



Joseph E. Brenner

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RELATED SERVICES

- Insurance
- Directors & Officers and Shareholder Litigation
- Product Liability
- Trucking
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- Catastrophic & Traumatic Brain Injury Defense
- Commercial Litigation
- Environmental & Toxic Tort
- Professional Liability Defense
- Employment
- Appellate

OFFICES

- Wilmington

OVERVIEW

Joseph E. "Joe" Brenner focuses his practice on all areas of litigation, with a particular focus on appellate, commercial, D&O and shareholder, and employment litigation. Joe has extensive experience litigating cases before the state and federal courts of both Delaware and Pennsylvania, as well as the Delaware Department of Labor, Pennsylvania Human Rights Commission, and the Equal Employment Opportunity Commission.

Before joining GRSM, Joe was a litigator in the Philadelphia and Delaware offices of a regional defense firm, where he successfully argued and briefed numerous cases before state and federal trial and appellate courts in a wide array of areas, including constitutional law, civil procedure, civil rights, professional liability, general liability, employment law, construction law, and municipal liability.

While in law school at the University of Pittsburgh School of Law, Joe interned for The Honorable Lisa M. Rau of the Court of Common Pleas in Philadelphia and served as a summer associate in the Insurance Coverage group at a mid-sized Philadelphia law firm. In these positions, Joe gained copious experience with Insurance bad faith and coverage, personal injury, breach of contract, and other complex litigation matters.

Outside of work, Joe is an avid reader, movie enthusiast, and sports fan who enjoys all Philadelphia sports and cheering for any and all Penn State sports teams. If not in the office, Joe can be found spending time with his wife, son, and dog.

REPRESENTATIVE EXPERIENCE

Representative Experience

- Obtained dismissal, with prejudice, of suit against foreign chemical company in the Philadelphia Court of Common Pleas on the basis that the court lacked personal jurisdiction over the company. Subsequently briefed case to the Superior Court of Pennsylvania on plaintiffs' appeal obtaining affirmance by the court.
- Obtained summary judgment in the United States District Court for the Eastern District of Pennsylvania on behalf of municipality sued pursuant to the federal Fair Housing Act and Americans with Disabilities Act, as well as the Fourteenth Amendment to the United States Constitution and various provisions of the Constitution of the Commonwealth of Pennsylvania. Successfully argued the plaintiffs had failed to set forth material facts to support a claim that the municipality's acts constituted an "undue burden," disparately treated or impacted the plaintiffs, and that the plaintiffs had failed to adhere to the administrative requirements set forth in Pennsylvania law.
- Obtained judgment on the pleadings in the United States District Court for the Eastern District of Pennsylvania on behalf of insurance company in a declaratory judgment action asserting the defendants were not entitled to coverage under the policy in place. Specifically argued that the defendant's acts constituted "intentional acts" not covered by the policy and that the defendant's criminal conviction for a crime for which an "intentional acts" was one of, but not the only, potential *mens rea* was dispositive of "intentionality" even where the defendant's guilty plea did not incorporate an admission as to *mens rea*.

- Obtained dismissal, without prejudice, in the United States District Court for the Eastern District of Pennsylvania in a coverage action by a waste removal company against multiple insurers, brokers, and subcontractors, on behalf of an insurance broker. Successfully argued the plaintiff's claims needed to be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) because the matter was not ripe for litigation and the court lacked subject matter jurisdiction until the resolution of the underlying state case on liability.
- Obtained quashal of defendants' appeal in the Superior Court of the Commonwealth of Pennsylvania on behalf of plaintiff homeowners' association. Successfully brief the argument that the defendants' appeal needed to be quashed as the appeal was an improper interlocutory appeal under the Pennsylvania Rules of Appellate Procedure, defendants' briefing failed to comply with the Pennsylvania Rules of Appellate Procedure, and defendants' briefing failed to identify any issues for appeal.
- Obtained affirmance of judgment by the Court of Appeals for the District of Columbia in a legal malpractice matter brought against my client a law firm. Specifically argued the Superior Court of the District of Columbia was correct in granting the law firm's motion for summary judgment as (1) the plaintiffs failed to establish they had standing to bring the claim, (2) the plaintiffs failed to elicit material facts that showed the client had not followed the wishes and intent of the law firm's deceased client in preparing her will, and (3) the claim was barred under the doctrine of *res judicata*.

PUBLICATIONS

- Author, Paying the Pied Piper: An Examination of Internet Service Provider Liability for Third Party Speech, 16 *PGH. J. TECH. L. & POL'Y* 155, Spring 2016

CREDENTIALS

Admissions

- Pennsylvania
- Delaware
- District of Columbia
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, District of Delaware
- U.S. Court of Appeals, Third Circuit

Memberships

- Pennsylvania Bar Association
- Philadelphia Bar Association
- Delaware Bar Association

Education

- J.D., University of Pittsburgh School of Law
 - Lead Research Editor, Pittsburgh Journal of Technology, Law, and Policy
- B.A., History and Political Science, The Pennsylvania State University
 - Dean's List
 - Phi Alpha Theta, National History Honors Society