

KEVIN E. HEXSTALL

CO-CHAIR, ENVIRONMENTAL & TOXIC TORT PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Environmental & Toxic Tort Litigation
Product Liability
Premises & Retail Liability
Commercial Litigation
Catastrophic Claims Litigation
White-Collar Crime
Trucking & Transportation Liability

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ADMISSIONS

New Jersey
1998

Pennsylvania
1998

U.S. District Court Eastern District
of Pennsylvania

U.S. District Court District of New
Jersey

EDUCATION

Ohio Northern University – Pettit
College of Law (J.D., 1997)

University of North Carolina at
Chapel Hill (B.A., 1994)

OVERVIEW

Kevin is a member of the Casualty Department where he defends clients in suits brought against them involving environmental, toxic torts and mass torts litigation. A member of the firm's Board of Directors, he is an experienced and highly accomplished trial attorney who has successfully defended insureds in complex cases throughout the country.

Kevin is often retained by major corporations to serve as first-chair trial counsel in cases involving catastrophic injuries or fatalities. He has represented Fortune 100 Companies in premises and product liability wrongful death claims throughout the country. Kevin also serves as lead national trial counsel for significant premises and security claims for some of the world's largest multinational retail corporations. His list of clients represented in high exposure cases also includes: a major moving equipment/storage company, auto and tire manufacturers, multiple trucking companies and the City of Philadelphia.

In addition to his experience in civil litigation, Kevin has developed a successful criminal defense practice. Prior to joining Marshall Dennehey, Kevin served as chairman of the Criminal Defense Section for a Philadelphia, Pennsylvania, law firm. He defends NFL and NBA athletes as well as entertainers, in civil and criminal proceedings.

In 1994 Kevin graduated from the University of North Carolina at Chapel Hill where he earned a Bachelors of Arts degree. He then attended Ohio Northern University – Pettit College of Law in Ada, Ohio, where in 1997 he earned a *juris doctor*, graduating with dean's list honors. While attending law school, Kevin served on the executive board of the Moot Court Program and received the Book Award for the Criminal Law Clinic.

Media Links

http://www.lehighvalleylive.com/easton/index.ssf/2013/04/truck_driver_in_fatal_williams_1.html

<http://www.youtube.com/watch?v=HCtdLCIFbl>

http://www.nj.com/news/index.ssf/2010/08/mother_of_man_killed_in_crash.html

HONORS & AWARDS

ABA Tort Trial & Insurance Practice Section, National Trial Academy
2006

American Lawyer Media.
Recognized as one of twelve Pennsylvania minority attorneys "On the Verge" in a diversity supplement published in The Legal Intelligencer and Pennsylvania Law Weekly
2007

Pennsylvania Super Lawyers
2014-2020

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

ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Diverse Partners Network

National Association of Criminal Defense Lawyers

Pennsylvania Bar Association

Philadelphia Bar Association:

2007 Tort Trial & Insurance Practice Section, Vice Chair Toxic Tort & Environmental Law Committee

2007 - 2008 Tort Trial & Insurance Practice Section, Vice Chair Diversity Committee

2007 Tort Trial & Insurance Practice Section, National Leadership Academy, Member

2008 - 2010 Tort Trial & Insurance Practice Section, National Leadership Academy, Taskforce Member

YEAR JOINED

2010

CLASSES/SEMINARS TAUGHT

The Top Emerging Trends in Asbestos Litigation, Perrin Conferences – Cutting Edge Asbestos Litigation, Miami, FL, March 12, 2024

Juries - Mock Trial, Product Liability Advisory Council 2021 Fall Conference, September 30, 2021. Kevin participated in an interactive mock jury demonstration focused on jurors and their assessment of defense attorney styles, science and problematic evidence.

Maintaining Relationships With Outside Counsel Panel, Perrin Conferences In-House Counsel Perspectives Symposium, June 22, 2021

Punitive Damages – Getting Into the Mind of the Juror, Guest Speaker, Products Liability Advisory Committee (PLAC) Conference, October 2019, Chicago, IL.

It's Not Just Lung Cancer or Mesothelioma Anymore: Introducing a New Class of Asbestos Plaintiffs with "Other Cancers", American Conference Institute's 23rd National Forum on Asbestos Claims & Litigation, May 21 - 23, 2018, Chicago, IL

Speaker at Defense Research Institute National Asbestos Medicine Conference, Young Lawyers Session, New Orleans, LA, November 2016

Speaker at Honeywell Global Conference – "Diversity Advantage", Morristown, NJ, September 2015

Defending the Criminal Case, Marshall Dennehey CLE Series, February 2015

Strategies in Defending a Lung Cancer Case, Marshall Dennehey CLE Series, September 2014

Today's Jury Pool – The Impact of Generation Y and the Social Media Revolution, Marshall Dennehey Warner Colman & Goggin CLE Series, November 2013

Commercial Shipping and the Jones Act, Defense Research Institute (DRI) Asbestos Medicine Seminar, November 2013

Mock Jury Selection in a Toxic Tort case. American Bar Association, Toxic Torts and Environmental Law Committee, TIPS 20th Annual Spring CLE Meeting, The New Frontier: Science, Technology and the Law, April 2011

