

## MICHAEL A. SALVATI

SHAREHOLDER



### AREAS OF PRACTICE

Premises & Retail Liability  
Product Liability  
Automobile Liability  
Property Litigation

### CONTACT INFO

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### ADMISSIONS

New Jersey  
2011

Pennsylvania  
2011

U.S. District Court District of New  
Jersey  
2012

U.S. District Court Eastern District  
of Pennsylvania  
2013

U.S. District Court Middle District  
of Pennsylvania  
2021

### EDUCATION

Villanova University School of Law  
(J.D., magna cum laude, 2011)

Villanova University (B.A., summa  
cum laude, 2008)

### OVERVIEW

A litigator and legal scholar, Michael provides streamlined solutions to his casualty clients' most complex litigation challenges. With a focus on product liability, premises liability, automobile and other personal injury claims, he provides counsel to manufacturers of consumer goods, regional and national retail chains, manufacturing facilities, restaurants/bars, commercial landowners, pharmacies and more. Michael has experience in all aspects of defense litigation, from initial claim investigation through discovery and trial. Michael has also assisted in the defense of class actions involving various subject matters, ranging from alleged product failures to data breach claims.

Michael prioritizes efficiency, achieving favorable outcomes, and ensuring the best possible results for his clients. By dissecting the key issues in litigation, he aims to avoid unnecessary complexities and legal disputes. He approaches every client matter strategically, by first assessing the case; identifying critical legal arguments; and creating a well-informed legal strategy.

An avid reader and life-long student, he keeps abreast of legal topics pertinent to his clients, so he can better understand the current legal landscape and how it may impact their cases. A prolific writer, he has published substantive articles in *The Pennsylvania Lawyer*, *The Legal Intelligencer* and *Law360*.

Michael's scholarship and devotion to the law has not gone unnoticed. In 2023, he was selected to serve a five-year term on the Supreme Court of Pennsylvania's Civil Jury Instruction Subcommittee, which drafts jury instructions used by trial judges throughout the Commonwealth of Pennsylvania.

Admitted to practice in both Pennsylvania and New Jersey, Michael is a member of the Pennsylvania, Philadelphia and New Jersey State Bar Associations. He is additionally a member of the Defense Research Institute where he has served as an editor for its *Product Liability Defenses*, a *State-by-State Compendium*.

Prior to joining the firm, Michael served as a judicial law clerk to the Honorable Timothy G. Farrell of the Superior Court of New Jersey. In that capacity, Michael managed the judge's dockets, drafted opinions and orders, and served as a mediator in Small Claims and Special Civil Part cases.

Michael earned his juris doctor at Villanova Law School, where he graduated in the top 10% of his class, was a member of the Order of the Coif, and served as an Associate Editor of the Villanova Law Review. He earned his bachelor's degree in history from Villanova University, where he graduated first in his class with a 4.0 GPA.

Michael resides in South Jersey with his wife and twin boys.

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## ASSOCIATIONS & MEMBERSHIPS

New Jersey Bar Association

Pennsylvania Bar Association

Philadelphia Bar Association

Pennsylvania Supreme Court  
Subcommittee for Civil Jury  
Instructions

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## YEAR JOINED

2012

## THOUGHT LEADERSHIP

### Federal District Court Finds Post-Incident Human Factors Review of Product Manual to Be Discoverable

**Philadelphia - Headquarters**  
**Product Liability**

**April 1, 2024**

In this product liability case, the plaintiff's wife lost control of the ATV she was operating and died in a fatal accident.

### Pennsylvania Supreme Court Loosens Venue Rules Further

**Philadelphia - Headquarters**  
**Product Liability**

**December 1, 2023**

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

### Pennsylvania Supreme Court Loosens Venue Rules Further

**Philadelphia - Headquarters**  
**Product Liability**

**Commercial Litigation**

**November 28, 2023**

On November 22, 2023, the Pennsylvania Supreme Court issued its much-anticipated opinion in *Hangey v. Husqvarna Professional Products, Inc.*, affirming the Superior Court's polarizing decision. Legal Update for Pennsylvania Civil Litigation Defense, November 28, 2023, has been prepared

### Federal District Court Recognizes Important Limitations on "Post-Sale Duty to Warn"

**Philadelphia - Headquarters**  
**Product Liability**

**October 1, 2023**

A product may be defective if it is sold without adequate warnings. But what if a manufacturer learns new safety information after a product is already on the market? Case Law Alerts, 4th Quarter, October 2023 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

### District Court makes interesting observations regarding evidence of industry standards and alternative designs in ruling on motion to preclude experts.

**Philadelphia - Headquarters**  
**Product Liability**

**April 1, 2023**

In this product liability action, the trial court granted in part and denied in part the defendants' motions to preclude the plaintiff's experts. This case involved an allegedly defective lift gate on the rear of a truck trailer. Case Law Alerts, 2nd Quarter, April 2023 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

## CLASSES/SEMINARS TAUGHT

Panel Member, *Nuts and Bolts of Litigation Practice Under the Fair Share Act*, Pennsylvania Bar Institute, April 2016.

