

## PATRICK M. CAREY

SHAREHOLDER



### AREAS OF PRACTICE

Automobile Liability  
General Liability  
Public Entity & Civil Rights Litigation  
Architectural, Engineering & Construction  
Defect Litigation  
Product Liability  
Miscellaneous Professional Liability  
Hospitality & Liquor Liability

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
1987

U.S. District Court Western District  
of Pennsylvania  
1987

U.S. Court of Appeals 3rd Circuit  
1993

New York  
2016

### OVERVIEW

Patrick is active in the defense of a wide variety of litigation areas including motor vehicle liability, premises liability, municipal liability, and hospitality and liquor liability. With his extensive criminal law background, Patrick also handles civil rights defense and insurance fraud cases. He has successfully handled several civil rights and municipal liability cases involving prisons, police departments, police officers and municipalities.

Patrick is a graduate of Gannon University in Erie, Pennsylvania. Following graduation, Patrick attended Ohio Northern University School of Law where he achieved his *juris doctor* in 1987. He then served as a law clerk for the Honorable Shad Connelly of the Court of Common Pleas for Erie County, Pennsylvania. Prior to joining Marshall Dennehey, Patrick served as an Erie County Assistant District Attorney for more than eight years. In that role, he tried over 100 criminal cases, including high-profile homicide cases, as well as precedent-setting cases.

Patrick was an adjunct professor at Gannon University where he taught an undergraduate course in Criminal Evidence. He was also a lecturer in the joint project between the Erie County Courts and the Erie City School District entitled "*Personal Responsibility and the Law*." Patrick also was a lecturer in the Erie County Bar Association's "*Stepping Out*" program by which Erie County lawyers addressed high school students regarding legal issues facing them upon graduation.

### EDUCATION

Claude W. Pettit College of Law  
(J.D., 1987)

Gannon University (B.S., B.A.,  
1984)

### THOUGHT LEADERSHIP

#### Pennsylvania Superior Court Further Limits the Limited Tort Defense

Erie

Automobile Liability

June 1, 2015

Key Points: Defense Digest, Vol. 21, No. 2, June 2015

#### CLASSES/SEMINARS TAUGHT

*Criminal Evidence*, Gannon University

*Liability for Police Pursuits*

*Municipal Liability for Roadway Dangers*

### HONORS & AWARDS

Best Lawyers in America®,  
Personal Injury Litigation –  
Defendants  
2024

#### PUBLISHED WORKS

"Pennsylvania Superior Court Further Limits the Limited Tort Defense," *Defense Digest*, Vol. 21, No. 2, June 2015

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## ASSOCIATIONS & MEMBERSHIPS

Erie County Assistant District Attorney Association, Former Vice President

Erie County Bar Association

Pennsylvania Bar Association

Pennsylvania District Attorneys Association, Former Member

## RESULTS

### Appellate Reversal in the Third Circuit Obtained in Fourth Amendment Civil Rights Case

**Public Entity & Civil Rights Litigation**  
**Appellate Advocacy & Post-Trial Practice**  
**July 20, 2023**

In a unanimous precedential opinion, the Third Circuit Court of Appeals agreed with our attorneys that a law enforcement officer's attempted arrest of the plaintiff did not constitute an unlawful seizure under the Fourth Amendment. Our client was instructed by a neighboring police department to hold a burglary suspect who was subject to a search warrant, but not an arrest warrant. After the officer tried to detain the suspect, he fled, and a fight ensued.

### Dismissal of claims against a Pennsylvania city and a police officer.

**Public Entity & Civil Rights Litigation**  
**February 16, 2022**

In this civil rights litigation, we obtained summary judgment and the dismissal of all claims against a Pennsylvania City and one of its police officers. The court found that the traffic stop of the plaintiff was proper and did not violate his constitutional rights. The plaintiff filed a federal civil rights action against the police officer and the City, alleging that his Fourth Amendment rights were violated because of unlawful search and seizure as well as a malicious prosecution.

### Defense Sends Personal Injury Lawsuit Down Amusement Park's Lazy River

**Amusements, Sports & Recreation Liability**  
**September 14, 2021**

Our attorneys obtained summary judgment relief on behalf of an amusement park in a lawsuit for alleged personal injury sustained at the park's lazy river attraction. The plaintiff and his family were business invitees at our client's amusement and water park. The plaintiff alleged he sustained injury when he attempted to board an inner tube on the lazy river attraction, which was staffed by certified lifeguards.

## SIGNIFICANT REPRESENTATIVE MATTERS

Defended a former City of Erie Police Officer who was tried with his partner and the City of Erie in an excessive use of force matter arising from the arrest of the plaintiff, who sustained facial and low back injuries in the arrest. The case was tried in the U.S. District Court for the Western District of Pennsylvania. The jury returned defense verdicts for both officers and the City of Erie.

Defended two City of Erie Police Officers, the Chief of Police, and the City of Erie in a civil rights suit in the U.S. District Court for the Western District of Pennsylvania. The police were invited into the plaintiff's home by her 18-year-old son to keep the peace while he gathered his belongings and moved out. During this, the plaintiff assaulted one of the officers and was taken into custody. In her struggles with the officers, the plaintiff sustained injuries to her wrist. She claimed illegal entry, illegal arrest, and excessive use of force. The jury returned defense verdicts after 20 minutes of deliberation.

Defending a number of Erie County Sheriff's Deputies who used a taser on a convict who struggled with them as he was led from the courtroom following sentencing.

Defending the Erie County Prison and the McKean County Jail in a number of prisoner suits alleging violations of 8th amendment and other civil rights violations regarding their incarceration in prison.

Defending the McKean County District Attorney, County Commissioners, and McKean County Prothonotary in civil rights actions arising from the plaintiff's prosecution for criminal and protection from abuse matters.

Defending the Erie County District Attorney, Adult Probation Officers, and Clerk of Courts in a suit stemming from a criminal sentencing issue imposed on the plaintiff.

Defending various officials in Warren County, including their Sheriff, District Attorney, Public Defender, and Prothonotary, in civil rights claims raised by a convict.