

## KEVIN M. MCKEON

SHAREHOLDER



### AREAS OF PRACTICE

Product Liability  
Commercial Litigation  
General Liability  
Class Action Litigation  
Catastrophic Claims Litigation  
Trucking & Transportation Liability

### CONTACT INFO

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### ADMISSIONS

New Jersey  
1986

Pennsylvania  
1986

U.S. District Court District of New Jersey  
1986

U.S. District Court Eastern District of Pennsylvania  
1986

U.S. Court of Appeals 3rd Circuit  
1996

U.S. Supreme Court  
2001

U.S. District Court Middle District of Pennsylvania  
2008

### OVERVIEW

Kevin has more than 40 years of experience representing manufacturers, corporations, and businesses in complex civil litigation, including product liability, product warranty, premises liability, and trucking and transportation matters. He regularly defends manufacturers and transportation-related businesses in high-exposure matters and has successfully obtained dismissals on behalf of defendants in product liability cases.

His product warranty practice includes defending claims brought under federal and state statutes, including the Pennsylvania and New Jersey lemon laws, as well as breach of warranty and consumer fraud acts. Kevin also represents defendants in premises liability actions.

Kevin has litigated matters for major manufacturers across a wide range of industries, including automobiles, trucks, boats, homes, and recreational vehicles and equipment. He has additional experience representing warranty and service contract companies, builders, and related businesses.

Kevin has tried more than 75 cases to jury verdicts, as well as numerous bench trials, and has experience handling class actions. He has also argued before appellate courts, including the New Jersey Supreme Court and the United States Court of Appeals for the Third Circuit.

Kevin is admitted to practice in New Jersey and Pennsylvania and holds an AV® Preeminent™ rating from LexisNexis Martindale-Hubbell.

### PUBLISHED WORKS

"Impaired Cognizance of Injury From Sexual Abuse May Not Trigger the Discovery Rule," *Defense Digest*, Vol. 6, No. 6, December 2000

"Strict Liability and Negligence Claims May be Barred in New Jersey Products Liability Cases Involving Damage to the Product," *Defense Digest*, 1998-02, Vol. 4, No. 1

"The Defense of Charitable Organizations Takes a Turn for the Better," *Defense Digest*, April 1995

### EDUCATION

Rutgers Law School (J.D., 1986)

Boston College (A.B., 1983)

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## 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.*

New Jersey Super Lawyer  
2005

*The Super Lawyers list is issued by Thomson Reuters. 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.*

Panelist, PBS television shows,  
Consumer Fraud Issues

Swarthmore's Who's Who

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## ASSOCIATIONS & MEMBERSHIPS

American Boat and Yacht Council

Camden County Bar Association

Defense Research Institute

Warranty Defense Counsel

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## YEAR JOINED

1993

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## LEGAL CERTIFICATIONS

Commercial Arbitrator - Camden County, New Jersey

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## RESULTS

### Jury Defense Verdict Obtained in New Jersey Product Liability Case

#### Product Liability

**July 31, 2024**

We secured a jury defense verdict in the Superior Court of New Jersey in a product liability case where the demand was \$650,000. The plaintiff alleged a defect in the handle of an ultraviolet light disinfecting device that caused her to develop trigger finger. They alleged a design defect and failure to warn claim, claiming permanent damage to her ring finger and hand as a result of surgeries to correct the injury.

## SIGNIFICANT REPRESENTATIVE MATTERS

*Malin v. Bayliner Corp.*, 148 F. 3d 1154 (3rd Cir. 1998), Third Circuit Court of Appeals affirmed trial court's dismissal of boat manufacturer after lengthy trial involving claims of breach of warranty, fraud, revocation of acceptance.

*Palmucci v. Brunswick Corp.*, 311 N.J. Super. 607, 710 A. 2d 1045 (App. Div. 1998). Holding that manufacturers are entitled to at least one opportunity to cure an allegedly defective product prior to plaintiff filing suit.

*Wanetick v. OCT Partnership*, 318 N.J. Super. 156, 723 A. 2d 100 (App. Div. 1999). Holding that an ultimate outcome charge must be given to a jury in a consumer fraud case.

*Suber v. Chrysler Corp.*, 104 F. 3d 578 (3rd Cir. 1997). Determining federal jurisdictional issues and stating that a manufacturer cannot be held liable for actions of a dealer absent an indicia of ownership of the dealer in a consumer fraud case.

