

## DANTE C. ROHR

SHAREHOLDER



### AREAS OF PRACTICE

Lawyers' Professional Liability  
Insurance Agents & Brokers Liability  
Architectural, Engineering & Construction  
Defect Litigation  
Miscellaneous Professional Liability  
Commercial Litigation  
Intellectual Property, Technology & Media  
Litigation  
Maritime Litigation  
Insurance Services – Coverage & Bad Faith  
Litigation  
Consumer Financial Services Litigation &  
Compliance  
Non-Profit D&O

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### ADMISSIONS

New Jersey  
1998

Pennsylvania  
1998

U.S. District Court of New Jersey  
1998

U.S. District Court Eastern District  
of Pennsylvania  
1999

U.S. Patent and Trademark Office  
2002

U.S. Court of Appeals 6th Circuit  
2005

U.S. Court of Appeals 3rd Circuit  
2006

New York  
2021

Florida  
2022

U.S. District Court Middle District  
of Florida  
2022

### OVERVIEW

Dante concentrates his practice in complex litigation, with an emphasis on the defense of professionals, including lawyers, accountants, insurance brokers, real estate professionals and directors and officers in matters pertaining to malpractice, negligence and fraud. In addition, he has extensive experience defending architects and engineers, and construction defect matters. Dante also represents private companies as well as Housing Authorities in Florida in connection with employment, ADL, FHA, reasonable accommodation and discrimination claims made to state and federal agencies and courts. Dante additionally has extensive experience with insurance coverage and bad faith litigation, commercial litigation, and intellectual property matters. A trial attorney for over 20 years, Dante has litigated hundreds of cases in the state and federal courts of Florida, New Jersey and Pennsylvania, and has tried cases to verdict in all three states.

Dante is registered to practice before the U.S. Patent and Trademark Office, and his practice includes Federal and state litigation involving patents, copyright, trademarks and trade secrets. He has represented many clients in intellectual property actions including claims for misappropriation of trade secrets and trademark infringement and has represented clients in Federal and State Courts and before the Trademark Trial and Appeals Board.

Dante also has significant admiralty and maritime law experience. As a member of the Maritime Litigation Practice Group, he has experience defending Jones Act claims, defending port facilities with regard to personal injury and property damage claims, maritime construction claims including pier and bulkhead collapses, cargo claims, vessel damage claims and limitation of liability actions.

Dante is admitted to the Bar in Florida, New Jersey, New York and Pennsylvania, the United States District Court for the Middle District of Florida, the District of New Jersey and Eastern District of Pennsylvania, as well as in the Court of Appeals for the Third and Sixth Circuits. Dante received his Bachelor of Science degree in Electrical Engineering from Drexel University and his *juris doctor* from Rutgers School of Law - Camden, New Jersey. Before joining the firm, Dante worked as an electrical design and control systems engineer in the manufacturing and machine design fields.

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## EDUCATION

Rutgers, The State University of  
New Jersey School of Law-  
Camden (J.D., 1998)

Drexel University (B.S., 1992)

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## HONORS & AWARDS

The Best Lawyers in America®,  
Commercial Litigation  
2024-2025

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## ASSOCIATIONS & MEMBERSHIPS

American Intellectual Property Law  
Association

Maritime Law Association

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## YEAR JOINED

2007

## THOUGHT LEADERSHIP

### Legal Updates for Lawyers' Professional Liability - CASE LAW UPDATE

Orlando

**Lawyers' Professional Liability**

**July 1, 2024**

Florida Court of Appeal Holds that Illinois Law Firm Subject to Jurisdiction of State of Florida in Connection with Legal Malpractice Lawsuit Brought by Personal Representatives of Deceased Father's Florida Estate Legal Update for Lawyers' Professional Liability – July 2024 is prepared by Marshall Dennehey to provide information on recent legal developments of i

### Assignability of Claims Against Insurance Brokers in New Jersey

Mount Laurel

**Insurance Agents & Brokers Liability**

**July 1, 2020**

Edited by Timothy G. Ventura, Esq. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Col

