

STUART H. SOSTMANN

CO-CHAIR, CONSTRUCTION INJURY PRACTICE GROUP
ASSISTANT OFFICE MANAGING ATTORNEY
SHAREHOLDER



AREAS OF PRACTICE

Construction Injury Litigation
Product Liability
Property Litigation
Automobile Liability
Architectural, Engineering & Construction
Defect Litigation
Hospitality & Liquor Liability
Commercial Litigation
Premises & Retail Liability
Catastrophic Claims Litigation
Environmental & Toxic Tort Litigation
General Liability

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ADMISSIONS

Pennsylvania
1999

Supreme Court of the United
States
2023

EDUCATION

University of Pittsburgh School of
Law (J.D., 1999)

University of Pittsburgh (B.A., cum
laude, 1996)

HONORS & AWARDS

AV® Preeminent™ by Martindale-
Hubbell®

The Best Lawyers in America®,
Product Liability Litigation -
Defendants
2022-2024

Pennsylvania Super Lawyers
2018-2022

OVERVIEW

With over two decades of experience as a litigator, Stuart concentrates his practice in the area of commercial general liability. He routinely handles high exposure matters in the fields of product liability, premises liability, auto liability, construction litigation, marine liability, dram shop and commercial litigation. This includes cases involving personal injuries and property damage claims. Additionally, Stuart serves as the firm's casualty supervising attorney in the Pittsburgh office, ensuring that client matters are handled promptly, professionally and effectively.

In his career, Stuart has represented manufacturers, suppliers and retailers in product liability matters, including electronics, medical equipment, food products, appliances, farm equipment, plumbing equipment, power tools, toys and sports and recreational equipment. He frequently represents property owners, retailers, pharmacies, general contractors, subcontractors and utilities in premises liability litigation. He has tried numerous cases to verdict in counties throughout Western Pennsylvania.

In addition, a large portion of Stuart's practice is devoted to construction litigation. These claims are highly involved cases that require deep knowledge and an extensive background in all areas of the construction industry. As co-chair of the Construction Injury Practice Group, Stuart handles a wide variety of construction injury as well as defect cases, defending contractors, subcontractors, material suppliers, engineers, architects, and other construction trade professionals throughout the State of Pennsylvania against such claims. The scope of his representation includes common claims of construction defect issues like water intrusion due to faulty roofing or window/door seals, cracked foundation or improper water proofing, structural issues, design issues, mold intrusion, drywall problems, and soil subsidence, heaving or movement.

Stuart attended the University of Pittsburgh graduating with a B.A. in Political Science. He then attended the University of Pittsburgh School of Law where he participated in the Appellate Moot Court Program, Student Bar Association and the Health Law Certificate Program. He obtained his *juris doctor* from the University of Pittsburgh School of Law.

Stuart currently serves on the Marshall Dennehey Diversity, Equity and Inclusion Committee working to improve the recruitment, retention and advancement of diverse attorneys and professionals. He is the former President of the Pennsylvania Defense Institute, an organization of civil defense attorneys, executives of insurance companies and self-insured corporations. Stuart is also a member of the Allegheny County Bar Association and the Academy of Trial Lawyers of Allegheny County. Among his many honors, he is Rated AV® Preeminent™ by LexisNexis Martindale-Hubbell and is recognized among the Best Lawyers in America for his work in product liability litigation. Stuart is additionally recognized as Pennsylvania Super Lawyer.

ASSOCIATIONS & MEMBERSHIPS

Allegheny County Bar Association

American Bar Association

Pennsylvania Defense Institute,
President 2022-2023; Executive
VP of Operations 2021-2022;
Executive VP of Programming
2020-2021

YEAR JOINED

1998

THOUGHT LEADERSHIP

On the Pulse...Construction Injury Litigation Practice Group

Philadelphia - Headquarters

Pittsburgh

Construction Injury Litigation

December 1, 2023

Recent data released from the United States Bureau of Labor Statistics reveals that construction laborers accounted for 11.9% of all reported fatal falls, slips, or trips in 2020 across all occupations. *Defense Digest*, Vol. 29, No.