*Poli v. DaimlerChrysler Corp.*, 349 N.J. Super. 169, 793 A. 2d 104 (App. Div. 2001). holding that there is a two-year statute of limitation in a lemon law claim, and addressing breach of warranty statute of limitation issues.

*Wanetick v. Gateway Mitsubishi*, 163 N.J. 484, 750 A. 2d 79 (2000). New Jersey Supreme Court ruling holding that an ultimate outcome charge must be given to a jury in a Consumer Fraud Act case; Model Jury Charges amended to reflect this ruling.

*Ryan v. American Honda*, 186 N.J. 431, 896 A. 2d 454 (2006). Holding that leases are covered in New Jersey under the federal Magnuson Moss Warranty Act.

*Divigene v. Chrysler Corp.*, 345 N.J. Super. 314, 785 A. 2d 37 (App. Div. 2001), cert. den. 171 N.J. 442, 794 A. 2d 181 (2002). Addressing plaintiff's burden of proof and jury instructions in a lemon law case.

Obtained complete summary judgments dismissing entire cases for multiple automobile manufacturers in numerous cases in New Jersey and Pennsylvania involving the Pennsylvania and New Jersey lemon laws, breach of warranty (Uniform Commercial Code), Magnuson-Moss Warranty Act and consumer fraud statutes.

Had plaintiff dismiss product liability fire loss case against product manufacturer in claim for over \$500,000 in property damage by proving through experts that client's product did not cause fire.

Had plaintiff dismiss products liability case against exercise equipment manufacturer in personal injury case by establishing that client's product did not cause the injury and injury either did not take place or was caused by other defendants.

Defense verdict in jury trial on behalf of boat manufacturer in product warranty case where plaintiff claimed a defect in a boat led to a boat sinking in Atlantic Ocean.

Obtained summary judgment relief for owner and driver of tow truck involved in multi-vehicle fatality crash. Our clients' truck was struck from behind while towing another vehicle. The striking vehicle was a correctional facility transport van, which was transporting two inmates and two correctional officers. The impact caused injuries to both occupants of the tow truck and to all four occupants of the van, including fatal injuries to one of the inmates. Our clients were target defendants of the plaintiff correctional officer who was a passenger in the van, given the immunity provided to the Department of Corrections and its driver by the worker's compensation bar. At the conclusion of discovery, the Court accepted our motion based on the argument that a jury could not reasonably find our driver negligent despite the allegation that he had been driving too slow and despite the fact that he had received numerous citations for motor vehicle and towing violations. Our argument relied upon the uncontested expert opinions reached by the State Police's accident investigator and our own accident reconstruction expert.

## REPRESENTATIVE CASES

*Miranda v. MarineMax*, 2013 N.J. Super. Unpub. LEXIS 2419 (App. Div. 2013)

*McGarvey v. Penske*, 486 Fed. Appx. 276 (3rd Cir. 2012)

*Washington v. Thiele Manuf.*, 2012 U.S. Dist. LEXIS 66547 (D.N.J. 2012)

*Patel v. American Honda Motor Co.*, 2011 N.J. Super. Unpub. LEXIS 1146 (App. Div. 2011)

*Ferrari v. American Honda Motor Co.*, 2009 N.J. Super. Unpub. LEXIS 346 (App. Div. 2009)

*Smith v. Cavalier Builders*, 2008 U.S. Dist. LEXIS 23457 (D.N.J. 2008)

*Divigenze v. Chrysler Corp.*, 345 N.J. Super. 314, 785 A.2d 37 (cert. den. 171 N.J. 442, 794 A.2d 181 2002)

*Wanetick v. Gateway Mitsubishi, et al*, 163 N.J. 484, 750 A.2d 79 (2002)

*Poli v. DaimlerChrysler Corp.*, 349 N.J. Super. 169, 793 A.2d 104 (App. Div. 2001)

*Wanetick v. OCT Partnership*, 318 N.J. Super. 156, 723 A.2d 100 (App. Div. 1999)

*Palmucci v. Brunswick Corporation*, 311 N.J. Super. 607, 710 A.2d 1045 (App. Div. 1998)

*Suber v. Chrysler Corporation*, 104 F.3d 578 (3rd Cir. 1997)