

## LEO A. BOHANSKI

SHAREHOLDER



### AREAS OF PRACTICE

Automobile Liability  
Property Litigation  
Premises & Retail Liability  
General Liability  
Product Liability  
Amusements, Sports & Recreation Liability

### CONTACT INFO

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Moosic, PA 18507

### ADMISSIONS

Pennsylvania  
2004

New Jersey  
2007

U.S. District Court District of New  
Jersey  
2007

U.S. District Court Middle District  
of Pennsylvania  
2007

New York  
2017

### EDUCATION

Villanova University School of Law  
(J.D., 2003)

Pennsylvania State University  
(B.A., 2000)

### OVERVIEW

Leo is a member of the Casualty Department defending clients in civil actions in Pennsylvania and New York. The scope of his practice involves the defense of claims for personal injury for motor vehicle accidents for individuals, trucking companies and school bus companies. He represents insurance carriers for uninsured/underinsured motorist coverage claims and bad faith actions. He defends clients against construction defect claims, dram shop claims, products liability and premises liability for national retail businesses, malls, home owners' associations and large corporations. He also defends small businesses and large corporations in the American Arbitration Association (AAA) forum. He has significant experience handling complex economic damages cases involving the application of the various provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

In 2000, he graduated from the Pennsylvania State University with a Bachelor of Arts degree in International Politics with minors in Economics and French. He completed a legal internship for the Finance Department of the Office of the Corporation Counsel in Washington D.C. During his senior year, he studied abroad in France and received a Diploma of French Studies at the international school of Marc Bloch University of Strasbourg. All of his courses were taught solely in French that year.

In 2003, he received his juris doctor from the Villanova University School of Law and served a one-year term as a law clerk to the Honorable Peter J. O'Brien in the Court of Common Pleas of Monroe County.

He was born in Rio de Janeiro, Brazil and has spent the majority of his life in United States, while maintaining close ties to family and friends in Brazil.

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## HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

Best Lawyers in America®,  
Personal Injury Litigation –  
Defendants; Product Liability  
Litigation – Defendants  
2024

Pennsylvania Super Lawyer Rising  
Star, 2017

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## ASSOCIATIONS & MEMBERSHIPS

Lackawanna County Bar  
Association

Monroe County Bar Association

Pennsylvania Bar Association,  
Minority Bar Committee

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## YEAR JOINED

2004

## THOUGHT LEADERSHIP

### Is the Fair Share Act Still Fair in Pennsylvania?

Scranton

Automobile Liability

June 1, 2021

Defense Digest, Vol. 27, No.

### Marshall Dennehey Announces New Shareholders, Special Counsel

January 2, 2014

Marshall Dennehey announced today that 16 attorneys, nearly half of them women, were elected shareholders of the firm at the annual shareholders' meeting held December 9 in Philadelphia.

[Read More](#)

### High Court Puts Brakes on Delay Damages for UM Claims

Scranton

Automobile Liability

June 18, 2013

The Legal Intelligencer, June 18, 2013

### Insurer's Delight: A Reduction In Delay Damages for UM Cases

Scranton

Automobile Liability

March 1, 2013

By Leo A. Bohanski, Esq.\* Key Points: Defense Digest, Vol. 19, No. 1, March 2013

## CLASSES/SEMINARS TAUGHT

*Boardable and Recoverable Economic Damages*, Marshall Dennehey Client Seminars, April, 2018, March, 2018, February, 2017, January, 2017, December 2015, June 2015

*Boardable and Recoverable Economic Damages*, Marshall Dennehey CLE Seminar, April 2015

*Pennsylvania UM/UIM Law: 2014 Updates*, Safeco Insurance, December 2014

*Find It Free and Fast on the Net: Strategies for Legal Research on the Web and Metadata Issues*, National Business Institute CLE, April 17, 2013

## PUBLISHED WORKS

"Is the Fair Share Act Still Fair in Pennsylvania?," *Defense Digest*, June 2021, Vol. 27, No. 3

"High Court Puts Brakes on Delay Damages for UM Claims," *The Legal Intelligencer*, Litigation: Auto Law Special Section, June 18, 2013

"Insurer's Delight: A Reduction in Delay Damages for UM Cases," *Defense Digest*, 2013-03, Vol. 19, No. 1

"Exculpatory Disclaimers Still a Downhill Battle in Pennsylvania," *Defense Digest*, Vol. 13, No. 1, March, 2007

## RESULTS

### Summary judgment in a fire loss remediation claim.

#### **General Liability**

**August 24, 2020**

The plaintiff brought a breach of contract claim against the insurance carrier and the remediation repair company for damages sustained from an alleged faulty remediation effort, after a covered fire loss incident. The insurance carrier filed a motion for summary judgment, invoking the one-year suit limitation clause of the policy. The plaintiff responded by arguing the claim against the insurance carrier fell under Section I of the policy seeking the recovery of depreciation value.

