

CAROL A. VANDERWOUDE

SHAREHOLDER



AREAS OF PRACTICE

Appellate Advocacy & Post-Trial Practice
Premises & Retail Liability
General Liability
Product Liability
Environmental & Toxic Tort Litigation

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OVERVIEW

Carol is a member of the Appellate Advocacy and Post-Trial Practice Group in the Professional Liability Department. She focuses her practice on drafting concise, forceful briefs and delivering persuasive oral arguments in state and federal trial and appellate courts. Carol handles appeals across a wide range of subject areas which include, among others, products liability, toxic torts, medical malpractice, insurance coverage, civil rights, professional liability and premises liability. As part of her practice, Carol regularly handles emergency matters which arise throughout the course of litigation and assists trial counsel with development of legal strategies, preparation of pre-trial motions, trial briefs, and post-trial motions. She also performs appellate monitoring of high-exposure trials to assist trial counsel in preserving issues for appeal. This assistance includes handling and arguing legal issues before the trial court so trial counsel can focus on witnesses and the presentation of evidence.

In addition to her practice, Carol is actively involved in Pennsylvania defense organizations and informing members of the defense bar about notable legal developments. Currently, Carol serves as co-editor of Counterpoint, the well-regarded magazine of the Pennsylvania Defense Institute. She has also hosted statewide teleconferences of defense counsel regarding new legal developments.

Prior to joining Marshall Dennehey in 2005, Carol worked for five years as a staff attorney for the United States Court of Appeals for the Third Circuit where she drafted memoranda of law and opinions on a variety of subjects including civil rights, employment, bankruptcy, immigration, securities and tax law.

Carol graduated from California State University, San Marcos, *magna cum laude*, with a Bachelor of Arts in political science. She subsequently attended American University, Washington College of Law, where she obtained her *juris doctor*, *cum laude*, in 2001. While attending law school, Carol taught legal research and writing and served as a member of the *American University Law Review*.

ADMISSIONS

Pennsylvania
2005

U.S. District Court Eastern District
of Pennsylvania
2005

EDUCATION

Washington College of Law
American University (J.D., *cum laude*, 2001)

California State University, San
Marcos (B.A., *magna cum laude*,
1997)

ASSOCIATIONS & MEMBERSHIPS

Pennsylvania Bar Association

Philadelphia Bar Association

Loyola University, Philadelphia
Alumni Chapter, Board of
Directors

YEAR JOINED

2005

THOUGHT LEADERSHIP

Statute of Limitations Stands: Pennsylvania Court Affirms Dismissal of Breach of Contract Claim Against Insurance Broker

Philadelphia - Headquarters
Insurance Agents & Brokers Liability
Appellate Advocacy & Post-Trial Practice
March 4, 2025

Marshall Dennehey Named 2024 Litigation Department of the Year for Appellate Law By ALM's Pennsylvania Legal Awards

Appellate Advocacy & Post-Trial Practice

March 15, 2024

Marshall Dennehey was awarded with the 2024 Litigation Department of the Year for Appellate Law by ALM's prestigious Pennsylvania Legal Awards.

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Legal Updates for Toxic Torts Litigation - March 2019

Philadelphia - Headquarters
Wilmington
Environmental & Toxic Tort Litigation
Asbestos & Mass Tort Litigation
March 19, 2019

Edited by Timothy D. Rau, Esq. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

PUBLISHED WORKS

"Statute of Limitations Stands: Pennsylvania Court Affirms Dismissal of Breach of Contract Claim Against Insurance Broker," *PLUS Blog*, March 4, 2025

"Equipment Manufacturers Liable for Replacement Parts Under Maritime Law, SCOTUS Says," *Legal Updates for Toxic Torts Litigation*, March 19, 2019

"En Banc PA Superior Court Vacates \$14.5 Million Asbestos Verdict and Remands for New Trial," *Legal Updates for Toxic Torts Litigation*, January 2015

