

## JONATHON E. CROSS

SHAREHOLDER



### AREAS OF PRACTICE

Amusements, Sports & Recreation Liability  
School Leaders' Liability  
Hospitality & Liquor Liability  
Premises & Retail Liability  
Architectural, Engineering & Construction  
Defect Litigation  
Miscellaneous Professional Liability

### CONTACT INFO

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2000 Market Street, Suite 2300  
Philadelphia, PA 19103

### ADMISSIONS

Pennsylvania  
1996

### EDUCATION

Villanova University School of Law  
(J.D., 1996)

Lafayette College (B.A., 1993)

### HONORS & AWARDS

Pennsylvania Super Lawyers  
Rising Star  
2006-2008, 2010-2011

### OVERVIEW

Jon focuses his practice on a wide range of casualty and professional liability matters, with particular emphasis on amusements, sports and recreation liability claims. As a former athlete, Division-I college baseball coach, and camp owner, Jon is uniquely qualified in representing and defending sports and recreation facility owners, coaches and instructors, youth athletic organizations, professional athletes, all type of educational institutions and college fraternities when claims are made against them. He is also experienced in defending trampoline parks, water parks, amusement parks, zip line adventure courses, rock climbing wall centers, golf courses, aquatic clubs, concert venues, sports stadiums, resorts, liquor establishments and more.

With the emergence of sports related concussion claims, Jon advises and represents school districts, colleges, youth leagues, trainers, referees and recreational parks in claims that arise from failure to recognize a concussion and the failure to follow return-to-play protocol. Further, Jon handles the catastrophic injury related sports and recreation claims sustained by concussions, the second impact syndrome, drownings, and other serious bodily injuries.

Jon also serves as Marshall Dennehey's representative on the [Insurance Law Global Sports and Recreation](#) committee, where he presents and authors articles on emerging sports litigation topics.

On the professional liability side, Jon provides legal counsel and representation to contractors, architects and engineers, accountants, attorneys, insurance brokers, real estate brokers and financial advisors in a wide range of matters including legal malpractice, accounting malpractice, wrongful use of civil process, abuse of process, negligence and breach of contract claims.

Outside of his law practice, Jon serves on the Executive Board of the Richie Ashburn Foundation, which raises funds to provide over 19 free baseball camps and clinics yearly to children throughout the Philadelphia and suburban area. He works with the Foundation to raise funds to support blind and visually impaired children to play "beep" baseball.

Jon coached four seasons of Division-I baseball at the University of Pennsylvania. Previously, he coached for nine years at Germantown Academy, where he also was a member of the Board of Trustees (eight years) and served as chair of the sports/athletic committee. Jon additionally was a head baseball coach at the William Penn Charter School in Philadelphia, and he formerly operated his own winter and summer baseball camps.

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## ASSOCIATIONS & MEMBERSHIPS

Germantown Academy, Fort Washington, PA, Board of Trustees (1999-2007)

Germantown Academy, Fort Washington, PA, Sports Committee Chair (1999-2007)

Pennsylvania Bar Association

Philadelphia Bar Association

Richie Ashburn-Harry Kalas Foundation, Executive Board Member (1998 - present)

Insurance Law Global - Sports and Recreation Committee, 2020-Present

International Amusement and Leisure Defense Association, Inc. (IALDA), Member

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## YEAR JOINED

1997

## THOUGHT LEADERSHIP

### Parents are Precluded from Waiving Child's Rights to Jury Trial in Pennsylvania

Philadelphia - Headquarters  
Amusements, Sports & Recreation Liability  
January 1, 2024

### Heads Up and Watch Out! Potential Liability for Traumatic Brain Injury Pursuant to the Safety in Youth Sports Act

Philadelphia - Headquarters  
Amusements, Sports & Recreation Liability  
December 4, 2017

Defense Digest, Vol. 23, No. 4, December 2017 By Jon E. Cross, Esq. Key Points: Defense Digest, Vol. 23, No. 4, December 2017. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

### Boom! Lightning Liability at University Athletic Events

Philadelphia - Headquarters  
Amusements, Sports & Recreation Liability  
September 29, 2015

### Fair Game? Legal Exposures Alter the Playing Field for Youth Sports\*\*

Philadelphia - Headquarters  
Amusements, Sports & Recreation Liability  
March 1, 2015

Key Points: Defense Digest, Vol. 21, No. 1, March 2015

### Cover All The Bases: Avoiding Youth Sports Injury Lawsuits

Philadelphia - Headquarters  
Amusements, Sports & Recreation Liability  
September 30, 2014

## **CLASSES/SEMINARS TAUGHT**

*Concussion: Is the Long Ball Game Finally Finished?* ILG 360<sup>o</sup> London Annual Conference 2023, March 15, 2023

*Negligent Security Claims*, Marshall Dennehey Client Presentation, January 25th, 2023

*Concussion in Sport - Causation and Risk Management in the Spotlight*, Insurance Law Global Webinar, October 6, 2022

*Concussion Litigation - It's Heading Your Way*, Insurance Law Global Virtual Conference, March 26, 2021

*From the NFL to Friday Night Lights...Tackling Concussion Litigation*, Philadelphia Insurance Companies, October 4, 2017

*The Present and Future of Concussion Litigation*, Philadelphia Insurance Companies' Continuing Education Program, May 2017

*Sports Tort Liability and Risk Management*, University of Delaware, Sports & Facility Management Department, November 2016

*What Insurance Professionals Should Know About Emerging Sports Liability Issues*, A.M. Best Webinar, October 13, 2016

*From the NFL to Friday Night Lights...Emerging Youth Sports Concussion Claims and Risk Management*, Insurance Casualty Actuaries of New England, April 7, 2016