### Defense Jury Verdict in Auto Liability Case.

#### **Automobile Liability**

**August 24, 2018**

Obtained a defense verdict in a jury trial in the Luzerne County Court of Common Pleas. The case involved a rear-end motor vehicle accident in which the plaintiff claimed he sustained a serious injury. The plaintiff underwent several years of treatment with a physiatrist, pain management specialists, physical therapists and a chiropractor. The jury found that the plaintiff did not sustain a serious impairment of a body function and awarded only \$5,000 for past and future medical expenses for the injuries conceded by the defense medical expert—a cervical and lumbar strain.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Obtained a non-suit in a trip and fall jury trial on behalf of a nationwide franchisee of a fast food restaurant. Plaintiff claimed insufficient lighting from the restaurant caused her to trip and fall over a curb. On cross examination, Plaintiff admitted to knowing the curb was present and that the photos used at trial all showed the curb. Her boyfriend also admitted to seeing the curb in the photos took for the purposes of "in case things got ugly" with litigation. The restaurant's incident report and ER records from a local hospital both failed to reference any complaint of insufficient lighting but instead noted that she misjudged the sidewalk. At the close of Plaintiff's case-in-chief, a Motion for Non-suit was asserted on behalf of the restaurant for Plaintiff's failure to present evidence of a dangerous condition that was necessary for their point for charge on liability. The Judge agreed and granted the Motion for Non-suit.

Obtained a defense verdict of no serious impairment of a body function with no recovery of economic damages in a rear-end motor vehicle accident case, where Plaintiff claimed that she sustained serious injuries to her cervical and lumbar spine. Her first year of treatment involved prescription medications from her primary care physician and 33 chiropractic treatment sessions. As her treatment was weaning down, she was involved in a more serious second motor vehicle accident that resulted in increased treatment to both her cervical and lumbar spine. Plaintiff's physiatrist opined that Plaintiff's ongoing cervical and lumbar pain was attributable to the first accident, and that the second accident was a minor exacerbation of her prior condition. Her expert boarded \$60,800.00 in future medical expenses. The jury determined that Plaintiff did not sustain a serious impairment of a body function and awarded \$0.00 for future medical expenses.

Obtained a defense verdict of no serious impairment of a body function, where Plaintiff aggressively treated with his physiatrist, pain management specialist and physical therapist for several years. Plaintiff boarded \$203,000.00 of past and future medical expenses and since our expert conceded a sprain injury, the jury awarded \$5,000.00 for past and future medical expenses.

Obtained a defense verdict of no serious impairment of a body function, where Plaintiff claimed serious injuries to his cervical and lumbar spine sustained from a motor vehicle accident. Plaintiff had the right-of-way with no stop sign and Defendant had a stop sign. The jury found Plaintiff 45% liable for speeding through the intersection and awarded the molded amount of \$8,250.00 for future medical expenses of the projected \$153,000.00 opined as reasonable and necessary by Plaintiff's medical expert.

Obtained a summary judgment in a 12-vehicle pile-up accident in dense fog on a major interstate highway involving a fatality and numerous claims for personal injuries and subrogation of property damages.

Obtained summary judgment in favor of the insurance carrier on a fire loss remediation claim imposing the suit limitations clause.

Obtained a summary judgment dismissing the bad faith count against a carrier and dismissing all claims for structural property damage, personal property damage, mold remediation and alternative living expenses on a large flood loss to the plaintiffs' residence. The only remaining claim involved a small roof damage claim.

Secured an award in an Underinsured Motorist arbitration that fell below the third-party tortfeasor credit of \$65,000, where the plaintiff claimed a cervical disc herniation at the level above the prior fusion surgery. Plaintiff's medical expert opined of the possible future fusion surgery at the herniated level and highlighted the great expense for recovery. In addition, the plaintiff sought wage loss and future earning capacity damages in excess of \$250,000. As a result, the UIM carrier was not required to make payment based upon the UIM arbitration award.

Obtained a defense judgment in a binding arbitration forum for a dog bite case involving a young teenager and a pit bull. The landlord defendants prevailed as the plaintiff could not establish sufficient evidence that the landlords both knew of the dog's presence on the property and that they had actual knowledge of the vicious propensities of the dog. All of the evidence presented by both sides proved that the dog was not vicious, and therefore, the plaintiff could not recover against the landlords.

Obtained a defense judgment in a binding arbitration forum for a trip and fall case, where the plaintiff sustained a fractured ankle that necessitated surgical intervention. The plaintiff had a large six-figure boardable economic claim. The evidence presented at the proceeding revealed that the plaintiff had no evidence of any actual or constructive knowledge of the allegedly defective condition of the stair tread that failed, as plaintiff descended the stairs.

