

## MICHAEL D. WINSKO

ASSOCIATE



### AREAS OF PRACTICE

General Liability  
Product Liability  
Hospitality & Liquor Liability  
Automobile Liability  
Construction Injury Litigation  
Architectural, Engineering & Construction  
Defect Litigation  
Public Entity & Civil Rights Litigation

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### ADMISSIONS

Pennsylvania  
2015

U.S. District Court Western District  
of Pennsylvania  
2015

### EDUCATION

Duquesne University School of  
Law (J.D., 2015)

Duquesne University (B.S., 2012)

### HONORS & AWARDS

The Best Lawyers: Ones to  
Watch®, Product Liability Litigation  
- Defendants  
2021-2025

Pennsylvania Super Lawyers  
Rising Star  
2023-2024

### YEAR JOINED

2019

### OVERVIEW

Michael Winsko is an associate in the Casualty Department whose practice focuses on the defense of corporations, individuals, and local governments in complex civil litigation matters. In this capacity, he has successfully handled numerous high-exposure premises liability, liquor liability, products liability, and catastrophic injury/wrongful death actions throughout the state and federal courts of Pennsylvania. As a part of his practice, Mike assists clients in the defense of design and construction defects, trucking/automobile accidents, fall down incidents, and negligent security claims.

A native of the Pittsburgh area, Mike attended Duquesne University where he received an undergraduate degree in Accounting in 2012. Mike then earned his *juris doctor* from Duquesne University School of Law in 2015. While in law school, Mike interned for Chief Judge Joy Flowers Conti of the United States District Court for the Western District of Pennsylvania. He also was a writer and the business managing editor for the Duquesne University School of Law's Business Law Journal. Prior to joining Marshall Dennehey, Mike worked for a regional firm in Pittsburgh, Pennsylvania focusing on various areas of civil defense litigation.

### THOUGHT LEADERSHIP

#### Marshall Dennehey Announces 2024 Pennsylvania Super Lawyers and Rising Stars

May 17, 2024

Twenty-eight attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2024 edition of Pennsylvania Super Lawyers magazine.

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### PUBLISHED WORKS

"*Bowman v. Sunoco Inc.*: Preserving the Validity of Exculpatory Clauses Within Employment Contracts in Pennsylvania," *Duquesne Business Law Journal*, Volume 16

## RESULTS

### Defense Verdict Following Jury Trial in Slip and Fall Case in the Court of Common Pleas of Allegheny County.

#### **Premises & Retail Liability**

**February 6, 2024**

The plaintiff slipped in the lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. She alleged she fell due to a wet floor caused by the facilities management's cleaning process and the lack of sufficient visible wet floor caution signs. The plaintiff underwent two surgeries, claimed ongoing pain and suffering, and sought \$500,000 prior to trial.

### Defense Verdict Secured in Slip-and-Fall Jury Trial

#### **Premises & Retail Liability**

**February 6, 2024**

We obtained a defense verdict following a three-day jury trial in a slip-and-fall injury case in the Court of Common Pleas of Allegheny County. The plaintiff slipped in the allegedly wet lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. Problematic for our case was the lack of a surveillance video of the incident, photographs of the lobby contemporaneous to the incident, or an incident report.

### Dismissal of class action against a retailer.

#### **Class Action Litigation**

#### **Commercial Litigation**

**February 16, 2022**

Our retail client faced a class action suit alleging claims it charged Pennsylvania state tax on face masks/coverings during the COVID-19 pandemic (when they were not subject to sales tax). The plaintiff on his own behalf and on behalf of the putative class alleged claims for violations of the Pennsylvania Unfair Trade Practices Consumer Protection Law and the Pennsylvania Fair Credit Extension Uniformity Act, as well as common law claims for unjust enrichment, fraud and misappropriation/conversion.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Obtained a defense verdict following a three-day jury trial in a slip and fall injury case. The plaintiff slipped in the lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. Plaintiff alleged she fell due to a wet floor caused by the facilities management's cleaning process and the lack of sufficient visible wet floor caution signs. Plaintiff underwent two surgeries, claimed ongoing pain and suffering, and sought \$500,000 prior to trial. We represented the building ownership and the facilities management company. Problematic for the defense was the lack of a surveillance video of the incident, photographs of the lobby contemporaneous to the incident, or an incident report. Despite this, we persuaded the jury to find for the Defense by establishing a consistent and credible history of habitual practice in the placement of wet floor signs across the lobby in highly visible areas. We also won the credibility battle through our well-prepared witnesses. Although faced with a sympathetic plaintiff with a substantiated history of medical treatment, we succeeded by presenting the case using "old school" personal injury defense tactics that were necessary due to the lack of video, photographs, and documentation.

Obtained summary judgment on behalf of a construction company arising out of a fall down incident based on plaintiff's status at the time he entered the premises.

Obtained summary judgment on behalf of a construction company relating to work performed on a commercial property in relation to alleged deficient barricades pertaining to a work site

Obtained summary judgment on behalf of a local agency relating to a trip and fall incident based on governmental immunity.

Obtained summary judgment on behalf of an insurer relating to exclusion language within the insurance policy.