

## BRADLEY D. REMICK

CO-CHAIR, PRODUCT LIABILITY PRACTICE GROUP  
SHAREHOLDER



### AREAS OF PRACTICE

Product Liability  
Architectural, Engineering & Construction  
Defect Litigation  
Appellate Advocacy & Post-Trial Practice  
Catastrophic Claims Litigation  
General Liability

### CONTACT INFO

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2000 Market Street, Suite 2300  
Philadelphia, PA 19103

### ADMISSIONS

New Jersey  
1987

Pennsylvania  
1987

U.S. District Court Eastern District  
of Pennsylvania  
1987

U.S. District Court Middle District  
of Pennsylvania  
2015

U.S. District Court Western District  
of Pennsylvania  
2022

U.S. District Court District of New  
Jersey  
1987

U.S. Court of Appeals 3rd Circuit  
1987

### OVERVIEW

Brad is the co-chair of Marshall Dennehey's Product Liability Practice Group and concentrates his practice on the defense of complex product liability and fire cases for small, medium and large (Fortune 500) manufacturing companies and their distributors. He defends the manufacturers of tools, electrical components, scaffolding and lifts, tires, paint, automatic doors, machinery, backhoes and other heavy industrial equipment. He also defends manufacturers of complex heat exchangers, chemical pumping systems and other industrial systems.

Brad is national counsel to a company that designs and manufactures thermal fluid heaters and boilers. His background in fire fighting has given him additional insight into the defense of cases on behalf of manufacturers of electrical components, electricians and others alleged to have started fires.

Brad is a supervising attorney in the firm's Product Liability Practice Group. As such, he fields questions from attorneys throughout the firm regarding substantive legal issues relating to product liability. Brad manages associates in the development of their practices

Brad is a nationally certified firefighter, who serves the Penn Wynne/Overbrook Hills Fire Company (Lower Merion Fire Department) as both a firefighter and its president. Brad holds over 60 different fire and rescue certifications.

He has authored six treatises on Pennsylvania Products Liability law along with numerous other articles for a variety of publications. He has been a guest lecturer at a number of legal conferences as well as Temple University, Drexel University and The University of Wisconsin.

### EDUCATION

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

Kenyon College (A.B., with honors,  
1984)

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## HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

Pennsylvania Super Lawyers 2008-2024; Top 100 in Philadelphia, 2024

President of the Board of Directors, Lower Merion Township Fire Department, 2020 – 2024

President of the Board of Directors, Penn Wynne - Overbrook Hills Fire Company, 2017 - 2024

Vice President of the Board of Directors, Lower Merion Township Fire Department, 2019 - 2020

Board of Directors, Lower Merion Township Fire Department, 2017 – 2024

Board of Directors, Penn Wynne-Overbrook Hills Fire Company, 2014 - Present

Alumni Association Distinguished Service Award - Kenyon College, 2017

Insurance Society of Philadelphia, Outstanding Contribution Award, 1999

National Liberty Museum Public Service Heroes Awards of Valor, PECO Volunteer Firefighter Award, 2010

Volunteer of the Week, Main Line Times  
July 31, 2008

PVLA Certificate of Merit, 1987, 1988

Recipient of National Geographic/NEH Scholarship for Archaeological Work in Central America, 1983

## THOUGHT LEADERSHIP

### Marshall Dennehey Announces 2024 Pennsylvania Super Lawyers and Rising Stars

May 17, 2024

Twenty-eight attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2024 edition of Pennsylvania Super Lawyers magazine.

[Read More](#)

### The More Things Change ... Pennsylvania Products Liability Law

**Philadelphia - Headquarters**

**Product Liability**

**March 29, 2024**

### Marshall Dennehey Announces 2022 Pennsylvania Super Lawyers and Rising Stars

May 23, 2022

Thirty-four attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2022 edition of Pennsylvania Super Lawyers magazine.

