

WALTER J. KLEKOTKA

CO-CHAIR, PREMISES AND RETAIL LIABILITY PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Premises and Retail Liability
Hospitality and Liquor Liability
Product Liability
Property Litigation
Medical Device and Pharmaceutical Liability
Asbestos and Mass Tort Litigation
Trucking & Transportation Liability

CONTACT INFO

(856) 414-6032
wjklekotka@mdwcg.com

15000 Midlantic Drive, Suite 200
P.O. Box 5429
Mount Laurel, NJ 08054

ADMISSIONS

New Jersey
1987

Pennsylvania
1987

EDUCATION

Widener University School of Law (J.D., 1987)

University of Delaware (B.S., 1983)

HONORS & AWARDS

AV® Preeminent™ by
Martindale-Hubbell®

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OVERVIEW

Walter currently practices in the areas of premises liability, asbestos, hospitality/dram shop, product, auto, trucking & transportation and pharmaceutical matters. He has extensive experience in premises liability in the retail sector, having handled several hundred cases ranging from slip and falls to falling merchandise claims. He likewise has broad experience in pharmaceutical matters, representing numerous pharmacies and pharmacists in misfill and mislabel matters. In the course of his career, Walter has taken more than 50 matters to trial, including many jury trials. He is also quite skilled in alternative dispute resolution forums such as mediations and arbitrations.

Walter is a graduate of the University of Delaware where he obtained a Bachelor of Science degree in Economics. He received his *juris doctor* from The Delaware Law School of Widener University, after which he joined Marshall Dennehey. In 1991, he moved to the New Jersey office where he concentrated his practice on general liability matters. He has been a shareholder since January of 1996.

Walter initially began his career in the asbestos department where he handled hundreds of asbestos personal injury actions involving various claims of lung disease. As such, early in his career, he took numerous cases to verdict.

Walter is frequently asked by clients and industry organizations to lecture on a variety of topics concerning premises liability, automobile law and general liability matters.

CLASSES/SEMINARS TAUGHT

1997 Civil Motion Practice, New Jersey State Bar Association Civil Litigation for Paralegals, CISI Dram Shop, South Jersey Claims Association

ASSOCIATIONS & MEMBERSHIPS

Camden County Bar Association

Claims & Litigation Management Alliance (CLM)

New Jersey State Bar Association

YEAR JOINED

1987

PUBLISHED WORKS

"No More Pigeonholes in Premises Liability Law," *New Jersey Law Journal*, August 21, 2006

"New Jersey Charitable Immunity Act: Public University Exempt From Suit Even Though Judgment Would Be Paid From Public Funds," *Defense Digest*, 2002-09, Vol. 8, No. 3

"The Downsizing of the Collateral Source Rule," *Defense Digest*, 2001-12, Vol. 7, No. 6, co-author

"Then N.J. Appellate Division Clarifies Duty Owed by Commercial Tenant," *Defense Digest*, Vol. 3, No. 1, 1997

"The Blizzard's Backlash: A Symposium on Issues Confronting Pennsylvania and New Jersey Property Owners," (Coauthor), *Defense Digest*, March 1996

"New Jersey Spoliation of Evidence and the Doctrine of Res Ipsa Loquitur," *Defense Digest*, August 1995

"New Jersey Creates Recreational Sports & Leisure Activities Liability Study Commission," *Defense Digest*, Summer 1994

RESULTS

Contractual indemnification key to successful defense of premises liability case.

Premises and Retail Liability

March 1, 2020

We obtained summary judgment on behalf of a commercial tenant in a premises liability case. The plaintiff brought suit against our client, the commercial landlord and the City of Newark. The plaintiff alleged that the parties failed to maintain a condition of the sidewalk that caused a trip and fall.

Jury Finds Supermarket Not Negligent in Vendor Injury Case

Premises and Retail Liability

May 11, 2017

Obtained a defense verdict in a jury trial on behalf of a regional supermarket chain. A vendor claimed he was struck by a large swinging door that was extended beyond its limits by a piece of machinery being operated by a store employee. When the machinery cleared the door, the plaintiff claimed the door was caused to snap back and accelerate towards him, causing injury to his left shoulder, neck and back. There was no wage loss, but there was a \$25K workers' compensation lien.

Defense Closes the Door on Plaintiff's Claim Against Retailer

Premises and Retail Liability

September 21, 2015

Obtained summary judgment on behalf of a retail store client in a premises liability matter. The plaintiff walked into an automatic door that opened toward him at a retail store. He claimed that the door was defective, causing it to swing toward him at a rapid speed and strike him in the head. The incident was captured on surveillance video and showed that the plaintiff was merely not paying attention and walked directly into the door. At oral argument, the defense argued that the plaintiff failed to produce any evidence that the store was negligent or that a dangerous c

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict for a large supermarket chain involving an injury to a vendor from a swinging door.

Obtained a defense verdict for a large supermarket chain involving a fall down as a result of a foreign substance on the floor.

Obtained a defense verdict representing a Gas station Mini Market involving a slip and fall on foreign substance on the floor.

Obtained a defense verdict in a case involving allegations of RSD.

Successfully mediated products liability matter with loss of sight in one eye.

Successfully mediated products liability case involving permanent facial disfigurement.