Marshall Dennehey's Stuart H. Sostmann Elected President of the Pennsylvania Defense Institute

General Liability

July 18, 2022

Stuart H.

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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.

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Three Marshall Dennehey Attorneys Selected 2022 "Lawyers of the Year" and 67 Attorneys Recognized Overall in the 2022 Editions of The Best Lawyers in America® and Best Lawyers: Ones to Watch®

August 19, 2021

Marshall Dennehey is proud to announce that three of the firm's attorneys have been selected 2022 "Lawyers of the Year" and 67 attorneys have been recognized overall in the 2022 Editions of The Best Lawyers in America® and Best Lawyers: Ones to Wa

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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.

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CLASSES/SEMINARS TAUGHT

Civil Litigation State of Affairs – The Impact of COVID-19 in Pennsylvania and New Jersey & What's Next, Marshall Dennehey Client Webinar, May, 2021

An Overview of Construction Defect Litigation in Pennsylvania, Nationwide Insurance Company, December 16, 2014

Commercial Defense Practice in New York, New Jersey & Pennsylvania, Nationwide Insurance Company, December 5, 2014

Brief Overview of Pennsylvania Contractual Indemnity and Additional Insured Issues, Nationwide Insurance Company, April 2012

Discoverability and Proper Use of Claim Notes, Berkley Mid-Atlantic, October 2011

PUBLISHED WORKS

"Yes! Waivers of Liability for Recreational Activities Are Still Effective in Pennsylvania," *Defense Digest*, Vol. 23, No. 1, March 2017

"Timing Is Everything, Even for Bad Faith Claims," *Defense Digest*, Vol. 6, No. 1, February 2000

RESULTS

Defense Verdict Following Jury Trial in Slip and Fall Case in the Court of Common Pleas of Allegheny County.

Premises & Retail Liability

February 6, 2024

The plaintiff slipped in the lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. She alleged she fell due to a wet floor caused by the facilities management's cleaning process and the lack of sufficient visible wet floor caution signs. The plaintiff underwent two surgeries, claimed ongoing pain and suffering, and sought \$500,000 prior to trial.

Defense Verdict Secured in Slip-and-Fall Jury Trial

Premises & Retail Liability

February 6, 2024

We obtained a defense verdict following a three-day jury trial in a slip-and-fall injury case in the Court of Common Pleas of Allegheny County. The plaintiff slipped in the allegedly wet lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. Problematic for our case was the lack of a surveillance video of the incident, photographs of the lobby contemporaneous to the incident, or an incident report.

Marshall Dennehey Successfully Represents Client in Multi-Million Dollar Chemical Spill Case

Property Litigation

October 21, 2021

In a lawsuit seeking \$279 million in alleged property damages, Marshall Dennehey attorneys successfully defended their client, a subcontractor of a railroad repair shop, against any and all liability.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict following a three-day jury trial in a slip and fall injury case. The plaintiff slipped in the lobby of a commercial building and claimed a serious and ongoing injury to her right shoulder. Plaintiff alleged she fell due to a wet floor caused by the facilities management's cleaning process and the lack of sufficient visible wet floor caution signs. Plaintiff underwent two surgeries, claimed ongoing pain and suffering, and sought \$500,000 prior to trial. We represented the building ownership and the facilities management company. Problematic for the defense was the lack of a surveillance video of the incident, photographs of the lobby contemporaneous to the incident, or an incident report. Despite this, we persuaded the jury to find for the Defense by establishing a consistent and credible history of habitual practice in the placement of wet floor signs across the lobby in highly visible areas. We also won the credibility battle through our well-prepared witnesses. Although faced with a sympathetic plaintiff with a substantiated history of medical treatment, we succeeded by presenting the case using "old school" personal injury defense tactics that were necessary due to the lack of video, photographs, and documentation.

Successfully argued a precedent-setting case in the Pennsylvania Superior Court where a waiver of subrogation clause in a construction contract was applied to building damages caused by a windstorm three years after the project was completed.

Successfully defended a product installer at trial in a single vehicle accident, where the placement of the product in the vehicle was claimed to be the cause of the crash at high speed. A defense verdict was obtained after a 5 day jury trial where the demand was \$800,000 prior to trial.