### Failure to Obtain a Judgment Against the Insured-Tortfeasor Precludes a Subsequent Action Against the Broker for Negligent Procurement of Insurance

Mount Laurel

**Insurance Agents & Brokers Liability**

**June 1, 2019**

Edited by Timothy Ventura, Esq. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

### Legal Updates for Lawyers' Professional Liability

Mount Laurel

**Lawyers' Professional Liability**

**December 19, 2018**

New Jersey Appellate Division Rejects Claims for Attorney's Fees, Emotional Distress Damages and Damages for Inadequate Divorce Settlement The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

### Duties Owed To Policyholders In New Jersey

Mount Laurel

**Insurance Agents & Brokers Liability**

**November 1, 2018**

Edited by Timothy G. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

## PUBLISHED WORKS

"The Need for Clarity in Counseling Customers," *Legal Updates for Insurance Agents & Brokers*, November 2018

Contributing Author, *IP Claims Quarterly*, 2017-present

## RESULTS

### Florida Court Affirms Arbitrator's Decision in Construction Defect Case

#### **Architectural, Engineering & Construction Defect Litigation** **August 22, 2024**

We were successful in having the court affirm an arbitrator's decision in a construction defect case involving the design and construction of a \$13 million custom home. The owners' direct claims against the general contractor and our client, the window and door supplier and installer, were arbitrated. The owners claimed the window company misrepresented the fitness of the windows and doors for use in Florida's coastal environment.

### Successfully Obtained a Motion to Dismiss in A Data Breach Class Action Case

#### **Privacy & Data Security** **August 2, 2024**

We obtained a motion to dismiss in a data breach class action arising out of a ransomware attack against a hospital network. The attack compromised personal information of over 90,000 patients. In state court, our motion to dismiss was granted for lack of standing. The state court also granted our motion as to each cause of action for failure to state a claim on the basis that no implied contract existed with the entities for privacy protection and the negligence claims were not available under Florida law.

### Complex legal malpractice action dismissed.

#### **Lawyers' Professional Liability** **August 13, 2021**

We obtained an order of dismissal through pretrial motions in a complex legal malpractice action heard before the United States District Court. It arose out of an underlying first-party coverage action that involved hundreds of thousands of dollars in connection with building damage caused by Hurricane Sandy. The plaintiffs filed a complaint against our clients, certain individuals and a law firm, alleging claims for legal malpractice.

### No valid trademark claim; verdict is dismissed.

#### **Intellectual Property, Technology & Media Litigation** **August 13, 2021**

We obtained the dismissal of a former employee accused of trademark infringement. A spray foam insulation company brought a claim for trademark infringement against a former employee. The plaintiff claimed that it had used the mark in connection with its business for over eight years, thereby establishing secondary meaning of the mark in connection with spray foam insulation in the New Jersey market. The plaintiff further alleged the defendants used the mark in marketing and promoting their competing spray foam insulation business in New Jersey.

### Successful defense of condominium association board and property manager.

#### **Non-Profit D&O** **August 13, 2021**

The lawsuit was brought by 54 condominium unit owners of a 608-unit, age-restricted planned development against the homeowner's association board, the property manager and the sponsor/developer, for the early transfer of control of the condominium association. Dismissal of the board and the property manager was granted in what was properly a unit owner-sponsor/developer dispute over control of the association.

### **SIGNIFICANT REPRESENTATIVE MATTERS**

Defense verdict after trial on the plaintiff's statutory claims seeking recovery on an allegedly dishonored check issued by our client.

Defense verdict in legal malpractice action where the plaintiff alleged dissatisfaction with the settlement of an environmental and property lawsuit.

Obtained an involuntary dismissal at close of plaintiff's case in a trucking case arising out of the recovery of a wreck on the Pennsylvania Turnpike.

Successfully represented an insurance broker in a malpractice action arising out of Superstorm

Sandy. After a week of trial and the barring of testimony by plaintiff's damages expert, the plaintiff accepted a settlement proposal on the client's terms.

