MARSHALL DENNEHEY

CAROLYN KELLY BOGART

SHAREHOLDER

AREAS OF PRACTICE

General Liability
Construction Injury Litigation
Premises and Retail Liability
Product Liability
Commercial Litigation
Hospitality and Liquor Liability
Trucking & Transportation Liability
Automobile Liability

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ADMISSIONS

New Jersey
1996

U.S. District Court District of New Jersey
1996

Supreme Court of the United States
2002

EDUCATION

Columbus School of Law the Catholic University of America (J.D., 1995)

The Catholic University of America (B.A., 1992)

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

The Martindale-Hubbell rated attorney list is issued by Internet Brands, Inc. A description of the selection methodology can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

OVERVIEW

Carolyn, a shareholder in our Casualty Department, has been a practicing attorney since 1996. She focuses her practice on premises liability, defense of liquor liability, construction injury, significant exposure excess insurance claims, contract and general casualty matters, and sports and entertainment litigation. Carolyn's practice also focuses on the area of retail liability, representing national and local retail clients defending general casualty matters, risk transfer claims, and negligent security matters. As a seasoned litigator Carolyn represents many clients in construction-based litigation involving contractual disputes and subrogation matters.

Carolyn has extensive experience defending fraternal organizations, schools and universities in matters involving contractual disputes, indemnity, vicarious liability, dram shop and general negligence. She is well versed in NJ immunity laws for schools and fraternal entities.

Much of Carolyn's caseload requires interpretation of contractual disputes involving insurance status and coverage disputes. She has extensive experience litigating complex contract and insurance coverage issues arising in construction, landlord and tenant, and other casualty matters. Carolyn has litigated numerous matters to verdict in the state of New Jersey and practices in all counties and federal court venues in the state.

In addition to her law practice, Carolyn provides annual legal updates to various clients ranging from issues dealing with auto liability, premises liability and risk management. She often provides consult to clients regarding liability matters, preparing for future issues to avoid litigation and developing policies and procedures for risk assessment.

Carolyn is a graduate of The Catholic University of America, Washington, D. C. While residing in Washington, D.C., she worked on Capitol Hill as a legislative intern for Congressman James Saxton (Rep. 13th District of New Jersey). After receiving a Bachelor of Arts degree in Political Science, Carolyn continued her education at Catholic University's Columbus School of Law where she was actively involved in the Families and Law Clinic, Moot Court, and was also employed as a judicial intern for the Honorable Brook Hedge, D.C. Superior Court, Criminal Division.

Upon completion of her *juris doctor* in 1995, she accepted a position with the New Jersey State Judiciary and became law clerk to the Honorable George L. Seltzer, New Jersey Superior Court, Law Division.

ASSOCIATIONS & MEMBERSHIPS

Camden County Bar Association

YEAR JOINED

1996

THOUGHT LEADERSHIP

Let It Snow

Mount Laurel
Premises and Retail Liability
December 1, 2021
Key Points: Defense Digest, Vol. 27, No. 5, December 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

Sidewalk Liability - What You and Your Condo Association Have In Common

Mount Laurel
Property Litigation
December 1, 2012
Key Points: Defense Digest, Vol. 18 No. 4, December 2012

CLASSES/SEMINARS TAUGHT

Commercial Defense Practice in New Jersey and Pennsylvania, Nationwide Insurance Company, Co-Presenter, December 2013

PUBLISHED WORKS

“Let It Snow,” *Defense Digest*, Vol. 27, No. 5, December 2021

“Sidewalk Liability - What You and Your Condo Association Have In Common,” *Defense Digest*, Vol. 18 No. 4, December 2012

RESULTS

Appellate court pivots; motion to dismiss granted.

Appellate Advocacy and Post-Trial Practice
General Liability
December 12, 2022
We obtained a published decision in the New Jersey Appellate Division reversing the denial of a motion to dismiss because of a lack of duty. The plaintiff's ex-husband drove through the gate at a large, high-rise apartment complex, waited for plaintiff to arrive, and then shot her in the face. Our client was the former management company which ceased its management obligations 17 days before the shooting, when a successor management company took over. The plaintiff argued that our client was negligent based on procedures for securing the lot it put in place when it managed the property.

