

## OSWALD P. CLARK

ASSOCIATE



### AREAS OF PRACTICE

Product Liability  
Automobile Liability  
Premises & Retail Liability  
Construction Injury Litigation  
Health Care Liability

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### ADMISSIONS

Pennsylvania  
2018

### EDUCATION

Drexel University Thomas R. Kline  
School of Law (J.D., 2018)

University of Pittsburgh (B.A.,  
2011)

### HONORS & AWARDS

Pennsylvania Super Lawyers  
Rising Star  
2025

### YEAR JOINED

2017

### OVERVIEW

Oswald is an associate in the firm's Casualty Department, where he focuses his practice on defending products liability matters, including automobile design cases, industrial equipment, appliances, and many other consumer goods. He also represents clients in premises liability actions, workplace and construction accidents, as well as motor vehicle accident cases. He previously worked in the firm's Healthcare Department representing emergency room physicians, physician's assistants, nursing homes, dentists, podiatrists, chiropractors, and other healthcare providers. That experience has given him an acuity for analyzing complex medical records, which is essential for rebutting potentially uncorroborated damages claims.

Oswald received his Bachelor of Arts from the University of Pittsburgh, majoring in Philosophy. After graduation, he took post-graduate classes at Villanova University focusing on communication theory. While attending Drexel Law, Oswald taught constitutional law to local high students through the Marshall-Brennan Constitutional Literacy Project. In addition to teaching the weekly classes, he coached selected students to compete in a moot court competition, arguing a case incorporating the First and Fourth Amendments of the United States Constitution. Oswald was also a Leadership Fellow at Drexel, serving as a mentor to first year students transitioning into the law school curriculum.

Prior to joining Marshall Dennehey as a summer law clerk in May of 2017, Oswald was a student law clerk for the Honorable Anne Lazarus of the Superior Court of Pennsylvania, where he performed research assignments and drafted memorandum opinions on a number of criminal and civil cases.

## THOUGHT LEADERSHIP

### **In One Fell Swoop, Federal Court Clarifies Pleading Standards for Product Misuse Defense**

**Philadelphia - Headquarters**

**Product Liability**

**January 1, 2026**

Thomas Donnelly brought suit in Greene County, Pennsylvania, against Defendants, General Electric Company and Joenic Steel, LLC, claiming he was injured while participating in the lift of a specially fabricated expansion joint.

### **Court Dismisses Claims in Electrocution Death, Citing Shotgun Pleading and Immunity for Decedent's Employer**

**Philadelphia - Headquarters**

**Product Liability**

**July 1, 2025**

Carlos Melendez was working on a “transmission tower painting crew” for one of several named defendants when he was electrocuted and killed while working in the course and scope of his employment. After his death, Mr. Case Law Alerts, 3rd Quarter, July 2025 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

### **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.

[Read More](#)

### **Pennsylvania Court Strikes Plaintiff's Strict Product Liability Claim for Failing to Obtain Defendant's Consent or Leave of Court Prior to Filing Amended Complaint**

**Philadelphia - Headquarters**

**Product Liability**

**January 1, 2025**

The plaintiff alleged that a Lyft driver sexually assaulted her during a rideshare purchased on Lyft's app. Case Law Alerts, 1st Quarter, Janu

### **Pennsylvania Court Dismisses Several Defendants from Product Liability Action Where Plaintiff Pled “More Likely Than Not” the Seller and/or Distributor of the Allegedly Defective Product**

**Philadelphia - Headquarters**

**Product Liability**

**July 1, 2024**

The plaintiff alleged he suffered injuries to his scalp from the application of a defective mole removal cream. Case Law Alerts, 3rd Quarter, July

## RESULTS

### Defense Verdict Obtained in Philadelphia Arbitration Matter

#### **Automobile Liability**

**June 30, 2025**

We were successful in a Philadelphia arbitration matter, obtaining a defense verdict as to the plaintiff's claims and an order requiring the co-defendant to reimburse attorneys' fees. It was undisputed that a motor vehicle accident occurred involving a third-party independent contractor of our client, a prominent homebuilding company. The plaintiff claimed he was a passenger in the vehicle and, accordingly, brought a negligence action against our client, who tendered its defense to the independent contractor based on a contractual provision requiring defense and indemnification.

### Multimillion Dollar Default Judgment Successfully Struck Down by Appellate Court

#### **Appellate Advocacy & Post-Trial Practice**

#### **Architectural, Engineering & Construction Defect Litigation**

#### **Insurance Services – Coverage & Bad Faith Litigation**

**May 15, 2025**

We succeeded in striking a \$4.1 million default judgment entered in the Philadelphia Court of Common Pleas by a plaintiff who alleged defective residential construction. We convinced the court that Pennsylvania Prothonotaries and Clerks of Court lack authority to accept a praecipe to enter a default judgment in a specified amount unless the amount is approved by a judge or is a sum certain, meaning that the amount is ascertainable from a confessed judgment or a contract that specifies the amount due.

### Unanimous Appellate Decision Preserves Defense Win in Legal Malpractice Suit

#### **Appellate Advocacy & Post-Trial Practice**

#### **Lawyers' Professional Liability**

**May 6, 2025**

We successfully defended an appeal from a jury verdict previously secured by members of our Lawyers' Professional Liability Department in favor of the firm's client in a legal malpractice case. The plaintiffs initially asserted multiple tort claims and a claim under the Unfair Trade Practices and Consumer Protection Law, which were dismissed by the trial court upon partial grant of the defense's motion for judgment on the pleadings. The case proceeded to trial on a remaining breach of contract claim, resulting in a defense verdict.