[Read More](#)

### On the Pulse...Our Product Liability Practice Group

**Philadelphia - Headquarters**

**Product Liability**

**December 1, 2021**

For almost five decades, Marshall Dennehey has maintained an experienced and sophisticated group of trial attorneys involved in product liability litigation. Defense Digest, Vol. 27, No. 5, December 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

## CLASSES/SEMINARS TAUGHT

*Trials in a Pandemic World*, 2022 Door & Access Systems Manufacturers Association (DASMA) Annual Meeting, January, 2022

*Investigating Claims During COVID-19*, webinar presented by Jensen Hughes and Marshall Dennehey, May 5, 2020

*Civil Legal Process*, Drexel University, January, 2020

*Mindfulness and You*, Philadelphia Bar Association, 2019

*Tincher: The Good, The Bad, The Ugly - and Why You Should Care*, DASMA Annual Meeting, January 2017

*Negotiation Strategies*, University of Wisconsin, School of Business MBA Program, December 2016

*A Christmas Story – Dangers of Christmas Tree Fires*, DRI Fire Science and Litigation Conference, Scottsdale AZ, November 2016

*The Role of Business & Government on Society*, West Chester University - Department of History, April 2016

*When the Other Shoe Drops: Dealing with Punitive Damages*, DASMA Annual Meeting, January 2016

*Personal Injury Law From Start to Finish: Theories of Liability and Defenses*, Sterling Educational Seminars, Philadelphia, PA, July 14, 2015

*The Role and Training of the Firefighter in Evidence Preservation*, DRI Fire Science and Litigation Conference, 2013

*Dealing with Recalls, the Emotional Toll*, DRI Annual Products Liability Conference, Hand and Power Tool SLG, 2012

*Firefighters and Evidence Preservation, the Inside Story*, DRI Annual Products Liability Conference, Fire and Casualty SLG, 2012

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## ASSOCIATIONS & MEMBERSHIPS

American Board of Trial Advocates (ABOTA) elected 2011

American Chemical Society, 2011

Defense Research Institute

Pennsylvania Bar Association

Philadelphia Bar Association

Product Liability Committee

Philadelphia Volunteer Lawyers for the Arts (PVLA)

Alumni Council Member, Kenyon College, 2017 - 2020

Claims & Litigation Management Alliance (CLM)

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## YEAR JOINED

1988

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## CERTIFICATIONS

National PROBOARD Firefighter I Certification, 2007 National PROBOARD Firefighter II Certification, 2009

Pennsylvania State Firefighter I Certification, 2007 Pennsylvania State Firefighter II Certification, 2009

Montgomery County (Pennsylvania) Fire Academy: Introduction to the Fire Service, 2006 Fireground Support, 2006 Exterior Firefighting, 2007 Interior Firefighting, 2007

Pennsylvania State Fire Academy: Fireground Support, 2006 Exterior Firefighting 2007 Interior Firefighting 2007 Incident Safety Officer, N.F.A. 2008 Structural Collapse Operations Level I, (SCOA) 2008

FEMA/National Fire Academy: Certification: Firefighter Safety - Calling the Mayday

Pennsylvania State Fire Marshall's Office: Arson Investigation and Scene Preservation for First Responders 2009

American Red Cross: Certified: CPR/AED, 2006, 2007; First Aid Certification Certified: CPR/AED

*Investigation of Industrial Fires*, NYC, 2011

*Law for Non-Lawyers*, Temple University Fox School of Business, September 2011

DRI Products Liability Conference - Co-Chair Hand and Power Tool SLG, 2011

*Dealing with Foreign Manufactured Products*, DRI Products Liability Conference, 2011

*Avoiding the Obvious During Trial*, DRI Products Liability Conference, 2010

DRI Products Liability Conference, Hand and Power Tool Special Litigation Group, 2010

*Law 101 - Legal Basics for Non-Lawyers*, Temple University Fox School of Business, 2009; 2010

