

## BENJAMIN M.H. GOSHKO

SHAREHOLDER

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### AREAS OF PRACTICE

Construction Injury Litigation  
Trucking & Transportation Liability  
Product Liability  
Architectural, Engineering & Construction  
Defect Litigation  
General Liability

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
2009

U.S. District Court Eastern District  
of Pennsylvania  
2012

U.S. Supreme Court  
2014

New Jersey  
2018

U.S. District Court District of New  
Jersey  
2021

U.S. District Court Middle District  
of Pennsylvania  
2021

### OVERVIEW

Benjamin provides legal counsel across a wide range of industries including construction, trucking/transportation, product liability, and hospitality. He has successfully defended claims on behalf of construction contractors, product manufacturers, property owners, restaurants, and hotels in litigation involving fire losses, negligence, auto accidents, catastrophic injuries, and wrongful death. Regardless of complexity, Benjamin handles cases through every stage of litigation in state and federal court, from the taking and defending of depositions to trying matters to verdict. He understands the interests of his clients in the practical, prompt, and efficient resolution of claims.

Prior to joining Marshall Dennehey, Benjamin was an experienced litigator for an defense firm in Montgomery County, Pennsylvania, where he represented a broad range of clients in insurance defense and subrogation litigation. He served for many years as an arbiter with the Montgomery County Court of Common Pleas, as a pro bono PFA volunteer for the Bucks County Court, and as a member of the Inn of Court.

Benjamin graduated from Temple University Beasley School of Law where he served as senior articles editor for the International and Comparative Law Journal. He is licensed to practice law in state and federal courts in Pennsylvania, New Jersey and before the United States Supreme Court.

Outside of the office, Benjamin is an avid cyclist and history buff.

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### EDUCATION

Temple University Beasley School  
of Law (J.D., 2009)

Temple University (B.A., summa  
cum laude, 2005)

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## ASSOCIATIONS & MEMBERSHIPS

Insurance Society of Philadelphia

Montgomery County Bar Association

Montgomery County Inn of Court

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## YEAR JOINED

2021

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## PRO BONO

Christian Legal Clinics of Philadelphia

## THOUGHT LEADERSHIP

### Expert Testimony on Permanency of Respiratory Injury Requires Reference to Empirical Data

**Philadelphia - Headquarters**  
**Product Liability**  
**General Liability**

**April 1, 2024**

This matter involved a plaintiff's claim that he developed reactive airway disease syndrome (RADS) from exposure to the fogging disinfectant HaloSpray.

### Methadone Clinic Owed No Duty to Jogger Killed by Negligently Treated Patient

**Philadelphia - Headquarters**  
**General Liability**

**April 1, 2024**

The decedent plaintiff in this matter was struck and killed by a vehicle operated by Ramsay, a patient of the defendant, a methadone clinic.

### Superior Court Clarifies Meaning of 'Lawful' Under Statute of Repose.

**Philadelphia - Headquarters**  
**Premises & Retail Liability**

**January 1, 2024**

This matter concerned claims of defective construction by the plaintiff against defendant for a home built in 2004. The plaintiff's suit was filed after the 12-year limitation set forth in the Statute of Repose, 42 Pa. C.S. § 5536(a). Case Law Alerts, 1st Quarter, January 2024 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

### Superior Court Re-affirms that an Adjacent Landowner Owes No Duty to Those Utilizing Roadway.

**Philadelphia - Headquarters**  
**Premises & Retail Liability**

**January 1, 2024**

The plaintiff was a motorcyclist passing by a property owned by the defendant while an auction was being held. The defendant had directed attendees to illegally park on the street to attend the auction. Case Law Alerts, 1st Quarter, January 2024 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

### Superior Court Requires Plaintiff to Name Passive Co-owner of Property as a Defendant or Suit Will Be Subject to Dismissal.

**Philadelphia - Headquarters**  
**Premises & Retail Liability**

**January 1, 2024**

The plaintiff slipped and fell on an icy walkway located adjacent to a property owned by the defendant and his brother as tenants in common. Case Law Alerts, 1st Quarter, January 2024 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

## RESULTS

### Consolidated Cases Successfully Transferred to Correct Venue

#### **Construction Injury Litigation**

**February 5, 2024**

We successfully transferred two consolidated cases involving alleged falls by construction workers from Philadelphia to Cumberland County. Our clients were located in Lancaster County, and the only codefendant was located in Philadelphia County. We filed preliminary objections as to venue, arguing that the codefendant was a “phantom” defendant named to obtain venue in Philadelphia County. The court was convinced by our arguments. This ruling cuts against the current trend of giving broad deference to plaintiffs on venue issues.

### Summary judgment in property litigation dispute over water and septic intrusions.

#### **Property Litigation**

**January 27, 2023**

The plaintiff alleged that his client and a neighboring property owner were responsible for water and septic intrusions onto the plaintiff’s property. The three Bucks County properties formed a large triangle between two roads in Perkasie, Pennsylvania. The plaintiff’s complaints against his neighbors went back over seven years. We argued the trespass onto the plaintiff’s property was permanent in nature and was barred under the statute of limitations, and that the plaintiff’s experts failed to establish the intrusion emanated from our client’s property.

#### **SIGNIFICANT REPRESENTATIVE MATTERS**

Obtained summary judgment for his client in this Bucks County matter which alleged that his client and a neighboring property owner were responsible for water and septic intrusions onto Plaintiff’s property. The three properties formed a large triangle between two roads in Perkasie, Pennsylvania and Plaintiff’s complaints against his neighbors went back over seven years. Ben argued the trespass onto Plaintiff’s property was permanent in nature and barred under the statute of limitations and that Plaintiff’s expert’s failure to establish the intrusion emanated from his client’s property.