### Summary Judgment Won in a Pennsylvania Premises Liability Case

#### **Premises & Retail Liability**

**July 9, 2024**

We secured summary judgment in a premises liability case in Northampton County, Pennsylvania, dismissing all claims against a national sporting goods retailer. The plaintiff claimed he slipped and fell on a slippery substance inside a the store while testing out bicycles. The plaintiff and his wife admitted that after he fell, they did not inspect the floor and quickly left the store. Months later, and after filing suit, the plaintiff and an engineer visited the store and claimed that there was an open can of bicycle grease in the area where the fall had occurred.

### Client Successfully Dismissed from Significant Product Liability Matter

#### **Product Liability**

**September 21, 2023**

We obtained dismissal of our client via preliminary objections in a significant product liability matter. The plaintiffs were seriously injured in a workplace accident involving a tile packaging machine. Despite the plaintiffs asserting that original process was properly served on our client, we successfully argued to the court that the purported certified mail receipt was never signed by an agent of our client and, in fact, simply said "COVID-19" on the signature block. The court sustained our objections and dismissed the case as to our client.

## SIGNIFICANT REPRESENTATIVE MATTERS

Successfully defended an appeal from a jury verdict previously secured by Aaron Moore and Alesia Sulock (Philadelphia) in favor of the firm's client in a legal malpractice case. The plaintiffs initially asserted multiple tort claims and a claim under the Unfair Trade Practices and Consumer Protection Law, which were dismissed by the trial court upon partial grant of the defense's motion for judgment on the pleadings. The case proceeded to trial on a remaining breach of contract claim, resulting in a defense verdict. On appeal, the plaintiffs challenged the trial court's rulings on both the motion for judgment on the pleadings and a motion in limine related to evidentiary exclusions. The Pennsylvania Superior Court unanimously affirmed the trial court's rulings, holding that the tort claims were time-barred and that the plaintiffs had waived their evidentiary argument by failing to properly develop it in their appellate brief.

Successfully defended a national homebuilding company in a Philadelphia arbitration involving a motor vehicle negligence claim. The plaintiff falsely alleged he was a passenger in a vehicle operated by an independent contractor, triggering a contractual indemnity dispute. The arbitration panel found no liability and concluded the plaintiff's claims were fraudulent. The panel also ordered the co-defendant to reimburse all reasonable attorneys' fees expended in the defense pursuant to the indemnity agreement.

Obtained Defense Verdict in Slip and Fall Arbitration Matter: Plaintiff alleged that she slipped and fell on a wet floor in a check cashing facility in Philadelphia. On cross examination, Plaintiff admitted that she saw the wet floor prior to walking through it twice, slipping and falling on her second trek through the wet floor. She also admitted on cross-examination that she had prior similar injuries. During closing arguments, we argued that the wet floor was open and obvious, Plaintiff assumed the risk by walking through it, and that she required expert testimony to support her causation arguments. We further argued that Plaintiff failed to meet her burden of proof regarding our client's responsibility for maintaining the property. The Arbitration panel agreed with our arguments and entered a defense verdict on behalf of our client.

Obtained Defense Verdict in Slip and Fall Arbitration Matter: Plaintiff alleged that she slipped and fell on a wet floor in her workplace, and brought suit against our clients, the owner and property manager of the building. On the day of the arbitration, Plaintiff introduced, for the first time, a \$70,000 wage loss lien in support of her claims. We successfully argued that the lien and Plaintiff's wage loss claim should be precluded at the arbitration due to her failure to produce the documents in a timely manner. Regarding liability, Plaintiff subpoenaed her employer to testify about who was responsible for maintaining the inside of the premises. On cross-examination, the employer admitted it was their duty to maintain the premises and that our clients were not responsible for the wet floor. The Arbitration panel entered a defense verdict for our clients.

Obtained Defense Verdict in Trip and Fall Arbitration Matter: Plaintiff alleged that she tripped and fell on broken sidewalk in Philadelphia, and brought suit against our client, the owner of the property. On cross-examination, I introduced evidence that Plaintiff fainted rather than tripped and fell, and argued that she required expert testimony to support her damages claims. Plaintiff denied that she fainted and introduced photographs of the broken sidewalk. The Arbitration panel entered a defense verdict in favor of our clients, finding that Plaintiff did not trip and fall on the broken sidewalk.

Obtained Defense Verdict in Rear-End Collision Case: Plaintiff was rear-ended by our client, a bus driver. Through Requests for Admission, we successfully obtained evidence supporting a limited tort defense. At arbitration, we argued that Plaintiff failed to exhaust his PIP benefits policy and, therefore, was precluded from entering any medical bills into evidence. Plaintiff attempted to argue at the arbitration that his injuries breached the "serious injury" threshold, and that he was entitled to non-economic damages. The Arbitration panel found in our favor, ruling that while our client caused the accident, Plaintiff's injuries did not meet the "serious injury" threshold and, therefore, entitled to no damages as a matter of law.

Successfully Asserted Limited Tort Defense at Arbitration in Rear-End Collision Case: Plaintiff alleged that she suffered injury due to a motor vehicle accident caused by our client. For purposes of the Arbitration, we admitted that our driver caused the accident, but that Plaintiff was limited tort and did not breach the serious injury threshold. Plaintiff attempted to argue that she breached the serious injury threshold because her injuries caused her severe hardship with taking care of her two children, each of whom had learning disabilities. On cross-examination, we introduced evidence that Plaintiff had similar pre-existing injuries, which Plaintiff denied. Because of the pre-existing injuries, we argued that Plaintiff required expert testimony to support her causation arguments. The Arbitration panel found that Plaintiff did not breach the serious injury threshold and, therefore, she was entitled only to her economic damages, which were approximately one-third of Plaintiff's lowest pre-arbitration demand.

