

## THOMAS P. WAGNER

OF COUNSEL



### AREAS OF PRACTICE

General Liability  
Product Liability  
Public Entity & Civil Rights Litigation  
Trucking & Transportation Liability  
Commercial Litigation  
Class Action Litigation  
Appellate Advocacy & Post-Trial Practice  
Catastrophic Claims Litigation

### CONTACT INFO

(215) 575-4562  
[TPWagner@mdwcg.com](mailto:TPWagner@mdwcg.com)

2000 Market Street, Suite 2300  
Philadelphia, PA 19103

### ADMISSIONS

Pennsylvania  
1978

### EDUCATION

St. John's University School of  
Law (J.D., 1977)

Fairfield University (B.A., cum  
laude, 1974)

### HONORS & AWARDS

AV® Preeminent™ by Martindale-  
Hubbell®

The Best Lawyers in America®,  
"Lawyer of the Year," Philadelphia,  
Personal Injury Litigation-  
Defendants  
2018, 2023

The Best Lawyers in America®,  
Personal Injury Litigation –  
Defendants  
2013-2025

Pennsylvania Super Lawyers  
2004-2024; Top 100 Pennsylvania:  
2006-2007; Top 100 Philadelphia:  
2006-2007

Recipient of Award for Outstanding  
Advocacy from Medmarc  
Insurance Co., 2016

### OVERVIEW

Thomas P. Wagner is a litigation and trial lawyer with more than 30 years experience. He concentrates his practice on the defense of casualty and product liability cases, as well as the transportation industry. He has tried numerous cases to verdict in both state and federal courts. His clients have included well-known national retailers and product manufacturers, the largest operator of school buses in the world, and one of the largest transit authorities in the U.S.

Tom was twice voted by his peers as one of the Top 100 Lawyers in Pennsylvania, a state with more than 56,000 attorneys. He has been named a Pennsylvania Super Lawyer 14 years in succession and was selected "Lawyer of the Year" in the area of Personal Injury Litigation in Philadelphia by the Best Lawyers in America organization in 2023 and 2018. He has written numerous articles and presentations on topics related to civil litigation. He also served as a senior editor of a three-volume guide to pre-trial practice in the Federal Courts of the Third Circuit published by Lawyers' Cooperative Publishing Company. He has served on the Executive Board of the Philadelphia Association of Defense Counsel, and was appointed as a Hearing Committee Member serving the Disciplinary Board of the Supreme Court of Pennsylvania.

With strong ties to his community, Tom was a member of the Town Council in Upper Darby Township, PA for sixteen years, and a board member of the Upper Darby Industrial Development Authority. He also was a board member of the Delaware County Authority from 2001 to 2022, and he served on the Board of Directors for Wheels of Wellness, a non profit organization, from 2001 to 2007.

Tom graduated cum laude from Fairfield University in 1974 with a bachelor's degree in politics. He attended Law School at St. John's University where he was an editor of the Law Review. Following law school, he served a clerkship with the Honorable J. William Ditter, Jr., United States District Judge for the Eastern District of Pennsylvania. He joined the law firm of Rawle & Henderson at the end of his clerkship in 1980 and served for over a decade on Rawle & Henderson's Executive Committee. Tom joined Marshall Dennehey in 2007 as a shareholder in the firm's casualty practice, and he now manages one of the major casualty groups in Philadelphia. He is admitted to practice in Pennsylvania and New York.

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## ASSOCIATIONS & MEMBERSHIPS

Defense Research Institute

Hearing Committee Member,  
Serving the Disciplinary Board of  
the Supreme Court of  
Pennsylvania

Philadelphia Association of  
Defense Counsel, Executive  
Board, 1997 -1999

Philadelphia Court of Common  
Pleas, Discovery Master

Temple American Inn of Court,  
President, 1999-2000

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## YEAR JOINED

2007

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## CERTIFICATION

OSHA 10-Hour Construction  
Certification

## THOUGHT LEADERSHIP

### 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.

[Read More](#)

### Eighty Marshall Dennehey Attorneys Recognized in the 2023 Editions of The Best Lawyers in America® and Best Lawyers: Ones to Watch™

August 18, 2022

Marshall Dennehey is proud to announce that 80 of the firm's attorneys have been recognized in the 2023 editions of The Best Lawyers in America® and Best Lawyers: Ones to Watch™.

