organizations and informing members of the defense bar about notable legal developments. Currently, Carol serves as co-editor of Counterpoint, the well-regarded magazine of the Pennsylvania Defense Institute. She has also hosted statewide teleconferences of defense counsel regarding new legal developments.

Prior to joining Marshall Dennehey in 2005, Carol worked for five years as a staff attorney for the United States Court of Appeals for the Third Circuit where she drafted memoranda of law and opinions on a variety of subjects including civil rights, employment, bankruptcy, immigration, securities and tax law.

Carol graduated from California State University, San Marcos, *magna cum laude*, with a Bachelor of Arts in political science. She subsequently attended American University, Washington College of Law, where she obtained her *juris doctor, cum laude*, in 2001. While attending law school, Carol taught legal research and writing and served as a member of the *American University Law Review*.

## THOUGHT LEADERSHIP

### **Marshall Dennehey Named 2024 Litigation Department of the Year for Appellate Law By ALM's Pennsylvania Legal Awards**

Appellate Advocacy & Post-Trial Practice

March 15, 2024

Marshall Dennehey was awarded with the 2024 Litigation Department of the Year for Appellate Law by ALM's prestigious Pennsylvania Legal Awards.

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### **Legal Updates for Toxic Torts Litigation - March 2019**

**Philadelphia - Headquarters**

**Wilmington**

**Environmental & Toxic Tort Litigation**

**Asbestos & Mass Tort Litigation**

**March 19, 2019**

Edited by Timothy D. Rau, Esq. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

#### **PUBLISHED WORKS**

"Equipment Manufacturers Liable for Replacement Parts Under Maritime Law, SCOTUS Says," *Legal Updates for Toxic Torts Litigation*, March 19, 2019

"En Banc PA Superior Court Vacates \$14.5 Million Asbestos Verdict and Remands for New Trial," *Legal Updates for Toxic Torts Litigation*, January 2015

"Addressing Malfunction Theory for First Time in 20 Years: Pennsylvania Supreme Court Clarifies Burden of Proof in Product Liability Case Based Upon Malfunction Theory," *Defense Digest*, Vol. 16, No. 1, March 2010

## RESULTS

### Successfully Defended Appeal in Legal Malpractice Action

#### **Appellate Advocacy & Post-Trial Practice**

#### **Lawyers' Professional Liability**

**October 9, 2024**

We successfully defended on appeal the trial court's grant of compulsory nonsuit in a legal malpractice action following the trial court's rulings on various motions in limine. The trial court granted our clients' motions in limine to preclude the plaintiff from introducing into evidence that its attorney sued the wrong parties, that its attorney obtained an uncollectable judgment, and that the plaintiff would have prevailed in a lawsuit against other parties.

### Reversal Obtained in Pennsylvania Superior Court Regarding Denial of Objections to Venue

#### **Appellate Advocacy & Post-Trial Practice**

#### **Aviation & Complex Litigation**

**October 8, 2024**

We obtained a reversal in the Pennsylvania Superior Court of the trial court's denial of preliminary objections to venue. We successfully moved in the trial court for certification of the ruling pursuant to Pa.R.A.P. 311(b) so that an immediate appeal from the interlocutory ruling could be taken, and we subsequently prevailed on appeal. The litigation arose from a helicopter accident that occurred in Afghanistan. Both plaintiffs, husband and wife, resided in Arizona. Our client is a Delaware corporation located in Bucks County, Pennsylvania, that refurbished the helicopter.

### Defense Verdict Affirmed in Wrongful Death Case Involving COVID-19

#### **General Liability**

**September 21, 2023**

We successfully convinced the Pennsylvania Superior Court to affirm the trial court's decision to sustain preliminary objections and dismiss a wrongful death case involving allegation of negligent transmission of COVID-19. The plaintiff alleged that his elderly parents contracted COVID-19 from employees of our client who were providing non-medical, in-home care services, and that his parents ultimately died from the disease.

### Appellate Reversal in the Third Circuit Obtained in Fourth Amendment Civil Rights Case

#### **Public Entity & Civil Rights Litigation**

#### **Appellate Advocacy & Post-Trial Practice**

**July 20, 2023**

In a unanimous precedential opinion, the Third Circuit Court of Appeals agreed with our attorneys that a law enforcement officer's attempted arrest of the plaintiff did not constitute an unlawful seizure under the Fourth Amendment. Our client was instructed by a neighboring police department to hold a burglary suspect who was subject to a search warrant, but not an arrest warrant. After the officer tried to detain the suspect, he fled, and a fight ensued.

### Dismissal of claims against day care center.

#### **Social Services & Human Services Liability**

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

#### **Commercial Litigation**

**December 2, 2021**

We obtained dismissal via preliminary objections of all claims asserted against a day care center in a shooting case venued in Philadelphia. The case arose from the shooting death of a student's father. The shooter had been previously convicted of manslaughter and assault and was an employee of the day care center's long-time food service vendor. While the decedent was dropping off his youngest child at day care, he got into an argument with the shooter, who was on the premises delivering food.