

JOHN P. GONZALES

SHAREHOLDER



AREAS OF PRACTICE

Employment Law
Public Entity and Civil Rights Litigation
School Leaders' Liability

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2000 Market Street, Suite 2300
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ADMISSIONS

Pennsylvania
1994

U.S. District Court Eastern
District of Pennsylvania
1994

U.S. District Court Middle
District of Pennsylvania
2000

U.S. Court of Appeals 3rd
Circuit
2006

EDUCATION

Temple University School of
Law (J.D., 1993)

University of Scranton (B.A.,
1989; M.A. 1989)

OVERVIEW

John is a shareholder in the Philadelphia office of Marshall Dennehey Warner Coleman & Goggin. He practices in the areas of civil rights, municipal liability, school claims and employment law.

John has represented police officers and public officials in state and federal court in all aspects of civil rights litigation including claims involving use of force, wrongful arrest and land use. In addition, John has represented public and private employers in wrongful discharge, employment discrimination and defamation claims from administrative proceedings through trial. John has tried dozens of cases in state and federal courts and argued cases before the Third Circuit Court of Appeals.

In addition to his trial work, John has presented numerous seminars to police departments, law firms and government agencies in the areas of police practices, civil rights issues and municipal liability. He has consulted with police departments concerning the development of policies and procedures and provided advice and guidance to employers concerning employment-related matters.

John received his *juris doctor* from Temple University School of Law, where he was a member of the Moot Court Honor Society, and graduated from the University of Scranton with a Bachelor of Arts in history and philosophy and a Master of Arts in history. He is admitted to practice in Pennsylvania and the U.S. District Courts for the Eastern and Middle Districts of Pennsylvania and the Third Circuit Court of Appeals.

THOUGHT LEADERSHIP

John Gonzales (Philadelphia, PA) and Art Aranilla (Wilmington, DE) recently presented a seminar on land use issues

October 1, 2011

John Gonzales (Philadelphia, PA) and Art Aranilla (Wilmington, DE) recently presented a seminar on land use issues to representatives of municipalities from all three Delaware counties, organized by the Delaware Founders Insurance Trust.

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CLASSES/SEMINARS TAUGHT

Workers' Compensation Winter Roundup, Graham Company webinar, December 15, 2020

Understanding the Debate with the ADA, FMLA and Workers' Compensation, Marshall Dennehey webinar, October 27, 2020

Mitigating the Risk of Workplace Bullying, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019

Local Government Immunity in Pennsylvania, Client Seminar, October 2018

Deal or No Deal - Improving Your Negotiating Strategy, Philadelphia Law Department, August 2018

Legal Updates for Law Enforcement, Pennsylvania Chiefs of Police Association's Centennial Training Education Conference, July 14, 2014

Managing a Maturing Workforce: The Legal Perspective, Delaware Valley Trust, June 2014

Social Media & Cyber Breaches: the Internet's Impact on Your Business, The Graham Company, co-presenter, May 2014

Navigating The Bermuda Triangle: The Intersection of Workers' Compensation, FMLA and ADA, Roadmap to Success - Understanding Workers' Compensation, Marshall Dennehey seminar, October 24, 2013

Hot Topics in Employment, Marshall Dennehey / AIG Seminar, Philadelphia, PA, October 10, 2013

Land Use Litigation and Liability Issues for Local Government, Delaware Founders Insurance Trust, September 2011

Land Use Civil Rights and Avoiding Liability video and webinar, Delaware Valley Insurance Trust, 2009

Police Liability Seminar, Delaware Valley Insurance Trust, November 2007

Law Enforcement Seminar - Use of Force Issues, Dauphin County, 2006

Train the Trainers Program, Municipal Police Officer Education and Training Commission, November 2005

Use of Force in Pennsylvania, Lorman Education Services, CLE, February 4, 2005

Use of Force in Pennsylvania, Lorman Education Services, CLE, February 6, 2004

Tort Claims Act, Delaware Valley Insurance Trust, March 2004

Civil Rights Liability, Delaware Valley Insurance Trust, March 2004

PUBLISHED WORKS

"Pennsylvania's Emergence Code: An Additional Level of Protection for Municipalities and Their Employees Performing Emergency Services," *Defense Digest*, Vol. 6, No. 2, April 2000

Co-author, "Sex-Based Shift Assignments: Employers May Use Common Sense," *Defense Digest*, Vol. 2, No. 7, 1996

Co-author, "Employment Discrimination Claims: Arbitration Under Collective Bargaining Clauses," *Defense Digest*, Vol. 2, No. 6, 1996

Co-author, "Third Circuit Takes Pennsylvania Beyond 402(A)," *Defense Digest*, Winter, 1994

RESULTS

Defense verdict for York City Police Officer in the first civil case tried in PA since the pandemic began.

