

## DANA A. GITTLEMAN

SHAREHOLDER



### AREAS OF PRACTICE

Insurance Agents & Brokers Liability  
Real Estate E&O Liability  
Lawyers' Professional Liability  
Miscellaneous Professional Liability  
Product Liability  
Non-Profit D&O

### CONTACT INFO

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Philadelphia, PA 19103

### ADMISSIONS

Pennsylvania  
2012

New Jersey  
2013

U.S. District Court Eastern District  
of Pennsylvania  
2014

### EDUCATION

Villanova University School of Law  
(J.D., 2012)

Emory University (B.A., 2008)

### HONORS & AWARDS

The Best Lawyers: Ones to  
Watch®, Insurance Law; Product  
Liability Litigation - Defendants  
2021-2024

Pennsylvania Super Lawyers  
Rising Star  
2019-2022

### OVERVIEW

When professionals are faced with claims and lawsuits alleging professional negligence, breach of fiduciary duty and more, Dana provides a vigorous response and defense. As a member of the Professional Liability Department, she routinely defends claims and lawsuits brought against insurance agents and brokers, attorneys, real estate professionals, financial entities, large product manufacturers, lenders, directors and officers and other professionals.

Dana understands the disruption and angst professionals experience when claims are brought against them. With over 10 years of civil litigation experience, she approaches each matter with empathy and a strong determination to efficiently resolve the actions brought against her clients. A typical day in her practice might involve securing court dismissals on dispositive motions, mitigating risk via alternative dispute resolution, or collaborating with clients on defense strategy for swift case resolution.

Committed to mentorship and providing guidance to younger attorneys, Dana is also a member of the firm's Executive Committee Advisory Council, a distinguished group of firm leaders whose purpose is to enhance the communication between the Executive Committee and younger members of the firm's professional ranks, including associates, special counsel and junior shareholders.

Dana is a member of the Professional Liability Underwriting Society (PLUS) and frequently contributes articles to *PLUS Blog*. She is also an active member of the Philadelphia Bar Association and previously served on its Young Lawyers Division Executive Committee. She has been recognized by the Best Lawyers organization as a Best Lawyers: Ones to Watch since 2021, and she has been selected a Pennsylvania Super Lawyer Rising Star since 2019.

A graduate of Emory University, she received her juris doctor from the Villanova University School of Law where she was a Dean's Merit Scholarship recipient. While at Villanova, Dana served as a managing editor for student work for the *Villanova Sports & Entertainment Law Journal*.

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## ASSOCIATIONS & MEMBERSHIPS

Philadelphia Bar Association,  
Young Lawyers Division Executive  
Committee (2015-2017); YLD  
Treasurer (2016), Vice Chair  
(2017)

Professional Liability Underwriting  
Society (PLUS)

NovUs, the Young Alumni Chapter  
of the Villanova University School  
of Law, Former President

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## YEAR JOINED

2013

## THOUGHT LEADERSHIP

### Words Matter: Shielding Against UTPCPL Claims with Subjective Verbiage

**Philadelphia - Headquarters**  
**Insurance Services – Coverage and Bad Faith Litigation**  
**March 14, 2024**

### Court Reiterated Prevailing Standard in Pennsylvania for Establishing Existence of ‘Special Relationship’ Between Insurance Customer and Insurance Broker.

**Philadelphia - Headquarters**  
**Insurance Agents & Brokers Liability**  
**January 1, 2024**

The court granted the defendant’s motion to dismiss to strike references to a “special relationship” owed to the plaintiffs premised on the defendant’s purported “cultivat[ion of] a relationship of trust and confidence.” The court agreed with the Case Law Alerts, 1st Quarter, January 2024 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

### Nothing “Special” About Relationship Between PA Insurance Broker and Insurance Company

**Philadelphia - Headquarters**  
**Insurance Agents & Brokers Liability**  
**November 30, 2023**

In *Mohan, et al. v. Liberty Mutual Personal Insurance Company*, 2023 WL 8026106 (E.D. Pa. Nov. Legal Update for Insurance Agents & Brokers, November 30, 2023, has been prepared for our readers by Marshall Dennehey.

### Trying the PL Case: Lessons Learned in the Courtroom

**Philadelphia - Headquarters**  
**Lawyers’ Professional Liability**  
**Insurance Agents & Brokers Liability**  
**Public Entity and Civil Rights Litigation**  
**September 21, 2023**

### Pennsylvania state court denies stay in action filed against insurer and insurance broker.

**Philadelphia - Headquarters**  
**Insurance Agents & Brokers Liability**  
**August 1, 2023**

An insurance broker sought to stay the plaintiff’s negligence action asserted against it pending a determination on the claims of breach of contract and bad faith alleged against the insurer. Legal Update for Insurance Agents & Brokers – August 2023 has been prepared f

## CLASSES/SEMINARS TAUGHT

*Defending Home Inspector Claims - Prevention and Defense*, Client Webinar, March 26, 2024

*Defending Home Inspectors Claims - Prevention and Defense*, Client Webinar, March 6, 2023

*You Passed the Bar, Now What? How to Succeed in Your First Year as an Attorney, and How to Gain Experience*, Philadelphia Bar Association Young Lawyers Division Bootcamp, October 28, 2016

## PUBLISHED WORKS

"Words Matter: Shielding Against UTPCPL Claims With Subjective Verbiage," *PLUS Blog*, March 14, 2024

"Trying the PL Case: Lessons Learned in the Courtroom," *PLUS Blog*, September 21, 2023

"4 Terms to Avoid When Advertising Your Insurance Agency," *Independent Agent* magazine, February 8, 2023

"Discovery Rule Still Rules in Legal Malpractice Actions," *PLUS Blog*, January 12, 2023

