

G. JAY HABAS

OFFICE MANAGING ATTORNEY
SHAREHOLDER



AREAS OF PRACTICE

Workers' Compensation
Miscellaneous Professional Liability
Public Entity and Civil Rights Litigation
Insurance Agents & Brokers Liability
Amusements, Sports & Recreation Liability
Real Estate E&O Liability
Lawyers' Professional Liability
Premises and Retail Liability

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ADMISSIONS

Pennsylvania
1989

New York
2016

EDUCATION

Notre Dame Law School (J.D.,
1985)

Gannon University (B.A., cum
laude, 1982)

ASSOCIATIONS & MEMBERSHIPS

Erie County Bar Association, Vice
Chair, Workers' Compensation
Section, 2014

Insurance Club of Erie County,
President, 2005-2006 (two terms)

Pennsylvania Bar Association

OVERVIEW

Jay Habas is the managing partner of the firm's Erie office. As defense litigator and trial attorney, Jay has represented clients in federal and state courts as well as administrative agencies on a variety of matters involving employment, professional liability, civil rights, municipal liability, products liability and workers' compensation.

A highlight of Jay's practice involves counseling and defending clients in employment disputes including hiring, termination, discipline, discrimination and disability, wrongful discharge, retaliation, premises liability, workplace violence, workers compensation, OHSA, civil rights, and wage and hour investigations throughout western Pennsylvania. Jay is also experienced in general liability liability matters, and he represents large and small manufacturers, retail establishments, family-owned businesses, health care organizations, construction companies, school districts, churches, municipalities and non-profit agencies in all types of litigation and liability claims. Jay also defends architects, accountants, property managers, attorneys, and municipal officials in errors and omissions cases brought against them.

Jay is a frequent speaker on workers' compensation and employment-related topics for employers and insurance professionals throughout Pennsylvania. He previously served as co-author of the firm's monthly publication, *What's Hot in Workers' Compensation*, and is a contributor to the year-end summary of the Top 10 Cases in Workers' Compensation. Jay is involved in a number of professional organizations, including the Lake Erie Claims Association, Northwest Pennsylvania Human Resource Management Association, Pennsylvania Defense Institute, and Americans Inns of Court.

An Erie native and graduate of Gannon University (where he was the recipient of the Medal of Honor), Jay received his law degree from the University of Notre Dame Law School. He began his career in Chicago with a major Midwestern defense litigation firm and then worked for a defense firm in Pittsburgh before relocating home to Erie with Marshall Dennehey in 1997.

YEAR JOINED

1997

THOUGHT LEADERSHIP

Can a Claim Against an Agent Be Limited Under the Gist of the Action Doctrine In Pennsylvania?

Erie

Insurance Agents & Brokers Liability

August 22, 2022

Residential real estate sales are governed by the terms of the sales agreement. The material in this law alert has been prepared for our readers by Marshall Dennehey.

Insurance Broker Has No General Duty in Pennsylvania to Inspect Property Before Placing Insurance Coverage

Erie

Insurance Agents & Brokers Liability

August 11, 2021

The February 2, 2021, edition of Legal Updates for Insurance Agents & The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

Does an Agent Have a Legal Obligation To Verify Email Communications?

Erie

Insurance Agents & Brokers Liability

March 16, 2020

Edited by Timothy Ventura, Esq. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

On the Pulse...Our Erie, Pennsylvania Office

Erie

December 1, 2019

When Marshall Dennehey opened its Erie, Pennsylvania office in the Fall of 1996, it was the final link in the firm's commitment to cover all corners of the Keystone state. Defense Digest, Vol. 25, No. 4, December 2019 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

A Continuing Controversy Under Pennsylvania Law: Does the Economic Loss Doctrine Preclude Negligence Claims Against an Insurance Agent or Broker?

Erie

Insurance Agents & Brokers Liability

February 6, 2019

Edited by Timothy G. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

CLASSES/SEMINARS TAUGHT

#Me Too & Times Up: The Changing Landscape of Sexual Harassment in the Workplace, Human Resource Management Association Northwest Pennsylvania Conference, May 18, 2018

Medical Marijuana in Pennsylvania – Update on the Status of the Law and Its Impact on Employers, Human Resources Management Association of Northwest Pennsylvania, February 22, 2018

Cyber Liability, PCoRP Loss Control Workshop, County Commissioners Association of Pennsylvania, April 10, 2015

Data Breach -- Fighting the Cyber War and Social Media -- Landmine or Goldmine?, AIG, November 6, 2014

