



Giovanna R. Bonafede

Associate

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McLean, VA – 703.852.7807

Giovanna Bonafede focuses her practice on employment and labor law, with a growing emphasis on defending professionals against claims related to medical malpractice and legal malpractice.

Prior to joining Wilson Elser, Giovanna represented small businesses and government contractors, providing employment law compliance advice and handling labor, employment and commercial litigation. She also has experience in general business litigation matters and government contracts.

Employment & Labor

In the employment and labor area, Giovanna has represented clients before the NLRB, EEOC, and various state, local and federal courts. She has experience representing management and employers against employment discrimination claims, wage-and-hour claims and equal pay claims, as well as handling collective bargaining matters, unfair labor practice charges, family and medical leave matters, and ERISA benefits disputes.

Medical Malpractice & Health Care

Giovanna has experience defending matters involving a full range of medical malpractice claims, including surgical or procedural errors, treatment-related injuries, disciplinary complaints before professional boards and dental malpractice, among others. She is part of a team of experienced medical malpractice attorneys, nurse paralegals and paralegals in developing successful medical-related defense strategies.

Complex Tort & General Casualty

Giovanna handles a range of general liability matters, with a focus on motor vehicle and slip-and-fall accidents. She strives to accelerate turnaround through procedural dismissals, substantive dismissals, successful tenders and negotiated settlements, making use of proactive post-claim and post-suit risk assessment and mitigation techniques that

Services

- Employment & Labor
- Medical Malpractice & Health Care
- Complex Tort & General Casualty
- Lawyers' Liability
- Professional Liability & Services

can help close files quickly and efficiently.

Professional Liability / Lawyers' Liability

Giovanna represents a range of individuals in professional liability matters with an emphasis on the defense of claims related to lawyers' liability and legal malpractice litigation.

Education

- Catholic University of America Columbus School of Law (J.D., *cum laude*, 2021)
 - Dean's Academic Fellow
 - Associate Editor, Catholic University Law Review
- Villanova University (B.A., *cum laude*, 2018)
 - La Universidad de Alcalá, 2016

Bar Admissions

- Virginia
- District of Columbia

Court Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, Western District of Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. Bankruptcy Court, Eastern District of Virginia
- U.S. District Court, District of Maryland
- U.S. Bankruptcy Court, District of Maryland

Professional Affiliations

- Fairfax Bar Association

Languages

- Spanish

Client Wins

Bonafede Proves Plaintiff's Claims Time-Barred in Defense of Housing Authority

Giovanna Bonafede (Associate-McLean, VA) scored a significant win for our housing authority client in a Fair Housing/ADA case. The plaintiff brought an action in the U.S. District Court for the Eastern District of Virginia against our client and their individual

employees alleging violations of the Fair Housing Act, the Americans with Disabilities Act, the American Rehabilitation Act, and the Fourteenth Amendment's Due Process Clause, as well as intentional infliction of emotional distress. The plaintiff alleged that our client and their employees discriminated against her by denying her housing voucher following an internal appeal process conducted by the housing authority. Plaintiff previously filed a near identical suit against our clients in the same court, which was dismissed without prejudice and which plaintiff appealed to the Fourth Circuit. The Fourth Circuit affirmed the court's dismissal. Giovanna's motion to dismiss argued (1) that res judicata bars the plaintiff's claims, (2) the plaintiff's claims are time-barred, and (3) the plaintiff failed to state a claim upon which relief can be granted. The Court found that the claims were time-barred by the appropriate statutes of limitations and did not address the remaining arguments. The plaintiff attempted to salvage her claims by arguing that the statutes of limitations were tolled through the time she spent on other lawsuits and the appeal. However, the Court agreed with Giovanna, finding that "If a lawsuit is dismissed without prejudice, meaning it can be refiled, 'the tolling effect of the filing of the suit is wiped out and the statute of limitations is deemed to have continued running from whenever the cause of action accrued, without interruption by that filing.'" The Court was not swayed by the plaintiff's argument that the enforcement of her voucher termination tolls her claims in seeking to invoke the continuing violation doctrine. The Court determined that a "continuing violation is occasioned by continual unlawful actions, not continual ill effects from an original violation."

Szego and Bonafede Secure Dismissal with Prejudice in Negligent Entrustment Case

Dov Szego (Of Counsel, McLean, VA) and Giovanna Bonafede (Associate, McLean, VA) obtained dismissal with prejudice on demurrer (Virginia failure to state a claim equivalent) in a negligent entrustment case. The plaintiff sued our client, a car leasing company, for alleged negligence in leasing a truck to a trucking company with a record of Federal Motor Carrier Safety Administration violations and to the driver of the leased truck, who had a criminal record. The plaintiff sought \$5 million in damages for injuries she sustained in an accident involving the leased truck. Dov and Giovanna's defense included the Graves Amendment, 49 U.S.C. § 30106, which provides: "An owner of a motor vehicle that rents or leases the vehicle to a person...shall not be liable under the law of any state or political subdivision thereof, by reason of being the owner of the vehicle..., for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease." The statute has a carveout for "negligence or criminal wrongdoing on the part of the owner," and the plaintiff argued that leasing to those with poor records constituted such negligence. The Circuit Court for the County of Chesterfield breezed past the Graves Amendment issue, and found that there is no legally recognizable duty for the lessor of a vehicle to do such vetting of lessees, noting that thousands of vehicles are rented every day yet such a theory had never been sustained in Virginia. The case proceeds against the driver of the rented vehicle and his employer, the trucking company that rented the vehicle.

Terranova, Grove and Bonafede Obtain Unanimous Defense Verdict in Medical Malpractice Case

Jodi Terranova (Partner-Washington, DC), co-chair of Wilson Elser's Medical Malpractice & Health Care Practice, Callyson Grove (Partner-Washington, DC) and Giovanna

Bonafede (Associate-McLean, VA) obtained a unanimous defense verdict in the U.S. District Court for the Eastern District of Virginia in Alexandria on behalf of a general surgeon and his employer, a medical group practice. The plaintiff alleged that our client breached the standard of care in performing a laparoscopic cholecystectomy by failing to perform other surgical techniques when he was unable to identify anatomy, resulting in a transected common hepatic duct. Jodi, Callyson and Giovanna successfully argued that the plaintiff had distorted anatomy at the time of surgery due to inflammation and a rare genetic anomaly, causing the common hepatic duct to be in front of the infundibulum of the gallbladder, making the injury unavoidable. After a five-day trial and ten hours of deliberation, the jury of eight returned a unanimous verdict in favor of our client surgeon and his employer.

Publications

March 3, 2025

Employment Tip of the Month – March 2025