Public Entity and Civil Rights Litigation February 9, 2021

This was the first civil case tried in a U.S. District Court in Pennsylvania since the court closures caused by COVID-19. The plaintiff alleged that the police officer used excessive force in arresting her outside of a bar in the City of York. She filed a Section 1983 civil rights lawsuit, alleging she sustained a traumatic brain injury after the officer threw her head against a brick wall, threw her to the ground and then repeatedly punched her in the face.

Summary judgment on behalf of a children and youth services group in a civil rights lawsuit.

Public Entity and Civil Rights Litigation February 9, 2021

The suit was filed in the U.S. District Court for the Eastern District of Pennsylvania. The plaintiffs were the maternal grandparents of two children who were removed from the custody of their parents and placed in foster care. The plaintiffs alleged that the defendants violated their substantive and procedural due process rights protected by the 14th Amendment by failing to provide them with custody of the children and notice of court hearings.

Dismissal of civil rights action against a Pennsylvania children and youth agency.

**Appellate Advocacy and Post-Trial Practice
Public Entity and Civil Rights Litigation
November 23, 2020**

We secured a dismissal of a civil rights action against a Pennsylvania children and youth agency and several of its caseworkers and staff attorneys. The plaintiff parents brought their five-month-old baby to the hospital with a spiral fracture mid-shaft on his right humerus. The hospital team collectively concluded that the injury was probably accidental in nature, but a nurse reported the injury to the agency, concerned that it might have been caused by abuse.

Court Agrees Discrimination & Retaliation Played No Part in Employee's Termination

**Employment Law
May 11, 2017**

Obtained summary judgment in an employment discrimination and retaliation lawsuit filed in the U.S.D.C. for the Eastern District of Pennsylvania. The plaintiff worked for the public works department of a large municipality. The municipality terminated the plaintiff after conducting an investigation into the theft of a co-worker's smartphone. The plaintiff alleged that she was terminated because of her gender, sexual orientation and in retaliation for assisting a co-worker in filing an EEOC Charge.

Police Sergeant Not Liable in Excessive Force Case

**Public Entity and Civil Rights Litigation
December 6, 2016**

Obtained a defense verdict in a Section 1983 Excessive Force case in the U.S. District Court for the Middle District of Pennsylvania. The plaintiff alleged that a Sergeant from the York City Police Department physically attacked him after he had been arrested and handcuffed. The incident was captured on video by a neighbor, who then posted the video on YouTube. The defense presented evidence that the Sergeant struck the plaintiff in an effort to separate from him after the plaintiff attempted to wipe blood onto the Sergeant's uniform.

SIGNIFICANT REPRESENTATIVE MATTERS

Defense verdict for local police department in case involving false arrest and malicious prosecution arising out of the misidentification of a suspect in a police lineup.

Defense verdict for county employer in case involving Title VII Sex Discrimination in the termination of a county court reporter.

Defense verdict for county employer in case involving allegations of sexual harassment and hostile work environment at a county prison.

Defense verdict for local police department in case involving allegations of false arrest and excessive force arising out of the arrest of a suspect who allegedly assaulted a police officer during a traffic incident.

Successful defense of a local police department in the district court and then on appeal to the Third Circuit in case involving allegations of excessive force in the death of a suspect who was alleged to have died while in custody from compression asphyxia.

Successful defense of a local municipality in the district court and then on appeal to the Third Circuit in case involving a land use civil rights claim that a developer's substantive due process rights were violated in the context of zoning and land use decisions by a Board of Supervisors.

Defense verdict for county employer in case involving claims of first amendment retaliation by a former deputy chief probation officer.

Defense verdict for local police officers accused of wrongfully arresting a husband in a domestic dispute.

Defense verdict for township detective accused of racial discrimination and conspiracy by an African American police officer in a failure to hire case.