Data Breach -- Fighting the Cyber War and Social Media -- Landmine or Goldmine?, Assurex Global Loss Control and Claims Conference, October 23, 2014

Hot Topics in Employment, Assurex Loss Control & Claims Conference, October 22, 2014

Social Media & Cyber Breaches: the Internet's Impact on Your Business, The Graham Company, co-presenter, May 2014

Errors and Omissions: Limiting Your Exposure, Insurance Club of Erie County, January 15, 2014

Hot Topics in Employment, Marshall Dennehey Employment Seminar, Philadelphia, PA, October 10, 2013

Workplace Violence, Pennsylvania Association for Health Care Risk Management Fall Education Forum, September 13, 2013

Best Practices in ADA, FMLA and Workers' Compensation, Lorman Education Services, Erie, PA, August 27, 2013

Workplace Violence: Liability Issues, Pennsylvania Defense Institute Annual Conference, Bedford Springs, PA, July 18, 2013

Cyber Data Breach: The Latest Threat to Workplace Security, Human Resource Management Association of Northwest Pennsylvania Annual Conference, Erie, PA, May 30, 2013

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

Workplace Violence - Concerns in the Insurance Industry, Insurance Club of Erie, January 16, 2013

Affordable Care Act, American Inn of Court - Erie, PA, February 19, 2013

Municipal Liability, Pennsylvania County Commissioners Association, March 4, 2013

Labor and Employment, Adjunct Faculty, Gannon University

Act 57 Amendments to the Workers' Compensation Act

Impairment Rating Evaluations to Reduce Exposure to Total Disability Benefits

Maximizing an Insurance Carrier's Right to Subrogation

Employer Liability for Workplace Violence

Americans With Disabilities Act and its Interplay with Workers' Compensation

Family and Medical Leave Act

Employment, Workers' Compensation, Medical Malpractice, Insurance Agent E&O

Workers' Compensation Affecting School Districts

Pennsylvania and New Jersey Workers' Compensation

PUBLISHED WORKS

What's Hot in Pennsylvania Workers' Compensation, Marshall Dennehey newsletter, 2002-2013

"Natural Gas 'Gold Rush:' Injury and Occupational Exposure in Pennsylvania From the Marcellus Shale Gas Explosion," Energy Law Supplement, *The Legal Intelligencer*, July 2011

"Job Availability in Current Economic Crisis: Is It Time to Reconsider Funded Employment?," *Workers' Compensation (PSIA Newsletter)*, March 2009

"Using Causation As A Defense To Negligence," *Defense Digest*, 2003

"Calculation of Average Weekly Wage for Employees on Leave of Absence or Unpaid Illness," *Pennsylvania Self-Insurers' Association Newsletter*, May 1998

SIGNIFICANT REPRESENTATIVE MATTERS

Successfully resolved high-damage medical malpractice lawsuit involving the death of a three-month-old child where damages exposure was seven figures, with clear liability and potential punitive exposure for low six figures prior to trial on the basis of supportive expert testimony.

Won appeal of toxic chemical exposure workers' compensation case where the judge found an employee died of cancer due to exposure from Benzene in workplace and awarded substantial, lifetime widow's benefits in excess of \$500,000. Award reversed on appeal to Commonwealth Court on basis of the argument that widow's claim was barred by application of statute of limitations.

Successfully appealed denial of hearing loss claim in workers' compensation case through extensive use of after-acquired evidence to demonstrate workplace exposure to noise did not rise to level of OSHA threshold limit.

Use of medical experts from seven different disciplines to mitigate exposure in medical malpractice claim involving three-month-old child.

Developed expert testimony from occupational medicine, toxicology, neurology, neuropsychology, industrial hygiene and psychiatry to defend alleged toxic chemical exposure in the workplace.

Obtained dismissal of a federal civil rights action on behalf of the County of Erie in which a grandmother asserted a constitutional right to the care and custody of a grandchild against the interests of an adoptive family with whom the child was placed by the court. Successfully argued that no court has recognized such a right on behalf of a grandparent.

Successfully obtained summary judgment in the U.S. District Court, and upheld on appeal, of a federal civil rights claim by a father alleging that a local children and youth agency negligently filed a report of suspected child abuse against him. The court agreed that the local agency acted consistent with the Child Protective Services Law and did not cause a deprivation of the parent's rights.

Persuaded plaintiffs to voluntarily withdraw a complaint, which alleged that a county agency intentionally sabotaged the plaintiffs from adopting children placed in their custody, on the basis of absolute immunity under the Pennsylvania Subdivision Political Tort Claims Act.