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

## **PUBLISHED WORKS**

"Pa. Supreme Court Must Defend Established Venue Standard," *Law360*, February 17, 2023

"A Two-Pronged Test Becomes One - Why the Superior Court's Venue Decision in *Hangey* Departs From Decades of Prior Precedent," *The Pennsylvania Lawyer*, January/February 2023

"After 'Tincher,' Evidence of Industry Standards Should be Admissible in PI Litigation," *The Legal Intelligencer*, Personal Injury Supplement, November 5, 2021

"There's No Turning Back Now: Product Liability Jury Instructions in the Wake of *Tincher v. Omega Flex*," *Defense Digest*, Vol. 24, No. 2, June 2018

"There's No Place Like 'Home': Challenging General Jurisdiction When an LLC Is a Citizen of the Forum State," *Defense Digest*, Vol. 23, No. 2, June 2017

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

## **MEDIA COMMENTARY**

"'A Titanic Decision': Pa. Supreme Court's Ruling Makes Venue Challenges Harder," *The Legal Intelligencer*, November 29, 2023

## 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*.

### Car dealership dismissed from lawsuit for lack of personal jurisdiction.

December 16, 2022

We obtained dismissal of our client, a car dealership, from a suit pending in Montgomery County, Pennsylvania, on the basis of a lack of personal jurisdiction. The plaintiff, who had addresses in Pennsylvania and Florida, had purchased a used Range Rover that allegedly experienced ongoing maintenance issues. The plaintiff sought repairs from various car dealerships, including our client. When the repairs were unsuccessful, she brought claims for breach of warranty, breach of contract and unfair trade practices against each of them.

### Defense prevails in workplace injury/premises liability case.

#### Premises & Retail Liability

August 24, 2020

The defendants were two family-owned companies that grow, process and sell mushrooms. One defendant, our client, owned the property, and the other operated the business there. The plaintiff worked for an independent company that was contracted to load compost into the defendants' mushroom beds. The plaintiff encountered a problem with the equipment used to lift the compost (the source of the problem is in dispute).

### Product Liability Case Dismissed for Lack of Personal Jurisdiction Over a National Corporation.

#### Product Liability

May 11, 2018

In this complex lawsuit, the plaintiff suffered traumatic injury when the steering column of his tractor trailer became unyoked, rendering it uncontrollable and causing it to crash. The manufacturer is a Delaware LLC headquartered in North Carolina, but it manufactured the truck at its plant in Virginia. The plaintiff, a Pennsylvania citizen, crashed while driving it in Texas. The suit was filed in Philadelphia, as the LLC's sole corporate parent is a Pennsylvania corporation. Based upon that, the plaintiff argued that the LLC should be deemed a citizen of Pennsylvania.

### Product Liability Case Dismissed Based on Lack of Jurisdiction

#### Product Liability

May 11, 2017

The defense prevailed on preliminary objections in Philadelphia County based on lack of jurisdiction over a truck manufacturer. The case was originally filed in the federal court, but jurisdiction was found to be improper. If a party is an LLC, citizenship for diversity purposes is determined by the citizenship of the members of the LLC. Our client's sole member was a Pennsylvania citizen and, therefore, not diverse with a Pennsylvania plaintiff. The case was dismissed and subsequently refiled in Philadelphia County.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Obtained a defense verdict as second chair in a federal jury trial involving an allegedly defective motorcycle that caught fire when left running contrary to instructions in the owner's manual, causing significant fire and smoke damage to the plaintiffs' residence.

Obtained a summary judgment on behalf of a janitorial franchising company, successfully arguing that it was not responsible for the rogue acts of its franchisee who allegedly stole jewelry and engaged in sexual acts while cleaning the plaintiff's office.

Obtained summary judgment on behalf of two homeowners, successfully arguing that they had no duty to prevent their general contractor from injuring his subcontractor, the plaintiff, who had fallen from a ladder on the job.

Successfully defended a retail pharmacy and its delivery driver at arbitration on an auto accident claim for which liability was uncontested. Michael obtained a limited tort finding and limited plaintiff to recovery of her unpaid medical expenses, which were minimal. The suit had initially been filed as a major jury case before being remanded to arbitration, and the award was less than 1% of plaintiff's original demand.

Obtained a dismissal on jurisdictional grounds of product liability and wrongful death claims brought against a truck dealership that was located in Ohio and that did not conduct regular business in Pennsylvania.

Obtained a summary judgment for the manufacturer of a smoker in a failure to warn claim involving an allegedly defective barbecue smoker by successfully challenging the opinions of the plaintiff's expert as speculative.