

THOMAS J. O'MALLEY

SHAREHOLDER



AREAS OF PRACTICE

Amusements, Sports & Recreation Liability
General Liability
Trucking & Transportation Liability

CONTACT INFO

(215) 575-2657
TJOmalley@mdwcg.com

2000 Market Street, Suite 2300
Philadelphia, PA 19103

ADMISSIONS

Pennsylvania
1994

U.S. District Court Eastern District
of Pennsylvania

U.S. Court of Appeals 3rd Circuit

EDUCATION

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

La Salle University (B.S., 1990)

HONORS & AWARDS

AV® Preeminent™ by Martindale-
Hubbell®

Pennsylvania Super Lawyer
2007, 2010-2015

OVERVIEW

Thomas is a shareholder in the Casualty Department. He focuses his practice on sports and entertainment litigation, premises liability, transportation litigation and general liability matters, along with a wide array of other areas that he has handled over the last decade in state and federal courts in Pennsylvania.

Thomas attended LaSalle University, where he served as the president of the student senate and received a variety of awards for academic distinction and volunteer efforts in the community. In 1993, he obtained his *juris doctor* from Widener University School of Law in Wilmington, Delaware. Licensed to practice in Pennsylvania, Thomas is also admitted to appear before the United States District Court for the Eastern District of Pennsylvania and the United States Court of Appeals for the Third Circuit.

Thomas sits as a judge *pro tempore* for the Philadelphia County Court of Common Pleas and as an arbitrator for the Philadelphia Court of Common Pleas Arbitration system. Thomas has received the highest rating from Martindale-Hubbell, an entity which rates the legal ability and ethics of attorneys based on surveys conducted with judges and attorneys. In 2007, 2010 - 2014 *Law & Politics/Philadelphia Magazine* named Thomas a Super Lawyer.

CLASSES/SEMINARS TAUGHT

Pennsylvania Law Day, Pennsylvania Bar Association, 2002-present

Fraud, Fraud, Fraud -The Use of Surveillance Video in Federal and State Courts in Pennsylvania,
1999

ASSOCIATIONS & MEMBERSHIPS

Burholme Civic Association & Townwatch, Legal Counsel (1999-2003)

Lawncrest Community Association, President (2000-2002); General Counsel (1999-2002)

Pennsylvania Bar Association

Philadelphia Bar Association

Hunter Soccer Club, Board of Trustees 2014 - Present.

Hunter Club, Boys and Girls Soccer Coach, 2010 - Present.

YEAR JOINED

1992

PUBLISHED WORKS

"New Strategic Tool: Filing a Motion to Compel for Social Media Sign-In Information," *Defense Digest*, Vol. 25, No. 2, June 2019

"Will It Be Easier for Defendants To Change Venue In Pennsylvania?," *Defense Digest*, Vol. 20, No. 4, December 2014

"'Creeping Disease Rule' Not Applicable in Pennsylvania Property Damage Case," *The Journal of Allegheny County Bar Association*, 2001-06-15, Vol. 3, No. 12, and *Defense Digest*, 2001-02, Vol. 7, No. 1

"When Is It Advantageous to Oppose a Petition For A Discontinuance?," *Defense Digest*, 2000-02, Vol. 6, No. 1

"Will *Ross* Protect a Joining Defendant When the Plaintiff Gives Up?," *Defense Digest*, 1997-10, Vol. 3, No. 5

"The Blizzard's Backlash: A Symposium on Issues Confronting Pennsylvania and New Jersey Property Owners," (*Coauthor*), *Defense Digest*, 1996, Vol. 2, No. 3

RESULTS

Dismissal of claims against day care center.

Social Services & Human Services Liability

Premises & Retail Liability

Commercial Litigation

December 2, 2021

We obtained dismissal via preliminary objections of all claims asserted against a day care center in a shooting case venued in Philadelphia. The case arose from the shooting death of a student's father. The shooter had been previously convicted of manslaughter and assault and was an employee of the day care center's long-time food service vendor. While the decedent was dropping off his youngest child at day care, he got into an argument with the shooter, who was on the premises delivering food.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a dismissal via preliminary objections of all claims asserted against our client, a day care center, in a shooting case venued in Philadelphia. The case arose from the shooting death of a student's father. The shooter had been previously convicted of manslaughter and assault and was an employee of the day care center's long-time food service vendor. While the decedent was dropping off his youngest child at day care, he got into an argument with the shooter, who was on the premises delivering food. The decedent subsequently drove away with his seventeen-year-old son in the passenger seat, and the shooter followed in his work van. A few blocks away from the day care center, the shooter pulled up alongside the decedent's vehicle and repeatedly fired a handgun at the decedent. The food service vendor, its affiliated entities, the day care center and the shooter were named as defendants. The claims against the day care center included negligence per se, negligent hiring, negligent supervision, negligent undertaking to render services, negligent infliction of emotional distress, violations of the Unfair Trade Practices & Consumer Protection Law (UTCPL), negligent misrepresentation, and negligent infliction of emotional distress as to the decedent's seventeen-year-old son who witnessed the shooting. The plaintiffs' negligence per se claims centered on alleged violations of the Child Protective Services Law (CPSL), the Public Welfare Law (PWL) and the Pennsylvania School Code (School Code). After briefing, the Philadelphia Court of Common Pleas granted our preliminary objections. The case subsequently resolved with no contribution whatsoever from our client.

Obtained a Motion for Summary Judgement in the Philadelphia Court of Common Pleas in a motor vehicle accident involving a tractor-trailer that resulted in significant property damage. The judge agreed with our position that the plaintiff could not prove that our client's truck was involved in this specific motor vehicle accident, and dismissed our client from the lawsuit.