

PATRICIA A. MONAHAN

SHAREHOLDER



AREAS OF PRACTICE

Insurance Services – Coverage and Bad Faith Litigation
Employment Law
Public Entity and Civil Rights Litigation

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ADMISSIONS

Pennsylvania
1990

U.S. Supreme Court
1999

EDUCATION

University of Pittsburgh School of Law (J.D., 1990)

University of Florida (B.S., 1986)

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

Best Lawyers in America®,
Insurance Law
2024

ASSOCIATIONS & MEMBERSHIPS

Allegheny Bar Association

American Bar Association

Pennsylvania Bar Association

OVERVIEW

Patricia concentrates a portion of her practice on insurance coverage, special insurance investigations and bad faith disputes. She regularly provides guidance to insurance carriers concerning coverage issues, and litigates coverage and bad faith claims brought against them. Patricia has tried several bad faith lawsuits in state and federal court, and has substantial experience in handling complex discovery issues presented in bad faith lawsuits.

In the field of employment law, Patricia also maintains an extensive law practice, and routinely defends public entities and private employers from discrimination and retaliation claims, based on race, sex, religion, age, disability, and FMLA entitlement. She also defends public entities and private employers from state whistleblower suits, along with employment claims filed under Section 1983, such as those arising under the First and Fourteenth Amendments.

Patricia has represented employers before the National Labor Relations Board, the Pennsylvania Human Relations Commission, the EEOC, various county courts of common pleas, Commonwealth Court of Pennsylvania, Superior Court of Pennsylvania, the United States District Court for the Western District of Pennsylvania, and the United States District Court of Appeals for the Third Circuit. Patricia has tried numerous employment cases to verdict, and given that the Western District Court of Pennsylvania has a mandatory alternative dispute resolution program, she is also regularly involved in counseling employers and assisting with resolution of employment claims.

Further, Patricia's experience also includes the defense of a wide range of claims for intentional torts, civil rights violations, and any claim that may fall under a public entity's errors and omissions policy, employment policy, or general liability policy. She has tried numerous civil rights cases to verdict, including claims arising out of police pursuits, false arrests, excessive use of force, denial of due process, and zoning matters.

In 1986, Patricia received a Bachelor of Science in Business Administration from the University of Florida, and in 1990, she achieved her *juris doctor* from the University of Pittsburgh. Throughout her legal career, Patricia has been an active trial lawyer and was elected as a shareholder with Marshall Dennehey in 1999. Her past experience also includes service in the role of solicitor to local municipalities. Patricia is a frequent speaker on employment and insurance coverage topics and has authored several articles for the firm's *Defense Digest*. She has received an AV® Preeminent™ rating by Martindale-Hubbell.

YEAR JOINED

1995

THOUGHT LEADERSHIP

Pa. Supreme Court Evaluates Constitutional Parameters of a Jury's Punitive Damage Award

Pittsburgh

Insurance Services – Coverage and Bad Faith Litigation

September 28, 2023

Pennsylvania Superior Court Addresses Stacking Waivers in Single Vehicle Policies

Pittsburgh

Insurance Services – Coverage and Bad Faith Litigation

January 17, 2023

In *Erie Ins. Exchange v. Backmeier*, __A.3d__, 2022 Pa. Super. The material in Legal Updates for Insurance Services, January 17, 2023, has been prepared for our readers by Marshall Dennehey.

Pennsylvania Superior Court Strikes Down the Regular Use Exclusion

Pittsburgh

Insurance Services – Coverage and Bad Faith Litigation

October 25, 2021

Rush v. Erie Insurance Exchange, No. 1443 EDA 2020 (Pa. Super. Oct. 22, 2021) The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

The Third Circuit Confirms that Gallagher Does Not Eradicate All Household Exclusions

Pittsburgh

Insurance Services – Coverage and Bad Faith Litigation

March 19, 2021

In *William Dunleavy v Mid-Century* The material in this law alert has been prepared for our readers

I've Been Served With a Writ of Summons. Now What?

