

WALTER J. KLEKOTKA

CO-CHAIR, PREMISES AND RETAIL LIABILITY PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Premises & Retail Liability
Hospitality & Liquor Liability
Product Liability
Property Litigation
Asbestos & Mass Tort Litigation
Trucking & Transportation Liability
Catastrophic Claims Litigation

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ADMISSIONS

New Jersey
1987

Pennsylvania
1987

EDUCATION

Widener University School of Law
(J.D., 1987)

University of Delaware (B.S.,
1983)

OVERVIEW

Walter currently practices in the areas of premises liability, asbestos, hospitality/dram shop, product, auto, trucking & transportation and pharmaceutical matters. He has extensive experience in premises liability in the retail sector, having handled several hundred cases ranging from slip and falls to falling merchandise claims. He likewise has broad experience in pharmaceutical matters, representing numerous pharmacies and pharmacists in misfill and mislabel matters. In the course of his career, Walter has taken more than 50 matters to trial, including many jury trials. He is also quite skilled in alternative dispute resolution forums such as mediations and arbitrations.

Walter is a graduate of the University of Delaware where he obtained a Bachelor of Science degree in Economics. He received his *juris doctor* from The Delaware Law School of Widener University, after which he joined Marshall Dennehey. In 1991, he moved to the New Jersey office where he concentrated his practice on general liability matters. He has been a shareholder since January of 1996.

Walter initially began his career in the asbestos department where he handled hundreds of asbestos personal injury actions involving various claims of lung disease. As such, early in his career, he took numerous cases to verdict.

Walter is frequently asked by clients and industry organizations to lecture on a variety of topics concerning premises liability, automobile law and general liability matters.

THOUGHT LEADERSHIP

On the Pulse... Premises and Retail Liability Group

Orlando
Mount Laurel
Premises & Retail Liability
June 1, 2021

Marshall Dennehey's Premises and Retail Liability Practice Group, housed within the firm's Casualty Department, defends *Defense Digest*, Vol.

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

The Martindale Hubbell rated attorney list is issued by Internet Brands, Inc. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

The Best Lawyers in America®,
Personal Injury Litigation -
Defendants
2025

The Best Lawyers list is issued by Woodward & White. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

ASSOCIATIONS & MEMBERSHIPS

Camden County Bar Association

Claims & Litigation Management
Alliance (CLM)

New Jersey State Bar Association

YEAR JOINED

1987

CLASSES/SEMINARS TAUGHT

Successful Strategies for Effective Mediation, Marshall Dennehey Client Seminar, July 20, 2022

Jurisdictional Trends & The COVID-19 Impact on FL NY NJ & PA, Marshall Dennehey Virtual Client Presentation, December, 2020

1997 Civil Motion Practice, New Jersey State Bar Association Civil Litigation for Paralegals, CISI
Dram Shop, South Jersey Claims Association

PUBLISHED WORKS

"No More Pigeonholes in Premises Liability Law," *New Jersey Law Journal*, August 21, 2006

"New Jersey Charitable Immunity Act: Public University Exempt From Suit Even Though Judgment Would Be Paid From Public Funds," *Defense Digest*, 2002-09, Vol. 8, No. 3

"The Downsizing of the Collateral Source Rule," *Defense Digest*, 2001-12, Vol. 7, No. 6, co-author

"Then N.J. Appellate Division Clarifies Duty Owed by Commercial Tenant," *Defense Digest*, Vol. 3, No. 1, 1997

"The Blizzard's Backlash: A Symposium on Issues Confronting Pennsylvania and New Jersey Property Owners," (Coauthor), *Defense Digest*, March 1996

"New Jersey Spoliation of Evidence and the Doctrine of Res Ipsa Loquitur," *Defense Digest*, August 1995

"New Jersey Creates Recreational Sports & Leisure Activities Liability Study Commission," *Defense Digest*, Summer 1994

RESULTS

Jury Defense Verdict Secured in a Case Involving Negligent Propane Services

General Liability

Premises & Retail Liability

June 14, 2024

We obtained a jury defense verdict in Cumberland County, New Jersey. We defended a major propane company where it was claimed that they provided negligent service to a stove which allegedly caused a trailer fire. The plaintiffs lost everything in the fire, including their pets. They also sustained serious and permanent burn injuries. Total medical bills were in excess of \$1.5 million, and there was a \$227,000 Medicare lien. The plaintiffs' demand was \$5 million. In less than two hours, the jury returned a verdict in favor of the defense.