*The Rise and Fall of a Mental Health Monster*, August 2008

*From China and Beyond*, Mealey's Product Recall Conference, Washington, DC, December 2007, Co-Chair

*Liability Concerns in the Real World*, Temple University Fox School of Business, 2007

*Legal Process*, Temple University Fox School of Business, 2006; 2007

*Selection and Retention of Experts*, DRI Annual Products Liability Conference, 2004

*The Exportation of American Cultural Norms and the Geopolitical Symbiology Thereof*, Temple University, December 2004

*Taking and Defending Depositions*, Lorman Educational Services, 2003; 2004; 2005

*Negligence in the Hospitality Industry*, Temple University, 2002; 2003; 2004; 2005

*Tort Law for Non-Lawyers: Depositions, Liability and Negligence Issues*, Temple University Graduate School of Tourism and Hotel Management

Instructor, Products Liability

*Taking Depositions in Pennsylvania*, Lorman Educational Services, August 2002

## PUBLISHED WORKS

"The More Things Change...Pennsylvania Products Liability Law," *The Legal Intelligencer*, March 29, 2024

Bringing Fire Investigation and Prevention Into the Future, *CLM Magazine*, April, 2022

Pennsylvania Products Liability, 6th edition. Published by ALM. International Standard Book Number 978—1-58852-594-9 (print) and 978-1-58852-603-8 (eBook) 604 pages, 2021

*Pennsylvania Products Liability*, 5th edition. Published by ALM. International Standard Book Number 978-62881-424-8 (print) and 978-1-62881 – 425-5 (eBook) 590 pages, 2019

"Fire, Fire Everywhere: An Insurance Attorney and Volunteer Firefighter Offers Advice on Handling Fire Scenes," *CLM Magazine* cover story, December 2018

"Getting What You Need in Key Fire Depositions", *DRI The Voice*, Volume 13, Issue 37, September 2018, co-author

*Pennsylvania Products Liability*, 4th Edition, Published by ALM. International Standard Book Number 978-1-62881-424-8 (print) 978-1-62881-425-5 (e books) 590 pages, 2017

"A Christmas Story: Tree Fires -- Prevention and Investigation," *For The Defense*, November 2017

*Pennsylvania Products Liability*, 3rd Edition, Published by ALM. International Standard Book Number 978-1-62881-237-4 (print) 978-1-62881-238-1 (e books) 584 pages, 2016

"Who Knew: Get to Know Brad Remick, Shareholder, Marshall Dennehey Warner Coleman & Goggin," *Litigation Management*, Winter 2016

*Pennsylvania Products Liability*, 2nd Edition, Published by ALM. International Standard Book Number 978-1-62881-053-0 (print) 978-1-62881-054-7 (e books) 566 pages, 2015

*Tincher Supplement to Pennsylvania Products Liability*, 1st Edition, Published by ALM, 2015

for Healthcare Providers 2009, 2011, 2013, 2015, 2016

FDNY (Fire Department of New York) Special Operations Symposium 2010 FDNY (Fire Department of New York ) Fires and Emergencies Symposium 2011 FDNY Disaster Planning & Response, 2013 FDNY (Fire Department of New York) Multiple Alarm Command & Control, 2012

Pennsylvania Fish and Boat Commission: Water Rescue for the First Responder Awareness Level Certification 2009 Ice Rescue Awareness Level Certification 2010 Ice Rescue Operations Level Certification 2010 Ice Rescue Technician Level Certification, 2010

Bucks County Community College: Natural Gas, Propane, Carbon Monoxide Seminar, 2007 Attack and Backup Lines Seminar, 2007 Lockout/Tagout Seminar, 2007 Ladder Company Review Seminar, 2007 Search and Rescue Seminar, 2007 Highway Safety Seminar, 2008 Incident Safety Officer, N.F.A., 2008 HAZMAT Awareness, 2008 HAZMAT Operations, 2008 Fire Behavior Seminar, 2008 Structural Collapse Operations Level I, (SCOA) 2008 Rope/High Angle Rescue I, 2009 HAZMAT Operations Refresher, 2010 NFPA 1006 Core Requirements for Technical Rescue Technician, 2011, Clandestine Lab Awareness for the First Responder, 2012

