

SETH J. SCHWARTZ

CHAIR, CONSTRUCTION INJURY PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Construction Injury Litigation
Architectural, Engineering & Construction
Defect Litigation
Hospitality & Liquor Liability
Trucking & Transportation Liability
General Liability
Amusements, Sports & Recreation Liability
Premises & Retail Liability

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ADMISSIONS

Pennsylvania
1992

U.S. District Court Eastern District
of Pennsylvania
1994

EDUCATION

Temple University School of Law
(J.D., 1992)

The American University (B.S.B.A.,
cum laude, 1988)

HONORS & AWARDS

AV® Preeminent™ by Martindale-
Hubbell®

ASSOCIATIONS & MEMBERSHIPS

International Amusement &
Leisure Defense Association

Pennsylvania Amusement Park
Association

Pennsylvania Bar Association

OVERVIEW

A shareholder with the highest rating, AV® Preeminent™ by Martindale-Hubbell in the firm's Casualty Department, Seth provides legal counsel to construction companies/contractors, commercial property owners/commercial property managers, bars, trucking companies, amusement parks and recreational facilities and insurance companies in Pennsylvania. He handles a wide array of serious loss cases where there is often catastrophic injury or death in the areas of premises liability, construction accidents, construction defects, trucking, liquor liability, sports, amusement and entertainment litigation. Seth is an experienced trial attorney, who enjoys trying jury trials and is regularly in court trying jury trials in Philadelphia and throughout eastern Pennsylvania. He has tried many cases to jury verdict with numerous defense verdicts.

Prior to joining Marshall Dennehey, Seth was a staff trial attorney for seven years at Nationwide Insurance. He handled general defense litigation including automobile liability, construction matters, and premises liability. Before joining Nationwide Insurance, Seth entered private practice at a small civil litigation firm in Philadelphia, where he handled a range of civil litigation from premises liability to complex product liability matters.

Seth was appointed to judge pro tem for the Philadelphia Court of Common Pleas and to the Investigative Division of the Philadelphia Bar Association's Commission on Judicial Selection and Retention.

Seth graduated from Temple University School of Law in 1992. He attended college at The American University where he graduated in 1988 with honors.

THOUGHT LEADERSHIP

On the Pulse...Construction Injury Litigation Practice Group

Philadelphia - Headquarters

Pittsburgh

Construction Injury Litigation

December 1, 2023

Recent data released from the United States Bureau of Labor Statistics reveals that construction laborers accounted for 11.9% of all reported fatal falls, slips, or trips in 2020 across all occupations. Defense Digest, Vol. 29, No.

YEAR JOINED

2003

PRO BONO

Christian Legal Clinics of
Philadelphia

CLASSES/SEMINARS TAUGHT

An Overview of Construction Defect Litigation in Pennsylvania, Nationwide Insurance Company, December 16, 2014

Commercial Defense Practice in New York, New Jersey & Pennsylvania, Nationwide Insurance Company, December 5, 2014

Commercial Defense Practice in New Jersey and Pennsylvania, Nationwide Insurance Company, December 2013

Brief Overview of Pennsylvania Contractual Indemnity and Additional Insured Issues, Nationwide insurance Company, April 2012

Numerous presentations to property managers and insurance companies regarding effective claims handling and tender issues

Pennsylvania Amusement Park Association Annual Conference, 2007

RESULTS

Consolidated Cases Successfully Transferred to Correct Venue

Construction Injury Litigation February 5, 2024

We successfully transferred two consolidated cases involving alleged falls by construction workers from Philadelphia to Cumberland County. Our clients were located in Lancaster County, and the only codefendant was located in Philadelphia County. We filed preliminary objections as to venue, arguing that the codefendant was a "phantom" defendant named to obtain venue in Philadelphia County. The court was convinced by our arguments. This ruling cuts against the current trend of giving broad deference to plaintiffs on venue issues.

SIGNIFICANT REPRESENTATIVE MATTERS

Defense jury verdict in premises liability matter. Seth was the only defense attorney and Plaintiff had two lawyers during trial. Plaintiff argued spoliation of evidence, had back surgery and "boarded" over seven figures in damages. Seth developed inconsistencies during the cross examination of Plaintiff's witnesses, and argued that Plaintiff failed to meet his burden of proof.

Defense jury verdict in premises liability matter. Seth again was the only defense attorney and Plaintiff had two lawyers during trial. Plaintiff argued that the defendant failed to preserve evidence. It is also noted that the defendant had witness issues with a former employee. Plaintiff was a grandfatherly gentlemen claiming a serious a hip injury. Seth introduced evidence that there were gaps in Plaintiff's story, and during Seth's cross examination of Plaintiff's liability expert, the expert admitted that he did not have his entire file, although he initially told the jury he did; and, he acknowledged that the Defendant was compliant with a different set of industry regulations which he omitted to discuss during direct examination.

Defense jury verdict in automobile rear-end collision with negligence stipulation involving surgery and significant wage loss claim. Negligence was admitted to the jury. Significant credibility issues developed during the case, including Plaintiff's vocational expert admitting in front of the jury of failing to produce all discoverable documents. After hearing the evidence, jury returned a defense verdict, although negligence was admitted.

Defense jury verdict in rear-end motor vehicle accident case. Negligence was admitted. Plaintiff alleged surgery and a significant vocational claim. Numerous inconsistencies were developed during trial involving the Plaintiff's reporting of the incident to the doctor. After deliberation, jury awarded a defense verdict.

Defense jury verdict in rear-end collision with negligence stipulation involving two personal injury claims of multiple herniations and permanency. During trial, evidence was developed which revealed that Plaintiffs provided varying medical histories to different doctors. After hearing the evidence, jury returned a defense verdict.

Defense jury verdict in premises liability case whereby the plaintiff, a pizza delivery person, allegedly fell on ice while delivering a pizza. During trial Plaintiff admitted on cross examination to observing alternative pathways and that he did not maintain a vigilant look out. The jury returned a defense verdict in favor of the homeowners.