

MICHAEL A. SALVATI

SHAREHOLDER



ADMISSIONS

New Jersey
2011

Pennsylvania
2011

U.S. District Court District of New Jersey
2012

U.S. District Court Eastern District of Pennsylvania
2013

U.S. District Court Middle District of Pennsylvania
2021

EDUCATION

Villanova University Charles Widger School of Law (J.D., magna cum laude, 2011)

Villanova University (B.A., summa cum laude, 2008)

HONORS & AWARDS

Pennsylvania Super Lawyers
Rising Star
2024-2025

AREAS OF PRACTICE

Premises & Retail Liability
Product Liability
Automobile Liability
Property Litigation

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Philadelphia, PA 19103

OVERVIEW

A litigator and legal scholar, Michael provides streamlined solutions to his casualty clients' most complex litigation challenges. With a focus on product liability, premises liability, automobile and other personal injury claims, he provides counsel to manufacturers of consumer goods, regional and national retail chains, manufacturing facilities, restaurants/bars, commercial landowners, pharmacies and more. Michael has experience in all aspects of defense litigation, from initial claim investigation through discovery and trial. Michael has also assisted in the defense of class actions involving various subject matters, ranging from alleged product failures to data breach claims.

Michael prioritizes efficiency, achieving favorable outcomes, and ensuring the best possible results for his clients. By dissecting the key issues in litigation, he aims to avoid unnecessary complexities and legal disputes. He approaches every client matter strategically, by first assessing the case; identifying critical legal arguments; and creating a well-informed legal strategy.

An avid reader and life-long student, he keeps abreast of legal topics pertinent to his clients, so he can better understand the current legal landscape and how it may impact their cases. A prolific writer, he has published substantive articles in *The Pennsylvania Lawyer*, *The Legal Intelligencer* and *Law360*.

Michael's scholarship and devotion to the law has not gone unnoticed. In 2023, he was selected to serve a five-year term on the Supreme Court of Pennsylvania's Civil Jury Instruction Subcommittee, which drafts jury instructions used by trial judges throughout the Commonwealth of Pennsylvania.

Admitted to practice in both Pennsylvania and New Jersey, Michael is a member of the Pennsylvania, Philadelphia and New Jersey State Bar Associations. He is additionally a member of the Defense Research Institute where he has served as an editor for its *Product Liability Defenses*, a *State-by-State Compendium*.

Prior to joining the firm, Michael served as a judicial law clerk to the Honorable Timothy G. Farrell of the Superior Court of New Jersey. In that capacity, Michael managed the judge's dockets, drafted opinions and orders, and served as a mediator in Small Claims and Special Civil Part cases.

Michael earned his juris doctor at Villanova Law School, where he graduated in the top 10% of his class, was a member of the Order of the Coif, and served as an Associate Editor of the *Villanova Law Review*. He earned his bachelor's degree in history from Villanova University, where he graduated first in his class with a 4.0 GPA.

Michael resides in South Jersey with his wife and twin boys.

ASSOCIATIONS & MEMBERSHIPS

- New Jersey Bar Association
- Pennsylvania Bar Association
- Pennsylvania Supreme Court Subcommittee for Civil Jury Instructions
- Philadelphia Bar Association

YEAR JOINED

- 2012

THOUGHT LEADERSHIP

Third Circuit Court of Appeals Holds a Product Liability Plaintiff Does Not Need an Expert to Survive Summary Judgment in Certain Cases

Philadelphia - Headquarters

Product Liability

October 1, 2025

Product liability suits often involve complex machinery or detailed questions of product design and engineering. Thus, when defendants seek to preclude a plaintiff's experts from testifying, they often try to kill two birds with one stone.

Marshall Dennehey Announces 2025 Pennsylvania Super Lawyers and Rising Stars

May 22, 2025

Thirty-three attorneys across Marshall Dennehey's five Pennsylvania offices have been selected to the 2025 edition of Pennsylvania Super Lawyers magazine.

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Court Affirms Dismissal of Product Liability Claim Over Absence of Driver-Assistance Features

Philadelphia - Headquarters

Product Liability

April 1, 2025

This product liability action centered on a fatal auto accident; a head-on collision that the plaintiff claimed could have been prevented if the vehicle had been equipped with a "lane departure" warning or other driver-assistance feature. Case Law Alerts, 2nd Quarter, April

Federal District Court Applies Recently Revised Rule 702 Standard Regarding Experts.

Philadelphia - Headquarters

Product Liability

October 1, 2024

This product liability case involved a fatal helicopter crash, which the plaintiffs alleged was caused by a defective helicopter engine. Each side filed Daubert motions to preclude their opponent's experts. Case Law Alerts, 4th Quarter, October

Marshall Dennehey Announces 2024 Pennsylvania Super Lawyers and Rising Stars

May 17, 2024

Twenty-eight attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2024 edition of Pennsylvania Super Lawyers magazine.

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CLASSES/SEMINARS TAUGHT

Strategies to Mitigate Risk and Avoid Litigation, Marshall Dennehey Client Presentation, May 14, 2025

Panel Member, *Nuts and Bolts of Litigation Practice Under the Fair Share Act*, Pennsylvania Bar Institute, April 2016.