Crime and Punishment, Ohio Northern University Pettit College of Law, Speaker, Pre-Law Undergraduate Scholars (PLUS) program, June 2010

Fattah Conference on Higher Education, Philadelphia, PA, Speaker, 2009, 2010

Some Like It Hot: Emerging Issues in Toxic Tort and Environmental Law, Moderator, Wind Energy Projects, ABA TIPS 19th Annual Spring CLE Meeting, April 2010

The Costs of Bet-the-Company Verdicts-Impacts and Staying Power, HB Litigation Conferences' Emerging Trends in Asbestos Litigation Conference, March 2010

Environmental & Toxic Tort Issues, Insurance Companies Seminars/CLEs

Bankruptcy - Utilizing Trust Application Information to Develop your Defense in Asbestos Litigation, CLE Seminar at Resolute Management, Inc.

Diversity Forum - Making Your Own Path in Today's Society, Ohio Northern University College of Law

Business Development and Networking: Building A Client Base, Drexel Law Co-Op

Power of 3: Assignment/Inclusion/Mentoring, Philadelphia Diversity Seminar

Criminal Justice Section of Community College of Philadelphia

Rowan University Career Day

Landis Middle School Commencement Ceremony Keynote Speaker

Cumberland County Community College Career Day

Say Yes to Education, College Seminar

MEDIA COMMENTARY

"Pa. Jury Rejects Claims Linking 'Just For Men' Hair Dye to Cancer," *The Legal Intelligencer*, July 19, 2024

RESULTS

Successful Representation of National Home Improvement Corporation's Tool & Truck Rental Division

Product Liability
Appellate Advocacy & Post-Trial Practice
General Liability
July 23, 2024

Marshall Dennehey's trial and appellate attorneys were successful in their representation of a national home improvement retail corporation's tool and truck rental division. Handling the case at both the trial and appellate levels, the defense was successful in convincing the New Jersey appellate court to affirm the trial court's decision on July 23, 2024. At the trial level, the judge granted our motion for a directed verdict and dismissed the case. The plaintiff had rented a flatbed truck in 2018 to move a cabinet he had just purchased.

Defense Verdict for Global Men's Hair Dye Manufacturer in Bladder Cancer Claim

Product Liability
July 2, 2024

We obtained a significant defense verdict in a high-exposure product liability jury trial on behalf of a global men's hair dye manufacturer. The verdict was reached after a two-and-a-half week jury trial in the Philadelphia Court of Common Pleas. The plaintiffs' claim was that the hair dye made by the defendant company caused the husband's bladder cancer. Prior to trial there was a significant demand, but the jury wholly rejected the plaintiffs' negligence and strict liability claims.

Defense verdict in premises liability case with well over seven-figures at stake.

Premises & Retail Liability
June 15, 2023

We obtained a defense verdict following a 10-day jury trial on behalf of a national home improvement company and garden center, where the plaintiff's demand was over seven figures. The plaintiff, a 79-year-old female, was using a rollator (walker) to assist her walking when she fell at a garden center. Plaintiff claimed that the front wheel of her rollator struck and got caught on the raised baseplate bolts of a column, causing her to fall. The plaintiff was taken out on a stretcher with a fractured leg that required ORIF surgery and a recommendation for future hip replacement.

Marshall Dennehey attorneys successfully litigate complex asbestos case – non-suit obtained.

Asbestos & Mass Tort Litigation
March 26, 2020

Kevin Hexstall and Mohamed Bakry (Philadelphia) successfully litigated a complex asbestos case, obtaining a non-suit on behalf of their client, a manufacturer of asbestos-containing building materials. The case involved a deceased 71-year-old mesothelioma plaintiff. There was an initial seven-figure dollar demand from plaintiff's counsel. The lawsuit alleged the plaintiff was exposed to asbestos when employed as a construction product salesman from 1967 to 1972.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict following a 10-day jury trial on behalf of a national home improvement company and garden center, where the plaintiff's demand was over seven figures. The plaintiff, a 79-year-old female, was using a rollator (walker) to assist her walking when she fell at a garden center. Plaintiff claimed that the front wheel of her rollator struck and got caught on the raised baseplate bolts of a column, causing her to fall. The plaintiff was taken out on a stretcher with a fractured leg that required ORIF surgery and a recommendation for future hip replacement. The defense established via an in-store surveillance video, forensic engineering expert and cross-examination, that it was very unlikely that the plaintiff's rollator ever came into contact with the baseplate. Furthermore, even if the plaintiff did contact the baseplate, it was due to her being inattentive and not as a result of any alleged negligence by the garden center. The jury returned a defense verdict after only 35 minutes of deliberation.

Matkowsky v. Defendant (Philadelphia Court of Common Pleas Civil Division): Plaintiff's Estate filed a Wrongful Death lawsuit claiming that Plaintiff contracted and died of Lung Cancer as a result of being exposed to asbestos from Defendant's product. Result: Jury finds Defendant Not Liable.