Confirmation for obtaining the grant of summary judgement in a premises liability case.

Premises & Retail Liability

Appellate Advocacy & Post-Trial Practice

August 13, 2021

Our defense team successfully obtained an affirmance of the grant of summary judgment in a premises liability case. The plaintiff asserted he tripped and fell in our client's supermarket and that the fall exacerbated his epilepsy. The discovery period ended without the plaintiff producing an expert opinion that causally connected the medical complaints to the fall. The plaintiff claimed that his treatment for cancer caused his inability to be timely examined and to obtain an expert opinion.

Successful defense of grant of summary judgment in the New Jersey Appellate Division results in published opinion

General Liability

December 1, 2020

Walter Klekotka (Mount Laurel, NJ) and Walter Kawalec (Mount Laurel, NJ) were successful in defending a grant of summary judgment in the New Jersey Appellate Division that resulted in a published opinion. Our clients were the owner and manager of an apartment complex for seniors. The plaintiff/resident had returned from walking her dog and alleged she received injuries entering the elevator.

Contractual indemnification key to successful defense of premises liability case.

Premises & Retail Liability

March 1, 2020

We obtained summary judgment on behalf of a commercial tenant in a premises liability case. The plaintiff brought suit against our client, the commercial landlord and the City of Newark. The plaintiff alleged that the parties failed to maintain a condition of the sidewalk that caused a trip and fall.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained summary judgment for their client, a large retail store, in a premises liability case. Plaintiff brought suit against our client, a large retail store, alleging negligence for a physical altercation between a former employee and a customer. Plaintiff argued that the former employee held himself out as an employee, and the store was negligent in failing to protect the customer from criminal acts. We moved for Summary Judgment as the assailant was a former employee, and there was no foreseeability to put the store on notice for any criminal acts by a third party. At oral argument, we established that the record was clear as to the former employee's status at the time of the incident, and that the opposition arguments (the employee was stocking shelves and wearing clothing similar to the store uniform) were not genuine issues of material fact. The judge agreed and granted Summary Judgment for our client.

Successfully defended a grant of summary judgment in the New Jersey Appellate Division that resulted in a published opinion. Our clients were the owner and manager of an apartment complex for seniors. The plaintiff resident had returned from walking her dog and alleged she received injuries entering the elevator. She had allowed the dog to enter first, when the doors began to close. She alleged injuries occurring when the right door struck her arm, and when she used her left arm and left side of her body to slow the doors from closing while she leapt into the elevator. She sued our clients and the company hired to maintain the elevator, but was unable to establish any proof of negligence. The trial judge dismissed the case, declining to apply the doctrine of *res ipsa loquitur*, in part, because the plaintiff could not establish the third element of the doctrine: that the injury did not result from the plaintiff's own voluntary act or neglect. On appeal, the plaintiff argued that the Appellate Division should eliminate this third element. The Appellate Division, in a published opinion, concluded that the third element is a well-established law in New Jersey and only the New Jersey Supreme Court could eliminate it, and that court has shown no inclination to do so. Because the plaintiff could not demonstrate the third prong, *res ipsa* was not applicable and the failure of the plaintiff to establish negligence resulted in summary judgment in the defendants' favor.

Obtained a defense verdict for a large supermarket chain involving an injury to a vendor from a swinging door.

Obtained a defense verdict for a large supermarket chain involving a fall down as a result of a foreign substance on the floor.

Obtained a defense verdict representing a Gas station Mini Market involving a slip and fall on foreign substance on the floor.

Obtained a defense verdict in a case involving allegations of RSD.

Successfully mediated products liability matter with loss of sight in one eye.

Successfully mediated products liability case involving permanent facial disfigurement.