Pittsburgh

General Liability

December 10, 2018

Key Points: Defense Digest, Vol. 24, No. 4, December 2018. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

CLASSES/SEMINARS TAUGHT

Handling UM/UIM Cases in Pennsylvania, Marshall Dennehey Client Webinar, May, 2021

Employment Liability in the Cyber Age, Marshall Dennehey / AIG Employment Seminar, Pittsburgh, PA, May 2, 2013

Speaker on various topics including employment claims, civil rights litigation, federal practice and insurance bad faith

PUBLISHED WORKS

"Pa. Supreme Court Evaluates Constitutional Parameters of a Jury's Punitive Damage Award," *Pennsylvania Law Weekly*, October 3, 2023

"I've Been Served With a Writ of Summons. Now What?," *Defense Digest*, December 2018, Vol. 24, No. 4

"Defending Claims While Working Within the Tripartite Relationship," *The Legal Intelligencer*, Insurance Law Supplement, August 30, 2016

"When is an Accident Not an Accident?" *Life, Health & Disability*, the newsletter of the DRI's Life, Health & Disability Committee, November 21, 2014

"Pennsylvania Superior Court Is the First State Appellate Court To Address the Unfair Insurance Practices Act Protection for Victims of Abuse," *Defense Digest*, Vol. 19, No. 3, September 2013

"Pennsylvania Superior Court Panel Has Found That an Insured's Conduct Is Not Subject to Scrutiny in a Subsequent Bad Faith Law Suit," *Defense Digest*, Vol. 17, No. 3, September 2011

"Are Damages For Emotional Distress Recoverable In a Pennsylvania Bad Faith Lawsuit Even Though the Bad Faith Statute Does Not Provide For Such Damages?," *Defense Digest*, Vol. 16, No. 1, March 2010

"Top Court Limits The Scope of a Public Employee's First Amendment Retaliation Claim," *Defense Digest*, Vol. 12, No. 3, September 2006

"The First Amendment's Rising Popularity in Municipal Employment Litigation," *Defense Digest*, Vol. 10, No. 2, June 2004

"Is Every Worker With a Physical Impairment Afforded Protection Under the ADA?," *Defense Digest*, Vol. 8, No. 1, March 2002

"The Anatomy of a Civil Rights Malicious Prosecution Claim," Co-Author, *Defense Digest*, Vol. 8, No. 1, March 2002

"Pennsylvania Supreme Court Limits Employment At-Will," *Defense Digest*, Vol. 5, No. 1, 1999

RESULTS

Successful appeal of summary judgment in favor of insurer.

Appellate Advocacy and Post-Trial Practice

Insurance Services – Coverage and Bad Faith Litigation

December 6, 2022

We successfully appealed a summary judgment in favor of an insurance client that had been sued by another insurance carrier for more than \$1.6 million in damages arising out of a fire loss to an insured auto repair facility. The opposing insurance company had paid \$1.6 million in damages and intended to pursue a product liability claim against a vehicle manufacturer, alleging a defectively manufactured vehicle had caused the fire. Our client insured the vehicle that was allegedly defective.

School district prevails in busing dispute.

School Leaders' Liability

November 1, 2022

We successfully defended a public school district that had been sued in federal court for not providing busing to charter schools within its district. The charter schools sought a temporary restraining order and a preliminary injunction to prevent the district from prioritizing busing to students attending traditional schools over those attending charter schools. The court agreed that the district was fairly maximizing its bus driver resources to service the most students possible.

Promissory estoppel claim does not survive summary judgment.

Insurance Services – Coverage and Bad Faith Litigation

February 16, 2022

We obtained summary judgment for an insurance carrier client that had been sued by another insurance carrier for more than \$1.6M in damages arising out of a fire loss. The opposing insurance company had paid \$1.6M in damages and intended to pursue a product liability claim against a vehicle manufacturer, alleging that a defectively manufactured vehicle had caused the fire to an auto repair facility. Our client insured the vehicle that was allegedly defective.

