



Michael S. Takacs

Partner

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Michael Takacs focuses his legal practice on insurance coverage and defense litigation, particularly in the areas of automobile liability, general liability, product liability, premises liability, professional liability, interstate trucking, and primary and excess coverage issues. Mike has represented numerous, diverse clients in Pennsylvania and New Jersey at both the state and federal court level. He has also handled appeals to the Superior Court of Pennsylvania.

Mike's responsiveness to his clients' needs and his quick adaptation to either settlement or trial translate into aggressive strategies that lead to favorable results. Mike's facility for navigating the system and his attention to detail are largely a function of having practiced as a paralegal and law clerk for six years before beginning his career as a lawyer.

General & Premises Liability

Mike has extensive experience in general and premises liability cases, representing various national fast food and chain restaurants and their franchisees, shopping mall housekeeping and security companies, hotels/resorts and property owners, managing agents and condominium associations. He has also represented professional sports organizations including professional sports teams in a variety of general liability matters.

Professional Liability

Mike has defended architects and engineers in professional liability actions and builders/developers in construction litigation. Mike also represents lawyers and firms in legal malpractice matters.

Transportation

In the areas of automobile liability and interstate trucking, Mike has defended trucking companies, owner/operators and other drivers involved in motor vehicle accidents. In addition, he has represented the subrogation interests of various companies and their

Services

- Insurance & Reinsurance Coverage
- Product Liability, Prevention & Government Compliance
- Transportation

insurers.

Insurance

Mike has written numerous opinions for insurance companies with respect to both primary and excess coverage issues. His opinions have related specifically to commercial general liability, products and completed operations, directors and officers, errors and omissions and property policies. He represents insurance carriers in coverage disputes and bad faith actions.

Product Liability

Mike has represented numerous international and domestic clients in product liability matters. His work has included the defense of manufacturers and suppliers of household, recreational, automotive, and industrial products in personal injury and property damage litigation in both state and federal courts of Pennsylvania and New Jersey. Mike has handled claims based on negligence, strict liability and breach of warranty in areas of design, manufacture and warnings as well as cases involving food contamination.

Construction

Mike has extensive experience in representing a wide range of clients in the construction industry. His clients include builders, developers, general contractors, construction managers and subcontractors. He represents these clients in a host of matters, ranging from general and premises liability to construction litigation.

Architects & Engineers

Mike has defended architects and engineers in professional liability actions involving personal injury, property damage and economic loss. Relative to the representation of these parties, he has experience in analyzing contractual and insurance provisions as they relate to defense, indemnification and insurance coverage.

Education

- Widener University School of Law (J.D., 1996)
 - cum laude
- DeSales University (B.A., 1989)
 - cum laude

Bar Admissions

- Pennsylvania
- New Jersey

Court Admissions

- U.S. District Court, District of New Jersey

Professional Affiliations

- Philadelphia Bar Association

Representative Matters

Obtained summary judgment on behalf of a professional sports team and its minor league affiliate that were sued by a plaintiff seriously injured in a bar fight with some of the players following a game.

Secured summary judgment on behalf of a manufacturer of a folding chair that allegedly collapsed during a concert.

Obtained dismissal by way of motion practice and denial of request for preliminary injunctive relief on behalf of a food distribution client who had been sued for public/private nuisance, violation of local noise ordinances and intentional infliction of emotional distress; plaintiffs sought compensatory and punitive damages along with attorneys' fees stemming from alleged noise pollution from the client's delivery trucks outside plaintiffs' condominium in the early morning hours.

Obtained dismissal on behalf of a Mexican resort that was sued in federal court in Pennsylvania for lack of personal jurisdiction.

Obtained summary judgment on behalf of an insurer and its managing general agent in a declaratory judgment action against the plaintiff/insured who sought a defense and indemnification under a commercial general liability policy issued by the insurer in litigation resulting from a slip and fall at the insured's apartment complex.

Client Wins

Takacs and Endler Win Summary Judgment for Insurer – Defeating Coverage Claim

Michael Takacs (Partner-Philadelphia, PA) and Jesse Endler (Of Counsel-Philadelphia, PA) secured summary judgment in the Court of Common Pleas, Philadelphia County, Pennsylvania, for Wilson Elser's insurance company client. The insured, a medical practice, brought a first-party claim alleging our client wrongfully denied coverage for a loss. The loss involved a backup and overflow of water and sewage into the lower level of the practice's office building, caused by rocks crushing the exterior sewer line. The insured claimed that the language in the policy's one exclusion was ambiguous and thus should be construed to cover the loss. Our client contended that the various definitions found in several policy exclusions barred coverage under the policy's terms. In support of their motion for summary judgment, Michael and Jesse relied in part on a federal case from Florida interpreting identical policy language. In that case, the court found the policy language clear and unambiguous and, under similar facts, held that the policy did not cover the loss. In its written opinion, the Pennsylvania court stated that it found the Florida case persuasive and insightful and held that the policy was unambiguous, granting summary judgment and dismissing all claims against the client.