Social Host Act Does Not Apply to Gross Negligence Claims.

General Liability
March 30, 2021
Carolyn Bogart was successful in opposing a plaintiff's appeal against our client, a former fraternity member and social guest. In 2014, the plaintiff was a 20-year-old college student and fraternity member attending a university in New Jersey. After consuming his own alcohol, he fell asleep in a dorm room that was the location of an on-campus party.

Dismissal of complaint under New Jersey's Charitable Immunity Act.

Social Services & Human Services Liability
Appellate Advocacy and Post-Trial Practice
May 18, 2020
Marshall Dennehey was successful in the New Jersey Appellate Division, which affirmed the dismissal of the plaintiff's complaint under New Jersey's Charitable Immunity Act. The defendant operated a shelter for battered women, their dependent children and the homeless. The plaintiff and her child were residents at the shelter and beneficiaries of its charitable goals when the plaintiff slipped and fell on ice on the shelter's property. She argued that she was not a beneficiary of the charity because she did administrative tasks and volunteered in the charity's thrift store.

Claims Barred Under New Jersey's Charitable Immunity Doctrine.

General Liability
August 24, 2018
We obtained summary judgment in the Passaic County Superior Court of New Jersey on behalf of a non-profit shelter for battered women. The plaintiff, who was staying at the shelter at the time of her alleged incident, accused the shelter of negligence with regard to removing snow and ice from their parking lot. The plaintiff attempted to argue that she was not a "beneficiary" of the shelter but was a volunteer, who was not required to help but who chose to work at the shelter in exchange for room and board.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a dismissal of a negligence action against a management and development group. The plaintiff brought suit against our client for allegedly creating an unreasonably foreseeable risk of injury that was a direct and proximate cause of a motor vehicle accident at an intersection in August 2016. We moved to dismiss in lieu of filing an answer. In our motion, we argued that the plaintiff was barred from re-litigating the issue of liability by the doctrine of collateral estoppel. We also argued that the plaintiff was barred from bringing a claim against our client by the entire controversy doctrine. We were successful, and the Court granted our motion.

Successful in opposing a plaintiff's appeal against our client, a former fraternity member and social guest. In 2014, the plaintiff was a 20-year-old college student and fraternity member attending a university in New Jersey. After consuming his own alcohol he fell asleep in a dorm room which was the location of an on-campus party. In the early morning hours he left the dorm room and proceeded to drive his vehicle, which was unknown to anyone in attendance, as all of the party attendees had either left the party or were asleep when he left. He injured himself in a one car accident resulting in a traumatic brain injury and disfigurement claim. In 2016 he filed a lawsuit naming all party attendees and fellow brothers in his fraternity, as well as the university and its employees. Following over 30 depositions, summary judgment was granted to all defendants. The Appeal was filed in 2019, and a reported decision issued on March 25, 2021 affirming the underlying Superior Court decision as to our client. The appeal raised questions concerning the scope of the duty owed to an adult not old enough to drink legally, but who nonetheless drank to excess. The appellate panel ruled that the Social Host Liability Act did not apply because it governs liability for third party injuries resulting from the service of alcohol to an of-age adult.

Successfully resolved tort action where demand was $1.2 million, with large economic claim against her client, a large cable operator, after the plaintiff fell 34 feet sustaining significant injuries. Case resolved for less than $200,000.

Successful on numerous auto negligence trials dismissing plaintiffs' claims for failing to meet the verbal threshold.

Successfully resolved claim for over $1 million involving significant coverage disputes between carriers. Case resolved for less than $500,000 where plaintiff had undergone a two-level cervical fusion.

Represents numerous national fraternities against charges involving New Jersey's criminal hazing statute.

Represents several large entertainment venues in the New Jersey area.

Litigated numerous contract disputes involving landlord / tenant and premises liability issues.

Represents several large retail chains on personal injury matters and indemnification agreements.

Local counsel for several home service companies providing representation on contractual disputes and customer complaints.