Pension rights action dismissed.

Public Entity and Civil Rights Litigation

December 2, 2021

We successfully handled a pension rights action before the Commonwealth Court on behalf of a municipality. A police chief in small municipality alleged that a scrivener's error in his employment contract erroneously referencing Act 600 entitled him to an Act 600 pension plan upon retirement when his existing pension plan had been organized many years pursuant to Act 15.

Defense Prevails in Bad Faith/Breach of Contract Case

Insurance Services – Coverage and Bad Faith Litigation

February 17, 2017

The lawsuit arose out of the insured's claim for "vandalism," which was made about a year after the insured learned that his tenant was making significant renovations to the leased property in violation of the lease. The tenant had been paying the insured's mortgage. The insured did not make the vandalism claim until the tenant stopped paying the insured's mortgage and the insured was served with a foreclosure notice.

SIGNIFICANT REPRESENTATIVE MATTERS

Summary judgment granted for insurer in a claim for breach of contract and bad faith where the homeowner made a claim for vandalism when his tenant did not finish renovating the leased premises. The Court held that the damages were not "sudden and accidental" and that the policy exclusions for faulty workmanship and renovations were applicable as a matter of law.

Defense verdict against an insurance carrier for breach of contract for denying a property loss claim and also obtained a \$30,000 judgment against the plaintiff under the Pennsylvania insurance fraud statute for submitting a fraudulent claim.

Defense verdict for a major insurance carrier in a state court statutory bad faith lawsuit.

Defense verdict for a Pennsylvania municipality against several police officers' claims for first amendment violations and age discrimination.

•Summary judgment obtained for a school district in an age discrimination and first amendment retaliation claim.

Defense verdict for a Pennsylvania county against a former employee's claim that she was subjected to race discrimination, racial harassment, and retaliation.

Summary judgment secured for employer law firm against a part-time attorney's claim that she was discriminated against, subjected to hostile work environment, and retaliated against based on her status as a working mother.

Defense verdict for insurance carrier in a bad faith trial arising out of the carrier's coverage position taken on an automobile stacking issue.

Successfully defended insurance broker in a claim for alleged negligence in failing to cancel a policy binder.

Defense verdict for municipal employer against a former employee's claim that he was terminated in violation of the state whistleblower law.

Defense verdict for municipality whose snowplow hit an oncoming vehicle head-on against claim for personal injuries of vehicle occupant.

Summary judgment secured for municipal employer against first amendment claims of several police officers claiming to have been defamed and subjected to a retaliatory investigation.

Summary judgment secured for Pennsylvania school district against former school board secretary's claim that she was terminated in violation of her first amendment rights and state whistleblower law.

Summary judgment secured for publicly traded company against former employee's claim that the company unevenly applied sales quotas to older workers, resulting in dismissal of the employee

REPRESENTATIVE CASES

Creasy v. Slippery Rock Area School District, 2013 U.S. Dist. LEXIS 80523

Whitesell v. Dobson Communications, 102 Fair Empl. Prac. Cas. (BNA), aff'd 2009 LEXIS 25791 (U.S. App.)

Diede v. City of McKeesport, 654 F. Supp. 2d 363 (W.D. Pa. 2009)

Moore v. Darlington Township, 690 F. Supp. 2d 378 (W.D. Pa. 2009)

Borough of West Mifflin v. Lancaster, 45 F.3d 780 (1995)

Heller v. Fulare, 454 F. 3d 174 (3d Cir. 2006)

Keefer v. Durkos, 2006 US Dist LEXIS 68519 *Loughren v. USAA*, 909 A.2d 896 (Pa. Super. 2006)

Loughren v. USAA, 909 A.2d 896 (Pa. Super. 2006)