

AMANDA J. PODLUCKY

CO-CHAIR, PREMISES AND RETAIL LIABILITY PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

General Liability
Automobile Liability
Premises and Retail Liability

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ADMISSIONS

Florida
2007

U.S. District Court Middle District
of Florida
2007

EDUCATION

Villanova University School of Law
(J.D., cum laude, 2007)

Georgia Institute of Technology
(B.S., magna cum laude, 2004)

HONORS & AWARDS

Florida Super Lawyers Rising Star
2016-2022

ASSOCIATIONS & MEMBERSHIPS

Claims & Litigation Management
Alliance (CLM)

National Retail and Restaurant
Defense Association (NRRDA)

Orange County Bar Association

Florida BBQ Association, Certified
Judge

OVERVIEW

A member of Marshall Dennehey's Casualty Department, Amanda represents clients in premises liability and automobile negligence matters. With regard to premises litigation, Amanda aggressively defends businesses in the hospitality industry, such as hotels and resorts, restaurants, bars and nightclubs. She also frequently represents national and local retailers, recreational facilities, multi-family housing properties, and third-party management and custodial companies against personal injury, negligent security and related general liability claims. Amanda additionally defends commercial and individual clients in automobile negligence matters involving both bodily injury and uninsured/underinsured motorist claims. She has obtained favorable results for her clients both at mediation and jury trials.

Amanda is an honors graduate of the Georgia Institute of Technology ("Georgia Tech") and earned her *juris doctor, cum laude*, at Villanova University School of Law. During law school, she served as an elected officer of the Student Bar Association and was both a staff writer and managing editor for the law school's *Sports and Entertainment Law Journal*. During this time, Amanda also had the opportunity to work with the United States District Court for the Eastern District of Pennsylvania, serving as a judicial extern to the Honorable Charles R. Weiner.

Prior to joining Marshall Dennehey, Amanda was an associate at a Florida-based corporate and insurance defense law firm, where she served as a division leader, managing a full case load and defending clients in both premises liability and automobile liability matters.

THOUGHT LEADERSHIP

Marshall Dennehey Announces 2021 Florida Super Lawyers & Florida Rising Stars

June 24, 2021

Seven attorneys from the Florida offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2021 edition of Florida Super Lawyers magazine.

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On the Pulse... Premises and Retail Liability Group

Orlando

Mount Laurel

Premises and Retail Liability

June 1, 2021

Marshall Dennehey's Premises and Retail Liability Practice Group, housed within the firm's Casualty Department, defends Defense Digest, Vol.

Incident Prevention and Response Hits Close to Home

Orlando

Property Litigation

Premises and Retail Liability

May 19, 2021

Amanda J. Podlucky Named Co-Chair of Marshall Dennehey's Premises and Retail Liability Practice Group

Premises and Retail Liability

June 5, 2020

Amanda J. Podlucky, Shareholder in the Orlando Office of Marshall Dennehey Warner Coleman & Goggin, has been named Co-Chair of the firm's Premises and Retail Liability Practice Group.

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Ten Marshall Dennehey Attorneys Selected to the 2020 Florida Super Lawyers & Florida Rising Stars Lists

June 4, 2020

Ten attorneys from the Florida offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2020 edition of Florida Super Lawyers magazine.

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CLASSES/SEMINARS TAUGHT

Jurisdictional Trends & The COVID-19 Impact on FL NY NJ & PA, Marshall Dennehey Virtual Client Presentation, December, 2020

Roundtable: Don't Just Roll the Dice – Hot Topics in Evaluating Personal Injury Claims, Marshall Dennehey Florida Claims Symposium – Casino Royale, Tampa, FL, September 20, 2018

Social Media in Claims Investigations, Orlando Claims Association, January 14, 2016

Ethical Use of Social Media by Lawyers, Law Firms and Investigators, Marshall Dennehey Florida Claims Symposium - *The Best Defense is a Good Offense*, Orlando, FL, September 17, 2014

PUBLISHED WORKS

"Incident Prevention and Response Hits Close to Home," *Multi-Housing News*, May 19, 2021

"Guarding the Details: Before Claims Become Lawsuits," *NUClaims Magazine*, Covering the Business of Loss, Jan/Feb 2021

"Smile, You're on Camera: Are You Ready For Your Close-Up? How Video Footage Can Help Mitigate Risk," *Leisure & Hospitality International*, October 2018

"Incident Inside a Resident's Unit? Here's the Landlord's Obligation," *Multi-Housing News*, January 16, 2018

"Podlucky: 'Let the Meat Speak For Itself' - Orlando Lawyer Goes Hog-Wild For BBQ," profile feature in *Florida Bar News*, October 2017