Commonwealth of Pennsylvania v. Defendant (Lehigh County Court of Common Pleas Criminal Division): Defendant was employed as truck driver for a major trucking corporation. He was involved in a near fatal accident which left a 21 year old woman in a coma for days. The Commonwealth of Pennsylvania claimed the Defendant was grossly negligent for running a steady red light and charged him with a Aggravated Assault by Vehicle – First Degree Felony. Result: Jury finds Defendant Not Guilty of All Charges after 90 minutes of deliberation.

Irene Abromovich v. Defendant, et al (Philadelphia County Civil Trial Division), Co-counsel : Plaintiff alleged sustaining herniated disc which required a discectomy and a lumbar fusion as a result of a fall which occurred on Defendant's premises. Result: Philadelphia jury finds that Defendant was not negligent and returned a verdict in favor of the Defendant.

Dimmick v. Defendant (Philadelphia Court of Common Pleas Civil Division): Plaintiff alleged that his Lung Cancer was caused by his exposure to asbestos after working with and around Defendant's products for a number of years. Result: Jury finds Defendant Not Liable.

Carlton Baker v. Defendant (Philadelphia County Civil Trial Division): Plaintiff alleged that Defendant was negligent in supervising its employees, when he was allegedly struck with a chain at work by co-worker. Plaintiff sustained lacerations to the head requiring stitches, a black eye, soft tissue injuries to the neck and back, and permanent loss in range of motion in his arm. Result: Verdict in favor of Defense on all counts after Bench Trial before Court of Common Pleas Judge.

Webber v. Honeywell International Inc. (Philadelphia Court of Common Pleas Civil Division) Plaintiff was diagnosed with peritoneal mesothelioma at 42 years old. He alleged that his disease was caused by asbestos exposure from working with automobile brakes manufactured by Bendix, a predecessor company of Honeywell. Honeywell presented evidence from numerous witnesses during the course of this five week trial to establish that Bendix brakes did not play a role in the development of Mr. Webber's peritoneal mesothelioma. Result: Jury finds Honeywell not liable.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with drugging and raping seven different women, on nine separate occasions. All nine cases consolidated for trial. Result: Philadelphia jury finds Defendant Not Guilty of 33 out of 35 counts. Defense Attorneys and Prosecutor comment on verdict.

Sheil v. Honeywell International Inc. (Philadelphia Court of Common Pleas Civil Division) Plaintiff asserted a wrongful death claim on behalf of her deceased husband claiming that he died of peritoneal mesothelioma after making personal brake changes on 50 vehicles. Result: Jury finds Defendant Not Liable.

Woodley v. Defendant (Philadelphia Court of Common Pleas Civil Division): Plaintiff alleged that he was suffering from Asbestosis as a result of working for a number of years with a product manufactured by Defendant. Result: Jury finds Defendant Not Liable after 2 ½ hours of deliberation.

Frank Brooks v. Defendant, et al (Philadelphia County Civil Trial Division): Plaintiff alleged that his lung cancer was a result of exposure to asbestos from Defendant's product. Potential for Jury Verdict in excess of \$1,000,000. Result: Motion to Dismiss Granted in favor of Defendant prior to Phase II of jury trial.

Stafford v. Honeywell International Inc. (Philadelphia Court of Common Pleas Civil Division): Plaintiff asserted a wrongful death claim on behalf of her deceased husband claiming that he died of peritoneal mesothelioma after 30 years of making personal brake changes on family vehicles. Result: Jury finds Defendant Not Liable.

United States of America v. Defendant (US District Court Eastern District of PA Criminal Court): Defendant charged with Indecent Exposure, Disorderly Conduct, and Solicitation in case involving undercover Federal Employee. Result: Defendant found Not Guilty of All Charges.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with Carjacking, Robbery, Kidnapping, Conspiracy, and related charges. Result: Defendant found Not Guilty of All Charges.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with Burglary, Conspiracy, and related charges. Result: Defendant found Not Guilty of All Charges.

Commonwealth of PA v. Defendant (Chester County District Court Criminal Division): Defendant

charged with Vehicular Homicide and related offenses. Result: All charges withdrawn at the Preliminary Hearing, and Defendant plead No Contest to Summary Traffic Offenses only.

Commonwealth of PA v. Defendant (Philadelphia Court of Common Pleas Criminal Division): Defendant charged with drugging and raping three different women, on separate occasions. All three cases consolidated for trial. Result: Philadelphia jury finds Defendant Not Guilty of All charges.

State of New Jersey v. Defendant (Atlantic County Superior Court Criminal Division): Defendant, charged with harassment of customer at area restaurant. Result: Defendant found Not Guilty of All charges at Bench Trial before Superior Court Judge.

Commonwealth of PA v. Defendant (Centre County Municipal Court): Defendant charge with Driving Under the Influence of Alcohol. Result: Not Guilty of All Charges after Bench Trial before Municipal Court Judge.

Commonwealth of PA v. Defendant (Philadelphia County Court of Common Pleas Criminal Division): Defendant charged with Aggravated Assault, Recklessly Endangering Another Person, and Violation of Uniform Firearms Act. Result: Defendant Found Not Guilty of All Charges.