Litigation Pointers for Defending the Supermarket Slip and Fall Case, Liberty Mutual Insurance, February 2015

PUBLISHED WORKS

"Pa. Supreme Court Must Defend Established Venue Standard," *Law360*, February 17, 2023

"A Two-Pronged Test Becomes One - Why the Superior Court's Venue Decision in *Haney* Departs From Decades of Prior Precedent," *The Pennsylvania Lawyer*, January/February 2023

"After 'Tincher,' Evidence of Industry Standards Should be Admissible in PI Litigation," *The Legal Intelligencer*, Personal Injury Supplement, November 5, 2021

"There's No Turning Back Now: Product Liability Jury Instructions in the Wake of *Tincher v. Omega Flex*," *Defense Digest*, Vol. 24, No. 2, June 2018

"There's No Place Like "Home": Challenging General Jurisdiction When an LLC Is a Citizen of the Forum State," *Defense Digest*, Vol. 23, No. 2, June 2017

"Pennsylvania's Fair Share Act: Practical Pointers for Litigators," *Defense Digest*, Vol. 20, No. 2, June 2014, co-author

MEDIA COMMENTARY

"'A Titanic Decision': Pa. Supreme Court's Ruling Makes Venue Challenges Harder," *The Legal Intelligencer*, November 29, 2023

RESULTS

Received Precedential Decision from PA Superior Court in Venue Transfer Case

General Liability

Appellate Advocacy & Post-Trial Practice

October 30, 2023

We secured a unanimous, precedential decision upholding a venue transfer from Philadelphia to Butler County under forum non conveniens, setting a new standard for defendants after a series of appellate reversals.

Car dealership dismissed from lawsuit for lack of personal jurisdiction.

December 16, 2022

We obtained dismissal of our client, a car dealership, from a suit pending in Montgomery County, Pennsylvania, on the basis of a lack of personal jurisdiction. The plaintiff, who had addresses in Pennsylvania and Florida, had purchased a used Range Rover that allegedly experienced ongoing maintenance issues. The plaintiff sought repairs from various car dealerships, including our client. When the repairs were unsuccessful, she brought claims for breach of warranty, breach of contract and unfair trade practices against each of them.

Defense prevails in workplace injury/premises liability case.

Premises & Retail Liability

August 24, 2020

The defendants were two family-owned companies that grow, process and sell mushrooms. One defendant, our client, owned the property, and the other operated the business there. The plaintiff worked for an independent company that was contracted to load compost into the defendants' mushroom beds. The plaintiff encountered a problem with the equipment used to lift the compost (the source of the problem is in dispute).

Product Liability Case Dismissed for Lack of Personal Jurisdiction Over a National Corporation.

Product Liability

May 11, 2018

In this complex lawsuit, the plaintiff suffered traumatic injury when the steering column of his tractor trailer became unyoked, rendering it uncontrollable and causing it to crash. The manufacturer is a Delaware LLC headquartered in North Carolina, but it manufactured the truck at its plant in Virginia. The plaintiff, a Pennsylvania citizen, crashed while driving it in Texas. The suit was filed in Philadelphia, as the LLC's sole corporate parent is a Pennsylvania corporation. Based upon that, the plaintiff argued that the LLC should be deemed a citizen of Pennsylvania.

SIGNIFICANT REPRESENTATIVE MATTERS

Successfully obtained dismissal of a wrongful death action against a product manufacturer and distributor for lack of personal jurisdiction. The case involved allegations of a defective windshield installed in Pennsylvania, but the defense team demonstrated that the clients—located in Ohio and South Carolina—lacked sufficient contacts with the forum state, overcoming the plaintiff's stream-of-commerce jurisdiction theory.

Prevailed on a Motion to Dismiss in a data breach class action in the Eastern District of Pennsylvania. Sixteen named plaintiffs brought claims alleging that a hacker had accessed the personal information of over 1,000,000 individuals nationwide. We defended the debt collection company whose computer servers were compromised. Plaintiffs asserted broad and novel legal theories, including negligent failure to protect data, breach of implied contract, invasion of privacy, negligence per se, and violations of various state consumer protection laws. We successfully contested these claims, resulting in the dismissal of eight plaintiffs for lack of standing and 15 of the 17 asserted causes of action being dismissed.

Obtained a defense verdict as second chair in a federal jury trial involving an allegedly defective motorcycle that caught fire when left running contrary to instructions in the owner's manual, causing significant fire and smoke damage to the plaintiffs' residence.

Obtained a summary judgment on behalf of a janitorial franchising company, successfully arguing that it was not responsible for the rogue acts of its franchisee who allegedly stole jewelry and engaged in sexual acts while cleaning the plaintiff's office.

Obtained summary judgment on behalf of two homeowners, successfully arguing that they had no duty to prevent their general contractor from injuring his subcontractor, the plaintiff, who had fallen from a ladder on the job.

Successfully defended a retail pharmacy and its delivery driver at arbitration on an auto accident claim for which liability was uncontested. Michael obtained a limited tort finding and limited plaintiff to recovery of her unpaid medical expenses, which were minimal. The suit had initially been filed as a major jury case before being remanded to arbitration, and the award was less than 1% of plaintiff's original demand.

Obtained a dismissal on jurisdictional grounds of product liability and wrongful death claims brought against a truck dealership that was located in Ohio and that did not conduct regular business in Pennsylvania.

Obtained a summary judgment for the manufacturer of a smoker in a failure to warn claim involving an allegedly defective barbecue smoker by successfully challenging the opinions of the plaintiff's expert as speculative.