Montgomery County Fire Academy: Basic Vehicle Rescue Awareness Level, 2007; Basic Vehicle Rescue Operations Level, 2007; Basic Vehicle Rescue Technician Level, 2007

U.S. Department of Homeland Security/FEMA Emergency Management Institute: IS-00100 (Incident Command System) IS-00200 (ICS for Single Resources and Initial Action Incidents) IS-00700 (National Incident Management Systems - NIMS) IS-00800.A (National Response Plan - NRP) IS 300 (Incident command), 2009

Albert Einstein Healthcare Network Center for Special Operations and Training: ICS 300-Intermediate ICS for Expanding Incidents, 2009

*Pennsylvania Products Liability*, 1<sup>st</sup> Edition. Published by ALM. International Standard Book Number 978-1-57625-8385 (Print) 978-1-57625-7982 (eBook) 431 Pages, 2014

Articles in DRI Semi-Annual Newsletter, *Defense Digest*, *Lift Equipment Magazine*, *Lift Leader Magazine*

"Malfunction Theory Defense Refinements," *Defense Digest*, Spring 1993

"Claim Against Defective Pitcher, Strikes Out," *Defense Digest*, Fall 1993

"Pulling Away from the Wreckage," *Defense Digest*, Spring 1994

"Walton v. Avco: The Fun, and the Duty, Never Stops," *Defense Digest*, January 1995

"Calling All Aerial Lift Operators: It's Folly to Ignore Safety Features," *Lift Equipment*, Apr-May 1995

"Post Sale Duty to Warn Doctrine and Product Liability Law," *Lift Equipment*, Aug-Sept 1995

"Congress Works to Reform Product Liability Law," *Lift Equipment*, Aug-Sept 1995

"The Rental Defense: How To Help Protect Your Company During An Accident-Related Lawsuit," *Lift Equipment*, January 1999

"Top-Notch Testimony: Five Lessons For Hiring An Expert Witness Lift Equipment," *Lift Equipment*, June-July 1999

"Is Seeing Believing? Manipulation of Digital Images," *Hand and Power Tools*, Spring 2000

"Informing the End User: Sending Safety Improvement Notifications Helps Product Liability Suits," *Lift Equipment*, June-July 2000

*Pennsylvania Products Liability Handbook*, 2001; 2003

"Hey Arnoldy!! The Superior Court Says OSHA Preempts State Tort Law (Sometimes)," *Defense Digest*, Vol. 13, No. 4, December 2007

"Trial By Fire," *The Philadelphia Lawyer*, Winter 2008

"Pixel This: A Photographer Switches to Digital," *Philadelphia Lawyer Magazine*, Summer 2009

"How To Start A Technical Rescue Program," edit/photographs, *Fire Engineering Magazine*, September 2009

"Out of the Frying Pan... Strictly Speaking," *DRI Happenings*, Vol. 8, Issue 2, May 2011

## **MEDIA COMMENTARY**

"Is PA Still the Keystone State for Products Liability Litigation?" *The Legal Intelligencer*, January 6, 2017

## **PRO BONO ACTIVITIES**

Firefighter, Penn Wynne/Overbrook Hills Fire Company (Lower Merion Fire Department) 2006 - present

Lieutenant, Penn Wynne/Overbrook Hills Fire Company (Lower Merion Fire Department), 2015 - 2018

Member, Southeastern Montgomery County Technical Rescue Taskforce 2013 – 2022

Penn Wynne – Overbrook Hills Fire Company Board of Directors 2009 - present, President of the Board of Directors 2017- present

Lower Merion Township Fire Department Board of Directors 2017 – present; Vice President of the Board of Directors 2019 – 2020; President of the Board of Directors 2020 – present

