

Joseph Goldberg

Partner / Civil Rights and Municipal Liability Managing Partner &
Professional Liability Managing Partner

Weber 
Gallagher



Philadelphia

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Joe Goldberg defends private employers, municipalities, religious institutions, transportation companies and professionals along with public and private institutions of higher education.

Joe represents clients in matters of catastrophic loss (on behalf of trucking and motorcoach clients), civil rights, employment law, municipal liability, product liability, psychiatric/medical malpractice and sexual abuse and assault (defense).

Joe also has experience defending healthcare product liability cases in the pharmaceutical industry, including medicines, devices and weight loss supplements; and in defending employers, supervisors, managers and business owners in employment matters. He also represents insurance companies, healthcare practitioners, long-term healthcare facilities, and hospitals, among others.

He has had an AV rating by Martindale Hubbell for over 35 years. Joe has been included in the Pennsylvania edition of *Super Lawyers* magazine since 2005. *For more information regarding methodology for this accolade, pursuant to New Jersey Lawyer Advertising guidance, please see here: <https://bit.ly/WGSuperLawyers>. No aspect of this advertisement has been approved by the Supreme Court.*

He has also been selected by his peers for inclusion in *Best Lawyers in America* for product liability litigation since 2012, and for personal injury litigation since 2014. In 2020, Joe was recognized as a Best Lawyer In Pennsylvania by The Wall Street Journal.

Selected Cases

- *Bartos vs. MHM Correctional Services*, 3rd Cir. 2011 (Employment – Gender Discrimination, Hostile Work Environment)
- *Sullivan v. Warminster Township*, 3rd Cir., 2012 (Civil Rights –

Assistant

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Industries

Construction
Transportation
Pharmaceutical
Abuse & Misconduct Claims

Practices

Civil Rights and Municipal Liability
Commercial Transportation
Product Liability
Professional Liability
Medical Malpractice
Employment
Litigation

Education

University of Pennsylvania Law School,
J.D., 1975
Ohio University, B.S., *summa cum laude*,
1972

Bar Admissions

Pennsylvania
New Jersey
District of Columbia

Court Admissions

United States District Court for the
Eastern District of Pennsylvania

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- Excessive Force)
- *Bartos v. Pennsylvania Dept. of Environmental Protection*, 3rd Cir., 2013 (Employment – Whistleblower Law)
- *Kaplan v. Don's Charter*, 2002, 788 A.2d 356 (Commercial Transportation – Personal Injury)
- *Emerich v. Philadelphia Center for Human Development*, 1998, 720 A.2 1032 (Psychiatric Malpractice)
- *Doby v. Decrescenzo*, 1999, 171 F.3d 858 (Mental Heal – Civil Commitment – Employment Privacy)

United States District Court for the Middle
District of Pennsylvania
United States District Court for the District
of New Jersey
United States District Court for the Third
Circuit
United States Supreme Court

Experience

- ***Results may vary depending on your particular facts and legal circumstances.***
- Secured summary judgement for a dentist in a dental malpractice and civil rights suit before the Eastern District of Pennsylvania against an 8th Amendment claim for denial of medical/dental care and a claim for medical/dental malpractice.
- Secured summary judgement and won appeal in favor of a municipality under the Recreational Land Use Act and the Tort Claims Act in a death action suit.
- Secured summary judgment in favor of a township and its police department in a suit relating to a motor vehicle pursuit and fatal crash where the court concluded our clients owed no duty to the plaintiff as a matter of law
- Obtained dismissal of a Section 1983 state-created danger claim for a psychiatrist in a federal court case.
- Recently secured a Motion for Summary Judgment victory for a municipal defendant in the Court of Common Pleas of Montgomery County. In this tragic case, the decedent, a 21-year-old college student, was at a bonfire with friends on the evening of September 4 and into the morning of September 5, 2014 at the recreational area owned by the municipal defendant. As the decedent stepped away from the bonfire to make a call to her boyfriend on her cell phone, she was tragically killed by a long-dead tree when it fell and struck her in the head. Plaintiffs, the decedent's parents and the Administrators of her Estate, brought a survival and wrongful death suit against the municipality and other defendants, claiming they were negligent in failing to identify and remove the tree.
- In ruling the municipality was entitled to summary judgment in its favor, Judge Jeffrey S. Saltz agreed that it was immune from liability under the Act of February 2, 1996, P.L. No. 586, more commonly known as the Recreational Use of Land and Water Act, 68 P.S. §§ 477-1 to -8. Under the Act and applicable case

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law, Judge Saltz noted that to qualify for immunity, the land must be largely unimproved; the more developed a property is, the less likely it will receive immunity protection under the Act. In his January 7, 2019 opinion, Judge Saltz reasoned the municipality was immune from liability under the Act because the area where the decedent was killed was, among other things, not developed enough to fall outside the blanket of immunity provided by the Act. Specifically, the Judge found that a staked-out trash barrel, a circle of bonfire stones, and a parking lot near the area where Plaintiff was killed were not significant improvements on the property such that they would disqualify the municipality from immunity under the Act.

- Successfully defended a police chief/volunteer fire captain in a Civil Rights Section 1983 lawsuit involving alleged sexual molestation and assault/battery of a minor. Defense verdict rendered after seven-day jury trial in February 2017.
- Obtained summary judgment in favor of a defendant dentist in a 1983 action filed by a prisoner who alleged deliberate indifference to his serious medical needs.
- Received favorable federal jury verdict when it was decided that police officers who shot a Warminster man in March 2006 did not use excessive force. Three Warminster Township officers and a Warrington Township officer were accused of denying a man his civil rights by shooting him as he ran. The police believed that he possessed a loaded gun. After he was shot, the police discovered he had brandished an unloaded pellet gun. The suit, filed by the man's parents, sought \$3 million in compensatory and punitive damages.
- Prevailed in the defense of a law firm defendant and individual attorneys in a Dragonetti action commenced in Philadelphia County. This action was appealed up to the Supreme Court of Pennsylvania and on April 7, 2015, the Court entered an Order affirming the ruling of the Lower Courts and in favor of the defendants. This action arose out of the "kids for cash" scandal in Luzerne County, Pennsylvania.
- Obtained summary judgment in favor of the private mental health services provider to Delaware's prison system in a case venued in the United States District Court for the District of Delaware. The Court found the mental health services provider did not violate the plaintiff's constitutional rights and therefore could not be liable based on a theory that it established or maintained an unconstitutional policy or custom responsible for violating the plaintiff's rights. The Court determined the evidence of record does not support the plaintiff's claim of deliberate indifference to his mental health needs.

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Professional & Community Involvement

DRI (Defense Research Institute)

TIDA (Trucking Industry Defense Association)

Pennsylvania Defense Institute

Philadelphia Bar Association

Philadelphia Association of Defense Counsel

Joe has received the following Awards

- Inducted by nomination and peer review to The Best Lawyers in America – Personal Injury Litigation - defendants and product liability litigation - defendants, 2018 - Current