Takacs and Rossi Defeat Claims Against Property Owner in Tenant Injury Lawsuit

Michael S. Takacs (Partner-Philadelphia, PA) and Andrew Rossi (Associate-Philadelphia, PA) prevailed on a motion for summary judgment in the Court of Common Pleas, Philadelphia County, Pennsylvania, on behalf of Wilson Elser's client, a property owner/landlord. The plaintiff, a tenant at the client's apartment complex, allegedly sustained a forehead laceration, concussion, post-concussion syndrome, and injuries to her neck after striking her forehead on a dumpster's trunnion bar while taking out her trash. She claimed the trunnion bar, which a truck uses to lift the dumpster during emptying, was a dangerous condition because it "sticks out inconspicuously" and lacked warnings or contrasting paint to make it more visible. The codefendant waste management company supplied and serviced the dumpster under a customer service agreement with our client, retained ownership, and specifically prohibited the client from altering it. The plaintiff, who had lived at the property for more than a year, admitted to using the dumpster at least weekly to dispose of her trash. Michael and Andrew moved for summary judgment, asserting that the client neither owed nor breached a legal duty of care to protect the plaintiff where the alleged condition of the trunnion bar was open, obvious, and readily visible on equipment the client did not own or control. The court entered summary judgment on behalf of the client, dismissing all claims and crossclaims.

Takacs Crafts Persuasive Argument, Obtains Summary Judgement

Michael S. Takacs (Partner-Philadelphia) secured a complete dismissal of a commercial property owner client on a contested Motion for Summary Judgment. The ruling proves once again that while difficult, obtaining summary judgment in plaintiff-friendly Philadelphia County, Pennsylvania, is not impossible. Under the facts presented, the plaintiff, a schoolteacher who often frequented a delicatessen in the client's building, parked her vehicle in a "no parking zone" outside the building on the day in question. When she left the delicatessen, rather than walking on the sidewalk to reach her vehicle, she took a shortcut across a "wooden landscape box" comprised of four railroad ties formed into a square and enclosing a street sign. When she stepped on one of the wood ties, her foot slipped and she suffered a ruptured quadriceps tendon requiring surgery.

Takacs moved for summary judgment asserting that the client neither owed nor breached a legal duty of care to protect the plaintiff from the alleged dangerous condition and therefore could not set forth a prima facie case of negligence. Relying on existing case law involving slip and falls on snow and ice emanating from the Pennsylvania Superior Court and other lower court cases that followed it, Takacs crafted a persuasive argument that the underlying basis for the courts' decisions in those cases – that no duty was owed where a plaintiff voluntarily chose a path of travel not meant to be traversed out of convenience rather than taking the safer alternative route available to her – should apply to the facts of the case. While plaintiff attempted to assert that numerous genuine issues of material fact existed, the court disagreed, entering summary judgment on behalf of the client, dismissing all claims and crossclaims.

Takacs Secures Summary Judgment for Client Under Pennsylvania Independent Contractor Law

Michael S. Takacs (Partner-Philadelphia) secured the dismissal of a building owner client on a contested motion for summary judgment in the Court of Common Pleas, Philadelphia County, Pennsylvania, a particularly plaintiff-friendly jurisdiction where even uncontested summary judgment motions are often denied. The client retained the codefendant general

contractor to perform a build-out of office space, who, in turn, retained numerous subcontractors to perform the work. The plaintiff, an employee of a sub-subcontractor, was injured while descending a ladder when he stepped on a sheet rock cart allegedly placed at its base by an unknown, never identified individual only moments before the incident. The plaintiff sued our client, the general contractor, and several subcontractors on-site on the date of the accident. Following fact and expert discovery, Mike argued that summary judgment was warranted because: 1) the plaintiff failed to establish that the client created, knew, or should have known and/or had actual or constructive notice about the cart's placement; and 2) the client owed no legal duty to the plaintiff, a sub-subcontractor of the client's independent general contractor, under long-established Pennsylvania law holding that a hirer of an independent contractor is not responsible for injuries sustained by the contractor's employees or subcontractors where the hirer neither controls the work, nor does it present a peculiar risk. Rejecting the plaintiff's claims asserting the existence of numerous genuine issues of material fact, the court granted summary judgment dismissing all claims and crossclaims against Wilson Elser's client.