"The Importance of Memorializing Insurance Discussions," *PLUS Blog*, July 11, 2022

"*Palek v. State Farm* Offers Lessons for Agents," *Insurance Agents & Brokers Newsletter*, February 23, 2022

"Another Insurance Broker Dismissed From a COVID-19 Related Suit," *PLUS Blog*, February 2, 2022

"Pennsylvania Federal Court Takes a Bite Out of Restaurant's COVID/Business Interruption Coverage Claims Against Insurance Broker," *PLUS Blog*, October 11, 2021

"Pennsylvania Supreme Court Adopts a 'Strict Liability' Standard for UTPCPL 'Catch-All' Claims," *Defense Digest*, June 2021, Vol. 27, No. 3

"'Loose Lips Sink Ships'...But Not If Judicially Privileged: Protecting Attorney Pre-Litigation Communications," *Defense Digest*, Vol. 26, No. 1, March 2020

"Pandemonium in the Time of Pandemic: Potential Shift in Insurance Agent and Broker Standard of Care in the Wake of Covid-19," *The Voice*, DRI Newsletter, June 10, 2020

"Top 10 Immediate Considerations for Claims Handling," *PLUS Blog*, May 18, 2020

"Utilizing Your Alumni Network for Personal Development," *The Legal Intelligencer*, May 14, 2015

*Home Field Advantage: Determining the Appropriate "Turf" for Williams v. National Football League and Clarifying Preemption Precedent*, 19 Vill. Sports & Ent. L.J. 203 (2012)

## RESULTS

### Unanimous Defense Verdict Secured in Fourth Amendment Civil Rights Trial

#### Public Entity and Civil Rights Litigation

**August 2, 2023**

We obtained a defense verdict in a Fourth Amendment civil rights trial before Judge Michael Baylson in the Eastern District of Pennsylvania. The plaintiff alleged that a public agency violated his Fourth Amendment rights by searching and seizing his personal property after his vehicle was impounded. The defense witnesses each testified that the vehicle was never searched by the public agency and that the public agency does not have a policy or custom of searching vehicles once they are impounded, which was an essential element of plaintiff's constitutional violation claim.

### Philadelphia Court Dismisses Lawsuit Against Insurance Broker

#### Insurance Agents & Brokers Liability

**July 18, 2023**

We obtained dismissal of our insurance broker client on Motion for Judgment on the Pleadings in the Philadelphia County Court of Common Pleas on the basis of a statute of limitations defense. Plaintiff alleged a failure to procure insurance that would cover an employee's death in the course of business operations.

### Federal Court Lawsuit Against Insurance Broker Dismissed.

#### Insurance Agents & Brokers Liability

**September 10, 2021**

We obtained dismissal of claims asserted against our insurance broker client for breach of contract and declaratory judgment in connection with a COVID-related business interruption loss. The Court granted our Motion to Dismiss, determining that plaintiff restaurant lacked a viable breach of contract claim against the insurance broker, and thus that the derivative declaratory judgment claim also failed as a matter of law.

## SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict in a Fourth Amendment civil rights trial in the Eastern District of Pennsylvania. The plaintiff alleged that a public agency violated his Fourth Amendment rights by searching and seizing his personal property after his vehicle was impounded. The defense witnesses each testified that the vehicle was never searched by the public agency and that the public agency does not have a policy or custom of searching vehicles once they are impounded, which was an essential element of the plaintiff's constitutional violation claim. After less than 15 minutes of deliberation, the jury unanimously found that the plaintiff failed to demonstrate that the public agency violated his constitutional rights, granting judgment in favor of the public agency defendant.

Obtained dismissal with prejudice in Federal Court, Middle District of PA, for insurance broker client in a case involving liability / commercial insurance coverage claims related to lost business income as a result of government mandated closures triggered by the COVID-19 pandemic.

Secured voluntary withdrawal with prejudice of all claims against law firm client in action alleging legal malpractice, breaches of fiduciary duties and breach of contract.

Developed factual and legal bases for successful Motion for Summary Judgment for our attorney/law firm client, dismissing a complex legal malpractice action involving claims of professional negligence and fraudulent inducement, arising from an underlying personal injury litigation which concluded with a \$700,000 settlement. Following discovery in the professional malpractice action related to coverage and liability issues, the court granted our motion dismissing the complaint in its entirety against the law firm and individual attorney defendants. For further details, click [here](#).

Achieved dismissal of real estate agent in action seeking litigation costs and fees for purported failure to disclose a contractual term encumbering plaintiff's property.

Secured voluntary withdrawal of civil suit alleging negligence and fraud against insurance broker following filing of Preliminary Objections.

Prevailed on Preliminary Objections on behalf of home inspector client in litigation alleging breach of contract, negligence, and breach of express and implied warranty claims.

Defended insurance agency in Chester County Court of Common Pleas action alleging negligence and breach of contract arising from damage to large landscaping equipment. Following discovery and before trial, settled suit on behalf of client with nominal payment, a fraction of the total exposure and settlement demand.

Extricated school district client from litigation alleging negligence for personal injury incident occurring on school bus with no settlement offered or tendered on behalf of client.

Obtained voluntary dismissal with prejudice of insurance broker client at suit inception.

Obtained dismissal with prejudice of large automobile manufacturer on Preliminary Objections. The case involved product liability/product defect claims against our client, which were dismissed on procedural and substantive bases.

Assisted first chair counsel in successful jury trial in Philadelphia County Court of Common Pleas on behalf of large automobile manufacturer/distributor.

Obtained dismissal of large automobile manufacturer on Motion for Judgment on the Pleadings in breach of warranty claim.

Obtained defense verdict at arbitration involving claims for breach of contract/indemnification sought for hail/storm related roof damage.