

## FRANK L. MADIA

ASSOCIATE



### AREAS OF PRACTICE

Premises & Retail Liability  
Product Liability  
General Liability  
Automobile Liability

### CONTACT INFO

(407) 420-4410  
FLMadia@mdwcg.com

Landmark Center One  
315 E. Robinson Street, Suite 550  
Orlando, FL 32801

### ADMISSIONS

New York  
1999

U.S. District Court Northern District  
of New York  
1999

Florida  
2020

U.S. District Court Middle District  
of Florida  
2020

U.S. District Court Southern  
District of Florida  
2020

### OVERVIEW

Frank Madia is an associate in the Casualty Department handling matters involving premises and retail liability, personal injury, product liability, negligent security and automobile liability.

Frank relocated to Orlando after more than two decades of practice in insurance defense, personal injury, and property subrogation in New York, and after working for a number of years as staff counsel for a national insurance company. Over the last twenty years, Frank has also obtained substantial experience in insurance coverage matters, business litigation, and real estate transactions, allowing him to represent a wide array of clients on a myriad of legal issues.

Frank is a 30-year veteran of the New York Air National Guard, where he served as a Staff Judge Advocate before retiring as a Lieutenant Colonel in 2017. Following the terrorism attacks on the United States on September 11, 2001, Frank served as a JAG Legal Advisor to the 9-11 Commission, preparing and assisting military personnel in relation to Commission interviews.

Between 2002 and 2020, Frank served the Township of Frankfort (New York) as an elected Town Judge, presiding over civil claims, landlord-tenant disputes, domestic violence cases, and traffic violation matters. Frank has also served as an adjunct professor at several colleges, including Utica College of Syracuse University in New York.

### EDUCATION

Touro College, Jacob D.  
Fuchsberg School of Law (J.D.,  
1997)

United States Air Force Judge  
Advocate Training School  
(Certified Trial Lawyer - US Air  
Force Judge Advocate, 2002)

University at Buffalo (B.A., 1990)

### THOUGHT LEADERSHIP

#### Overcoming the Daubert Challenge With Your Billing and Coding Expert

**Orlando**  
**Premises & Retail Liability**  
**September 1, 2024**  
Key Points: Defense Digest, Vol. 30, No.

#### Limiting the Opinions of Plaintiff's Non-Retained Expert Witnesses Regarding Injury Causation and Permanency

**Orlando**  
**General Liability**  
**March 1, 2024**  
Key Points: Defense Digest, Vol. 30, No.

### YEAR JOINED

2022

## RESULTS

### Summary Judgment Obtained on Behalf of Large National Retailer

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

**February 2, 2024**

We secured a summary judgment in a case in which the plaintiff slipped and fell on our client's premises. An employee had clocked out and was in the process of gathering his personal belongings from the front-end counter when he allegedly created a dangerous condition by dropping his "personal jug" of iced tea on the floor, which the plaintiff slipped on. We argued that the retailer was not vicariously liable for the acts of the employee, who was "off the clock" at the time.

#### **SIGNIFICANT REPRESENTATIVE MATTERS**

Obtained a summary judgement on behalf of a large national retailer where the plaintiff slipped and fell on the premises. A trial was set for April 2024 and the plaintiff's last demand was for \$650k. An employee had clocked out and was in the process of gathering his personal belongings from the front-end counter when he allegedly created a dangerous condition by dropping his "personal jug" of iced tea on the floor. Represented by Morgan & Morgan, the plaintiff was seeking damages for alleged injuries to her back, neck and left knee. She had a significant pre-existing component for all of her injuries and underwent left knee arthroscopic surgery to repair a torn meniscus along with a steroid injection. We argued that the retailer was not vicariously liable for the acts of the employee who was "off the clock" at the time he dropped his "personal jug" of iced tea on the floor. The court held that the "off duty employment" is a question of law since there was no genuine dispute of material facts as to whether the employee was "acting within the scope of his employment" at the time the alleged dangerous condition was created. Motion for summary judgement was granted.