"Addressing Malfunction Theory for First Time in 20 Years: Pennsylvania Supreme Court Clarifies Burden of Proof in Product Liability Case Based Upon Malfunction Theory," *Defense Digest*, Vol. 16, No. 1, March 2010

RESULTS

Summary Judgment Secured in a Case Involving a Trampoline Park Injury

Amusements, Sports & Recreation Liability
October 22, 2025

We obtained summary judgment in a lawsuit arising from an injury suffered at an indoor trampoline park. During the deposition, the plaintiff admitted that there are inherent risks of engaging in trampoline activities, including the risk of being injured. Under the no-duty rule, a defendant owes no duty of care to warn, protect, or insure against risks which are common, frequent, expected and inherent in an activity. In the motion for summary judgment, it was argued that a trampoline park has no duty to protect patrons from the inherent risks of injury when jumping from a trampoline.

Trial Court's Denial of Motions Reversed Before the Commonwealth Court of Pennsylvania

Appellate Advocacy & Post-Trial Practice

Trucking & Transportation Liability

October 22, 2025

We convinced the Commonwealth Court of Pennsylvania to reverse the trial court's denial of motions for post-trial relief and to direct entry of judgment notwithstanding the verdict in favor of our client. The plaintiff was injured while standing unsupported on a moving bus. He lost his balance when the bus accelerated away from a bus stop, grabbed an overhead bar to keep from falling, and injured his arm. The video showed that only the plaintiff lost his balance when the bus started moving.

One Month – 4 outstanding results! Aaron Moore obtained four successful results on behalf of clients in the span of one month.

Lawyers' Professional Liability

Commercial Litigation

Real Estate E&O Liability

October 16, 2025

Defense verdict on behalf of a real estate broker and agent. The plaintiffs, homebuyers, claimed that the sellers' broker and agent were liable to them for the value of fixtures that were taken by the sellers when they vacated the property, which were alleged to have been included in the sale. At a bench trial, the judge determined that neither the broker nor the agent could be held liable to the plaintiffs because the representations regarding what was included in the sale were made by the sellers.

MD Successfully Defends Low Verdict Against Insurance Broker that Plaintiff Challenged on Appeal

Insurance Agents & Brokers Liability

April 10, 2025

In a case where an insurance broker faced claims of professional negligence, Carol VanderWoude (Philadelphia) successfully defended the plaintiff's appeal from a verdict obtained by Tim Ventura and Dana Gittleman (Philadelphia). The verdict against our client, an independent insurance broker, was well below the lost value of UIM coverage (i.e., \$1 million), which the plaintiff sought to recover based on an alleged breach of the professional standard of care in failing to procure an endorsement for \$ 1 million in UIM coverage on the plaintiff's decedent's commercial auto policy.

Successfully Defended Appeal in Legal Malpractice Action

Appellate Advocacy & Post-Trial Practice

Lawyers' Professional Liability

October 9, 2024

We successfully defended on appeal the trial court's grant of compulsory nonsuit in a legal malpractice action following the trial court's rulings on various motions in limine. The trial court granted our clients' motions in limine to preclude the plaintiff from introducing into evidence that its attorney sued the wrong parties, that its attorney obtained an uncollectable judgment, and that the plaintiff would have prevailed in a lawsuit against other parties.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained dismissal of clients by Summary Judgment in a Philadelphia premises liability case in which we represented both the landowner and tenant. The plaintiff originally demanded \$2 million, later reduced to \$800,000. Although our clients were responsible for sidewalk maintenance, the plaintiff's deposition testimony confirmed she tripped on a smaller portion of an alleged defect which was larger in other areas of the sidewalk. We successfully argued that this portion was de minimis and not actionable under Pennsylvania law. Despite a comprehensive opposition and a Motion for Reconsideration, the Court agreed with our arguments, dismissing all claims against our clients with prejudice.