[Read More](#)

### 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](#)

## CLASSES/SEMINARS TAUGHT

*Hot Topics In Life Sciences Litigation*, Presented at the Medmarc Annual Brokers Conference, April 2016

Trial Team Coach, Drexel University Kline School of Law, 2008

*Managing Complex Litigation*, National Judicial College - Special Presenter, Reno, NV, May 2006

*The Patient Advocate in Clinical Trials*, Annual Medical Device Product Liability Conference, Napa, CA, June 2006

*Bad Faith and How To Avoid It*, Presented to the Pennsylvania Medical Society Liability Insurance Company, Harrisburg, PA, July 1996

*Selected Topics in Federal Preemption*, Presented to the Pennsylvania Bar Association, Philadelphia, April 1996 and Hershey, PA, May 1995

*Litigation Experiences of a Blood Center*, Presented to the American Society of Apheresis, Cambridge, Mass., April 1993

*The Law and Alternatives to Homologous Donation*, Greater Philadelphia Hospital Blood Bank Assn. & Philadelphia Medical Society; Philadelphia, May 1991

National Institute for Trial Advocacy, Mid-Atlantic Deposition Program, Faculty Member

## PUBLISHED WORKS

"Federal Civil Procedure Before Trial - Third Circuit," Senior Editor, *Lawyers Cooperative Publishing Company*, (3 Volumes), 1996

"Rule 11 and Removal of Cases," *32 For the Defense* No. 3 Reprinted from *Counterpoint*, July 1989, March 1990

"Diversity Jurisdiction: Don't Let It Die," *32 For the Defense*, No. 8, August 1990

"Dillinger v. Caterpillar - Can the Plaintiff Do No Wrong?," *Counterpoint*, July 1992

"New Developments in *Res Ipsa Loquitur*," (Co-Author), *Counterpoint*, July 1991

"Sex Discrimination by Private Universities as State Action," *50 St. John's Law Review* 316, 1976

## RESULTS

### Successfully Defended SEPTA in a Wrongful Death and Survival Case

#### General Liability

#### Trucking & Transportation Liability

**December 4, 2024**

We successfully defended the Southeastern Pennsylvania Transportation Authority (SEPTA) in a wrongful death and survival case in the Philadelphia County Court of Common Pleas. The case involved the death of a pedestrian, Vincent Boykin, struck by a SEPTA bus, with the plaintiff, his father, disputing the Philadelphia Medical Examiner's suicide ruling. The defense presented a forensic psychiatrist's testimony confirming Mr. Boykin's high suicide risk. Although SEPTA was found 40% negligent, the decedent's 60% negligence barred recovery of damages.

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### Defense Verdict for Public Transportation System in Philadelphia's Court of Common Pleas

#### Trucking & Transportation Liability

**December 2, 2024**

We obtained a defense verdict on behalf of a public transportation system in a Wrongful Death and Survival case in the Philadelphia County Court of Common Pleas. The case involved the death of a pedestrian, struck by a bus, with the plaintiff, his father, disputing the Philadelphia Medical Examiner's suicide ruling. The defense presented a forensic psychiatrist's testimony confirming the deceased's high suicide risk. Although the transportation system was found 40% negligent, the decedent's 60% negligence barred recovery of damages.

### Defense Verdict Affirmed in Wrongful Death Case Involving COVID-19

#### General Liability

**September 21, 2023**

We successfully convinced the Pennsylvania Superior Court to affirm the trial court's decision to sustain preliminary objections and dismiss a wrongful death case involving allegation of negligent transmission of COVID-19. The plaintiff alleged that his elderly parents contracted COVID-19 from employees of our client who were providing non-medical, in-home care services, and that his parents ultimately died from the disease.

### Dismissal of wrongful death action against home aide care service.

#### Social Services & Human Services Liability

**November 1, 2022**

We obtained dismissal, with prejudice, of a wrongful death and survival action against a home aide care service. The plaintiff filed an action alleging that employees of our client transmitted COVID-19 to his elderly parents and that, as a result, both of the plaintiff's decedents passed away.

### Plaintiffs' class action certification attempts thwarted.

#### Class Action Litigation

**November 1, 2022**

We received a favorable decision from the Philadelphia County Court of Common Pleas Commerce Program. Our motion to strike the plaintiffs' class action certification was granted, effectively dismissing the plaintiffs' attempts at a class action lawsuit against a transportation authority.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully obtained a defense verdict for a public transportation system in a Wrongful Death and Survival case in the Philadelphia County Court of Common Pleas. The case involved the death of a pedestrian, struck by a bus, with the plaintiff, his father, disputing the Philadelphia Medical Examiner's suicide ruling. The defense presented a forensic psychiatrist's testimony confirming the deceased's high suicide risk. Although the transportation system was found 40% negligent, the decedent's 60% negligence barred recovery of damages. The claim was further limited by statutory caps applicable to Commonwealth entities.

Successfully obtained summary judgment in an alleged sex abuse case pending in the Eastern District of Pennsylvania. The plaintiff, a minor, alleged that he was abused by an unidentified assailant while at a summer camp in 2002. In granting the motion and dismissing the lawsuit, the judge himself noted that it is rare for the court to enter summary judgment in cases of this nature.

Defense jury award in complex hotel security trial.

Lead counsel for one of the nation's largest transit authorities in numerous catastrophic cases.

Philadelphia Zoo Fire Litigation - Successful representation of target defendant in catastrophic fire loss.

Artificial Heart Litigation - Achieved dismissal of client defendant in complex medical device product liability case.

Bucks County Prison System - Defense verdict in multi-defendant civil rights trial.