

## MARK J. KOZLOWSKI

SHAREHOLDER



### AREAS OF PRACTICE

Public Entity & Civil Rights Litigation  
Employment Law  
School Leaders' Liability  
Miscellaneous Professional Liability  
Non-Profit D&O  
Real Estate E&O Liability

### CONTACT INFO

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Moosic, PA 18507

### ADMISSIONS

Pennsylvania  
2010

U.S. District Court Middle District  
of Pennsylvania  
2010

Maryland  
2011

U.S. Court of Appeals 3rd Circuit  
2014

U.S. Supreme Court  
2018

U.S. District Court Eastern District  
of Pennsylvania  
2019

### EDUCATION

Michigan State University College  
of Law (J.D., 2010)

Kutztown University of  
Pennsylvania (B.S., 2007)

### HONORS & AWARDS

Pennsylvania Super Lawyers  
Rising Star  
2019-2023

### OVERVIEW

As a member of the Professional Liability Department, Mark focuses his practice on civil rights, constitutional law and municipal liability.

Mark has represented a number of governmental agencies and municipalities over the years in matters ranging from police excessive force and wrongful arrest cases to premises liability lawsuits. He represents public entities and officials in cases arising under state law, federal civil rights statutes and the Pennsylvania Political Subdivision Tort Claims Act. He has also handled the defense of Homeowner Associations and officers in matters involving challenges to voting procedures, changes to short-term rental policies, employment discrimination and retaliation.

In addition, Mark publishes the Marshall Dennehey Municipal Law newsletter. Mark has experience in the areas of zoning appeals, administrative proceedings, and trial court and appellate practice. He has handled civil rights litigation at the trial court and appellate levels, including experience practicing before the Supreme Court of the United States on multiple occasions. In 2021, Mark was elected Greenfield Township (Lackawanna County) Judge of Election. In 2023, Mark became a certified mediator on the mediator panel for the United States District Court for the Middle District of Pennsylvania Mediation Program.

Mark received his *juris doctor* from Michigan State University College of Law in 2010. While in law school, he served as editor-in-chief of the *Journal of International Law* and as an associate editor of *Res Ipsa Loquitor*, the College of Law's newspaper. Mark was a member of the Student Bar Association and spoke on several panels at the National Conference of Law Reviews relating to successful management of law reviews, budget considerations and leadership. He also interned for the Lackawanna County District Attorney's Office.

Following law school, Mark served as a law clerk for the Honorable Edwin M. Kosik of the United States District Court for the Middle District of Pennsylvania. Following his clerkship, Mark began his private legal career with a general civil practice firm in Maryland.

Mark received his Bachelor of Science degree from Kutztown University of Pennsylvania in business administration and majored in marketing and business management. He also completed a minor in political science. While completing his undergraduate degree at Kutztown University, Mark served as president of the Recreational and Sports Club Council and spent four seasons as a defensive player with the lacrosse team.

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## ASSOCIATIONS & MEMBERSHIPS

Lackawanna County Bar Association, Young Lawyers Division, Board of Directors, 2016-2018

Pennsylvania Bar Association

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## YEAR JOINED

2012

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## CERTIFICATIONS

United States District Court Middle District of Pennsylvania, Certified Mediator

## THOUGHT LEADERSHIP

### Marshall Dennehey Announces 2022 Pennsylvania Super Lawyers and Rising Stars

May 23, 2022

Thirty-four attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2022 edition of Pennsylvania Super Lawyers magazine.

[Read More](#)

### Marshall Dennehey Announces 2021 Pennsylvania Super Lawyers and Rising Stars

May 26, 2021

Forty-five attorneys from the Pennsylvania offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2021 edition of Pennsylvania Super Lawyers magazine.

[Read More](#)

### Legal Updates for Pennsylvania Municipal Law - September 2019

Scranton

Public Entity & Civil Rights Litigation

September 1, 2019

Supreme Court of Pennsylvania Overturns City's Attempt to Collect "Maintenance Fee" from Public Utility The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

### Third Circuit Reaffirms Ripeness Doctrine in Civil Rights Claim and Need to Exhaust State Remedies Before Pursuing a Fifth Amendment Takings Claim

Scranton

Public Entity & Civil Rights Litigation

September 1, 2017

Defense Digest, Vol. 23, No. 3, September 2017 By Mark J. Kozlowski, Esq.\* Key Points: Defense Digest, Vol. 23, No. 3, September 2017. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

### Continued expansion of corporate liability and punitive damages against managing entities of nursing homes.

Health Care Liability

January 11, 2013

A jury awarded compensatory damages for injuries the deceased suffered as a result of neglect while a resident at the Philadelphia Nursing Home, which was operated by Episcopal Long Term Care. Case Law Alert - 1st Quarter 2013