Successfully represented a solar energy contractor in a breach of contract suit involving the installation of solar panels on numerous public schools in the State of Hawaii. The matter was tried for over three weeks by a three person binding arbitration panel. After the conclusion of our case in chief, the plaintiff accepted a settlement upon our client's terms.

*Republic Franklin Ins. Co. v. Brethren Mut. Ins. Co.*, 824 Fed. Appx. 132 (3d Cir. 2020). The Third Circuit affirmed summary judgment in favor of our client on the scope of additional insured coverage for liability arising out of the use of the leased premises. Applying Pennsylvania's "but for" causation standard, the court held that the customer would not have slipped in the parking lot but for her patronage of the gas station and store, thus finding the incident fell within the coverage provided by the additional insured endorsement.

*Shirey v. Turner*, 2017 WL 1709811 (E.D.Pa. 2017). District Court granted our motion to dismiss for improper service and lack of personal jurisdiction. Our client lived and worked in Las Vegas and never visited Pennsylvania. The Court noted that even though our client admitted receiving faxes and calls from the plaintiff, those communications alone were irrelevant for purposes of establishing jurisdiction. With no other relevant contacts to the forum, the Court found no jurisdiction to exist.

*Mattson v. Aetna Life Ins. Co.*, 653 Fed. Appx. 145 (3d Cir. 2016). Affirming dismissal of the plaintiffs' action under the NJ Civil Rights Act alleging communications from the insurer following submission of hospital bills arising from an auto accident were improper requests for payment. The Court held that the NJ Collateral Source Statute and Automobile Insurance Cost Reduction Act were not meant to benefit insureds, and neither were actionable under the CRA which only provided a cause of action for deprivations of certain rights protected by state law.

*Morse v. Kaplan*, 468 Fed. Appx. 171 (3d Cir. 2012). An attorney-debt collector was sued in a purported class action, Fair Debt Collection Practices Act claim arising from debt collection letters sent on behalf of her client. The District Court granted our motion for summary judgment finding no violation of the FDCPA which was affirmed by the Third Circuit Court of Appeals. Plaintiff had contended that the debt collection letters were false and misleading in violation of the FDCPA. The Third Circuit, applying the "least sophisticated consumer" standard to the debt collection letters sent out by the attorney on behalf of her client agreed with our position that the letters at issue were neither false nor misleading because they were written in the first person "I shall" throughout, it was clear that it is the attorney-debt collector who will assume the debt is valid if there is no response to the letter within 30 days, and the letter is not required to inform the debtor that the debt collector will provide the debtor with the name of the original creditor when, as was the case here, the creditor is the original creditor.

*Boro Construction, Inc. v. Lenape Reg. High School Dist. Bd. of Edu. v. DiGeronimo/Mikula Assoc.*, 445 Fed. Appx. 498 (3d Cir. 2011). General contractor on project to construct a 400-meter running track for school district filed suit against the district alleging breach of contract. The school district filed a third party complaint against our client, the track designer, alleging that track failed to meet specifications. Specifically that it was not 400 meters. On appeal after trial in the district court, the Third Circuit affirmed judgment in favor of our client. The trial court found that the school district's expert made a surveying error from which it concluded that the track did not meet specifications. As a result, the district had the track resurfaced and relined. The trial court rejected the district's expert and credited DiGeronimo's testimony that the track as originally laid out and lined was 400 meters and met all contract specifications.

*West v. American Honda Motor Co.*, 2008 WL 4104683 (D.N.J. 2008). The district court granted our motion to dismiss on behalf of Honda for insufficiency of services of process and because the plaintiff failed to set forth a claim under the NJ Product Liability Act.

*Maiale v. Procaccino*, 2005 WL 3675330 (Pa.Com.Pl. 2005). Affirming the trial court's grant of summary judgment in favor of our client after barring plaintiff from presenting testimony of any expert witnesses.