Special Vehicle Rescue Awareness Level Certification, 2013; Special Vehicle Rescue Operations Level Certification, 2013; Special Vehicle Rescue Technician Level Certification, 2013

1006 General Requirements for the Professional Rescue Technician, 2013

Proboard Vehicle & Machinery Rescue Technician, 2015

Trend Rescue Awards, 2016

Pump Operations Certification, 2016

## RESULTS

### Denial of nationwide and Pennsylvania-wide class certification affirmed.

#### Product Liability

#### Class Action Litigation

#### Appellate Advocacy & Post-Trial Practice

#### December 2, 2021

Our attorneys prevailed on an appeal to the Third Circuit, which affirmed the district court's rejection of the plaintiffs' request for class certification in a product liability and warranty action. The named plaintiffs are several property owners and communities of common ownership who allege they have yellow-jacketed, corrugated stainless steel tubing (CSST) transporting natural gas through their structures. The flexible, yellow CSST is the modern heir to the black iron pipe formerly universal in the building industry.

## SIGNIFICANT REPRESENTATIVE MATTERS

Defense of manufacturer of industrial power press which amputated fingers of 32-year-old female plaintiff. The plaintiff alleged defective design of a power press used for stamping metal components. The plaintiff was operating the press as she had been taught by her employer. She reached into the press to remove a stamping when the press made an unintended cycle, crushing her hand. At trial we were able to prove that faulty repairs made to the press by the employer are what caused the repeat cycle rather than the original design of the press. Defense verdict.

Defense of manufacturer of complex heat exchanger which was alleged to have caused an explosion at an explosives plant in the northern desert of Chile. The heat exchanger was manufactured in New Jersey, shipped through the Panama Canal to the Pacific and then south to the plant which was located in Mejiones, Chile. Extensive discovery both in the United States and in Chile revealed the cause of the failure was the chemical content of the water being used at the plant. The plant's water treatment facility failed to bring the chemical content in the feed water to within the limits called for in the system specifications. The case was dismissed prior to trial.

Represented the manufacturer of an AC motor in bathroom fan/light fixture alleged to have started a fire and destroyed a restaurant. The plaintiffs alleged the fixture was defectively designed. Through forensic examination of the remnants of the fan/light fixture and its internal components, as well as the burn patterns left in the area of the fire, we were able to prove the fixture did not cause the fire. Defense verdict.

Defense of electrician whose work was alleged to have started a fire. Client was called out to do electrical work in a building on an emergency basis. The electrician ran wires through a drop ceiling and was alleged to have nicked a part of the wire on the metal struts. The exposed wire allegedly ignited the surrounding combustibles, starting the fire. The fire was discovered five hours after the electrician left the premises. We were able to establish by a thorough examination of the wiring and the fire scene that the origin of the fire which was approximately 40 feet from where the client did his work. Defense verdict.

Defense of manufacturer whose delivery driver was responsible for an auto accident. The plaintiffs were a mother and daughter who were allegedly injured when a van operated by the delivery driver struck their vehicle broadside. Mediation occurred and our client offered what the mediator recommended. The plaintiffs rejected the offer, and the case was tried. Liability was conceded. Verdict was 17 percent of pretrial settlement offer.

Defense of manufacturer of automatic pedestrian door which allegedly knocked a woman down. Careful analysis of the accident and the plaintiff's design claims were rebutted by expert testimony. Defense verdict.

Represented tire manufacturer in case where a tire with 3,000 miles on it blew out. We were able to establish that the cause of the tire blow out was a puncture of the tire, which occurred when the plaintiff ran over a nail and not due to any defect with the tire. Defense verdict.

Dismissal prior to trial on behalf of the manufacturer of power strip which allegedly caused a house fire. Through careful examination of the remnants of the power strip and exemplar power strips, we were able to show that, while close, the internal components were dissimilar enough that the alleged manufacturer was not the actual manufacturer of the allegedly defective strip.