"How Restaurants Can Protect Themselves From Slip and Fall Claims," *FSR Magazine*, July 2017

"Both Sides of the BBQ Bench," *Florida Super Lawyers Magazine*, June 2017

"Only You Can Help Prevent Preservation Issues," *Claims Journal*, October 24, 2016

"Restaurant Liability: The Best Defense is Following the Rules - Your Rules," *Modern Restaurant Management*, February 2016

"How Social Media Savvy Can Help You Investigate Claims," *Claims Journal*, May 29, 2015

"Avoiding Frequent Liability Pitfalls in Common Areas," *Multi-Housing News*, November 2014

"Upping Security - Negligent Security Claims Liability is No Joke," *Leisure & Hospitality International*, Fall 2014

"Dodging Liability: Strategies for Avoiding Costly and Consuming Injury Claims," *Chain Store Age*, April 28, 2014

"Negligent Security Claims - What Every Biz Owner Should Know," *Orlando Business Journal*, September 27, 2013

"Slips Happen: What Every Restaurant Should Know About Slip-and-Fall Incidents," *FSRmagazine*, September 10, 2013

RESULTS

Summary judgment for grocery retailer in slip and fall case.

Premises and Retail Liability

November 29, 2022

The plaintiff claimed to have fallen while browsing in the store's deli area, due to a clear liquid substance presumed to be water, but she did not see any substance before or after the fall. Instead, she saw a "shiny" spot on the rubber edge of a mat surrounding the salad bar and concluded that it was wet. Despite falling forward onto the tile floor, she neither felt nor saw any liquid on the ground but believed her pants may have been wet.

Summary judgment in favor of vacation rental management company in a premises liability case.

Premises and Retail Liability

April 13, 2022

The plaintiff testified that she tripped and fell while leaving the home as the sidewalk from the front door to the parking lot had three steps. She claimed that she could not see the step-down because it was dark. However, she ultimately admitted that she did not know where she was looking or whether she just forgot the step was there. The management contract for that home required specific maintenance and housekeeping services, but the property manager had no control over the exterior sidewalks, landscaping or lighting within the resort.

Defense Prevails in Florida Resort Slip and Fall.

General Liability

May 11, 2018

We obtained summary judgment in favor of a Florida resort hotel owner and operator in a case arising from a trip and fall incident at a Cocoa Beach Hotel. The plaintiff and her husband were upgraded to an oceanfront suite, which had a sliding glass door leading to a patio. The plaintiff alleged that she opened the sliding glass door all the way and that, while attempting to take a picture with her cell phone, she tripped and fell on the "raised metal threshold," which she alleged was both improperly placed and was dangerously high.

SIGNIFICANT REPRESENTATIVE MATTERS

Succeeded in obtaining a per curiam affirmance by the Sixth District Court of Appeal of a motion for summary judgment entered in favor of a rental manager. In granting summary judgment, the trial court found that the rental manager, which did not own the premises, did not owe the Plaintiff a non-delegable duty and had no duty to maintain the exterior of the premises pursuant to the owner agreement with the homeowner. The trial court also found that the guest failed to establish any genuine issue as to any material fact regarding an insufficiency or issue with the operation of the lighting of the porch on the property which would give rise to a breach of any possible duty. The Court also provisionally granted the rental manager attorney's fees upon the determination of the trial court at the conclusion of the case, pursuant to a proposal for settlement. *Janice Dillard v. VHC Hospitality LLC d/b/a Vacation Home Collection, Luciana Pinto, and Terra Resort Villa Homeowners Association Inc.*, No. 6D23-1256 (Fla. 6th DCA May 16, 2023).

Defense verdict in a premises liability case following a four day jury trial in the Circuit Court for Orange County, Florida, involving an alleged trip and fall on a staircase at the apartment complex where plaintiff resided. Liability and damages were at issue, and the jury rejected the plaintiff's claims as to any defect on the stairs after the defense presented pre- and post-incident inspection reports and photographs. Defense expert witness also successfully argued that the plaintiff's "permanent" injuries were not causally related to the incident. The jury returned a defense verdict despite plaintiff's request for over \$200,000 in damages for medical expenses, future medical expenses and lost wages.

Defense verdict in a premises liability case following a three day jury trial in the Circuit Court for Orange County, Florida, involving an incident that occurred in an elevator at a time-share resort near popular Orlando theme parks. Plaintiff claimed the elevator "bounced" before reaching the floor and became stuck, leaving her with permanent shoulder injuries. Defense successfully demonstrated a lack of notice as to any defect with the elevator based on maintenance and service records, as well as lack of a causal relationship between the injuries alleged and incident in question. The jury rejected plaintiff's claims for liability and damages and also awarded zero damages on the accompanying consortium claim.