## **CLASSES/SEMINARS TAUGHT**

*FLSA – Wage and Labor Laws*, Northeast Pennsylvania Chapter of Society for Human Resource Management, June 29, 2023

*Recruitment and Selection*, Northeast Pennsylvania Chapter of Society for Human Resource Management, March 30, 2023

*Employment Law Basics: The Basis of OSHA, FLSA, ADA & More*, Northeast Pennsylvania Chapter of Society for Human Resource Management, November 17, 2022

*Performance Management & Record Retention: Avoiding Discrimination - What is Needed to Make a Hire and be Fired*, Northeast Pennsylvania Chapter of Society for Human Resource Management, August 18, 2022

*Pay & Benefits: Overtime, Minimum Wage, Compensable Time & Legally Required Benefits*, Northeast Pennsylvania Chapter of Society for Human Resource Management, May 19, 2022

*Recruitment & Selection: Where to Find Talent & the Do's/Dont's of Interviewing*, Northeast Pennsylvania Chapter of Society for Human Resource Management, February 17, 2022

*Local Government Immunity in Pennsylvania*, client seminar, June 8, 2021

*Essential Handbook Must-Haves and Updates*, National Business Institute, October 18, 2017

*Workplace Behavior and Privacy Issues, Human Resource Law: What You Need to Know Now*, National Business Institute, December 2016

*Hiring/Recruiting, Human Resource Law: What You Need to Know Now*, National Business Institute, December 2016

*Employment Law: Rights, Benefits, and Emerging Issues*, Sterling Education Services, August 2, 2016

*Employment Law: Beyond the Basics*, Sterling Education Services, August 4, 2015

## **PUBLISHED WORKS**

*Legal Updates for Pennsylvania Municipal Law*, contributor and editor, September 2019-present

"Third Circuit Reaffirms Ripeness Doctrine in Civil Rights Claim and Need to Exhaust State Remedies Before Pursuing a Fifth Amendment Takings Claim," *Defense Digest*, Vol. 23, No. 3, September 2017

"The Fire Protection Engineer Expert," *Fire Protection Contractor*, April 2012

## RESULTS

### Summary Judgment Affirmed by Pennsylvania Commonwealth Court in Police Pursuit Case

#### **Public Entity & Civil Rights Litigation**

**November 14, 2023**

We were affirmed the granting of summary judgment in favor of our client in a high-speed police pursuit case. The plaintiff was severely injured after a brief police pursuit involving the driver, who died as a result of the pursuit. The plaintiff then sued the local municipality for negligence, arguing that the officers caused the wreck by turning a traffic stop into a high-speed chase.

### Defense Obtains Dismissal of a Complex Federal Civil Rights Action

#### **Public Entity & Civil Rights Litigation**

**May 4, 2023**

We obtained the dismissal of a federal civil rights action alleging that a municipality retaliated against a real estate developer after the sale of a large tract of local property.

### Successful defense of employer alleged to have violated the Pennsylvania Medical Marijuana Act.

#### **Employment Law**

**November 1, 2022**

The plaintiff sought employment as a fork lift operator in a manufacturing facility. He was extended a conditional offer of employment, contingent on passing a pre-employment drug test. His drug test showed a positive indication for the presence of marijuana, and his offer was rescinded. The plaintiff claimed that he notified the facility that he held a valid Medical Marijuana Identification Card, yet our client still rescinded its offer in violation of the Pennsylvania Medical Marijuana Act.

### Defense prevails in case involving a high-speed police pursuit.

#### **Public Entity & Civil Rights Litigation**

**April 22, 2022**

During early morning hours, a vehicle was observed by police officers driving straight through a turning lane. The officers attempted a traffic stop, but the driver took off and led police onto an interstate highway. A high-speed pursuit ensued, reaching speeds in excess of 115 mph. The plaintiff was a passenger in the vehicle. Due to the high speed and an upcoming construction zone, officers broke off the chase. The driver attempted to exit the interstate via an off ramp, but turned too fast and crashed.

### Defense verdict for PA Borough and Police Chief following a six-day jury trial.

#### **Public Entity & Civil Rights Litigation**

**April 22, 2022**

The plaintiff, a part-time police officer, alleged that she told her Police Chief that she believed the hiring/promotions of three male police officers to full-time positions were illegal. After that meeting, the plaintiff claimed she was not assigned to higher-paying assignments like the male police officers in the department. She sued the borough and the police chief for First Amendment retaliation under Section 1983, and gender-based discrimination and retaliation pursuant to Title VII of the Civil Rights Act, and the Pennsylvania Human Relations Act.