*Athletic Risk Management and Concussion Litigation*, University of Delaware, Sports & Facility Management Department, October 2015

*Youth Sports Risk Management*, New Jersey Recreation & Park Association's 2015 Annual Conference, Atlantic City, NJ, March 2015

*Tackling Concussion Litigation*, New Jersey Recreation & Park Association's 2015 Annual Conference, Atlantic City, NJ, March 2015

*Youth Sports Risk Management*, University of Delaware, Sports & Facility Management Department, March 2015

*Tackling Concussion Litigation*, University of Delaware, Sports & Facility Management Department, March 2015

*Emerging Claims -- Youth Sports Concussion Litigation*, Casualty Actuarial Society's Centennial Conference, New York, NY, December 2014

## PUBLISHED WORKS

"Parents Are Precluded From Waiving Child's Rights to Jury Trial in Pennsylvania," *The Sports Bulletin*, 2nd Edition, January 2024, Insurance Law Global

"Appellate decision in the Pennsylvania zipline case may permit general pleadings for recklessness and gross negligence, which may nullify the early effectiveness of the defense of waiver and release," *The Sports Bulletin*, 1st Edition 2023, Insurance Law Global, March 2023.

"Heads Up and Watch Out! Potential Liability for Traumatic Brain Injury Pursuant to the Safety in Youth Sports Act," *Defense Digest*, Vol. 23, No. 4, December 2017

"Boom! Lightning Liability at University Athletic Events," *URMIA Journal*, September 2015

"Fair Game? Legal Exposures Alter the Playing Field for Youth Sports," *Defense Digest*, Vol. 21, No. 1, March 2015

"Cover All The Bases," Avoiding Youth Sports Injury Lawsuits, *Camp Business Magazine*, August 2014

"Fair Game? Legal Exposures Alter the Playing Field for Youth Sports," *PropertyCasualty360.com*, May 2014

"Court Recognizes Misconduct When Jurors Seek Out Their Own Expert Opinion," *Defense Digest*, Vol. 11, No. 2, June, 2005

"The Witness Immunity Doctrine Does Not Preclude Experts From Being Sued for Professional Malpractice," Professional Liability Underwriting Society, *PLUS Journal*, May 2000

"Obtaining Records With Fewer Headaches," (Co-Author), *Defense Digest*, Vol. 4, No. 6, 1998

"New Procedures Complicate Production of Documents By A Non-Party," *Defense Digest*, Vol. 3, No. 6, 1997

"Pennsylvania Superior Court Rules On Statute of Limitations For Defendants Who Leave The Commonwealth," *Defense Digest*, Vol. 3, No. 5, 1997

"Procedural Difficulties with New Discovery Rule", *MDWCG Legal Malpractice Handbook*, October 1998

"Effect of Fiorantino on Legal Malpractice Claims for Breach of Contract", *MDWCG Legal Malpractice Handbook*, October 1998

"Legal Malpractice Defense that a Claim is Premature", *MDWCG Legal Malpractice Handbook*, 1999

"Continuous Representation Rule Still Not the Law in Pennsylvania", *MDWCG Legal Malpractice Handbook*, 1999

## RESULTS

### Company under fire in product liability suit had no duty to install or advise to install new valves.

#### **Product Liability July 25, 2019**

We were successful on a motion for summary judgment that was granted dismissing all claims against our client, an environmental compliance services and tank testing company, in a case where the plaintiff made an \$8.75 million settlement demand. The plaintiffs, a minor mother and child, were at a gas station in Philadelphia when a vehicle inadvertently struck a fuel dispenser, knocking it over and causing a fire and explosion.

### Defense Achieves Dismissal of Claims Against University

#### **General Liability December 6, 2016**

The defense prevailed on a motion to dismiss on behalf of a distinguished Roman Catholic university. The plaintiff, a temporary staffing worker assigned to work at the university, alleged personal injuries as a result of a slip and fall in the cafeteria. The defense highlighted inconsistencies in the plaintiff's workers' compensation testimony compared to the allegations in his complaint and discovery responses.

### Defense Victory in Privacy and Data Security Matter

#### **Privacy & Data Security August 25, 2016**

Obtained a non-suit after a three-week bench trial spread over several months in Bucks County, Pennsylvania. Our client was a third-party defendant in a multi-million dollar breach of contract claim related to an ERP software implementation. The defendant had filed a counterclaim against the plaintiff, alleging breach of contract related to a computer system outage that occurred during the course of our client's consultant services at a public utility water company.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Success in defending trampoline parks in large loss lawsuits.

Success in defending indoor water parks.

Success in defending indoor athletic recreation facility.

Success in defending indoor rock-climbing facilities.

Success in defending trampoline parks.

Success in obtaining an defense verdict for major league baseball team and a former professional player.

Success in obtaining an order to dismiss a multi-million dollar gas station fire lawsuit.

Success in defending construction contractor for alleged OSHA violations.

Success in defending a multi-million dollar lawsuit relating to defective fireworks.

Success in obtaining a dismissal of a lawsuit against a security guard company.

Success in handling multi-million dollar claims and obtaining favorable outcomes.

Success in obtaining a dismissal of a legal malpractice case pursuant to plaintiff's failure to comply with the Pennsylvania Rules of Civil Procedure.

Success in defending a golf club at trial for premises liability.

Success in litigating numerous cases involving school districts and universities involving claims for negligence, discrimination and athletic field liability.

Success in obtaining a jury verdict in favor of a major check cashing company.

Success in obtaining defense verdict in a wrongful use of civil proceedings claim.