



## Mark J. Golen II

### PARTNER

Pittsburgh

412.316.2928

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### RELATED SERVICES

- Commercial Litigation
- Healthcare
- Privacy & Data Protection
- Product Liability
- Trial Practice
- Institutional Healthcare

### OFFICES

- Pittsburgh

### OVERVIEW

Mark J. Golen II is an experienced trial lawyer and Partner in the firm's Pittsburgh office. Having taken over 25 jury trials to verdict, Mark has extensive trial experience and routinely handles complex litigation cases before federal and state trial and appellate courts, administrative and regulatory agencies, and arbitration panels.

Mark focuses his practice in the commercial litigation arena and has successfully litigated and tried individual and class action cases involving consumer protection claims, contract disputes, tort and product liability matters, directors and officers claims, business transactions, construction claims, healthcare law, personal injury defense, cybersecurity and insurance-related matters. Mark represents a diverse group of major corporations, including retailers, construction and roofing companies, home builders, product and chemical manufacturers and suppliers, healthcare facilities, and insurance companies, among others. Mark also has experience in real estate and title insurance-related matters and is a licensed title agent for First American, Old Republic and Stewart Title Insurance Company.

Representative examples of his expertise include the following:

### **Commercial Litigation**

Mark devotes a significant portion of his practice to complex commercial litigation matters, including defense of claims for breach of contract, breach of warranty, UCC-related matters, consumer protection, product liability, tortious interference, breach of fiduciary duties, civil conspiracy, cybersecurity and data breach, declaratory judgment actions and insurance-related matters.

### **Construction**

Mark's construction experience includes defending general contractors, subcontractors, owners, developers, design professionals, and building product manufacturers and suppliers regarding a diverse spectrum of matters involving both public and private works. Matters include alleged construction defects, breach of contract claims, alleged errors in design and workmanship, and construction site accidents, as well as OSHA-related matters and general insurance litigation defense matters.

### **Class Action Defense Including Consumer Protection Statutes**

Mark is involved in handling class action litigation matters, including nationwide and state class claims arising under consumer protection statutes and unfair competition statutes, including, defense of claims under the TCPA (Telephone Consumer Protection Act), FDCPA (Fair Debt Collection Practices Act), FCRA (Fair Credit Reporting Act) and TCCWNA (New Jersey's Truth-in-Consumer Contract, Warranty and Notice Act).

### **Healthcare**

Mark regularly represents healthcare providers, including skilled nursing facilities, home health agencies, assisted living facilities, continuing care retirement communities, and other healthcare institutions. His representation experience includes licensing issues, compliance with governmental regulations, malpractice, elder abuse, contract, and HIPAA-related matters.

## **REPRESENTATIVE EXPERIENCE**

- Obtained over 20 complete defense verdicts in jury trials as lead counsel for cases in Pennsylvania state and federal courts.
- Obtained a very low five-figure jury verdict in the Western District of Pennsylvania after a three-week-long jury trial in a multi-million dollar breach of contract case defending a large chlorine tank car manufacturer.
- Obtained a defense verdict in premises liability action (slip-and-fall) against Fortune 500 retailer.

- Obtained a complete class action dismissal against a Fortune 1000 retailer company against a claim for violations of New Jersey's Truth-in-Consumer Contract, Warranty and Notice Act (TCCWNA) based on lack of constitutional standing.
- Summary determination precluding fire loss damages in excess of \$9M based on waiver of subrogation and loss of use provisions in AIA contract.
- Summary dismissal of consequential damages claim based on limited damages clause as interpreted under the Delaware Uniform Commercial Code.
- Summary dismissal of claims for breach of implied warranty of merchantability and breach of implied warranty of fitness for a particular purpose under contractual warranty disclaimer under Delaware Uniform Commercial Code.
- Summary dismissal of personal injury claim against a co-worker based on the immunity provisions of the Pennsylvania Worker's Compensation Act.
- Ongoing representation of largest commercial roofing company in North America, including matters involving breach of contract disputes, construction defects and delays, and governmental regulatory claims.
- Ongoing representation of North America's largest provider of skilled nursing care in a variety of commercial disputes, including a number of high profile litigations.
- Ongoing representation of a Fortune 500 retailer, including contract disputes, premises liability claims and defense of third-party subpoenas.
- Ongoing representation of Fortune 500 company to recover executive compensation and related fees in excess of \$200M under the company's clawback policy in connection with company's multi-year financial restatements.

## CREDENTIALS

### Admissions

- Pennsylvania
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, District of New Jersey

### Memberships

- Defense Research Institute
- Allegheny County Bar Association
- Pennsylvania Defense Institute

**Education**

- J.D., Duquesne University School of Law, 2003  
- Cali Award in Labor Law, 2003
- B.S., Accounting, West Virginia University, 2000

**Honors**

- Academy of Trial Lawyers of Allegheny County
- *Best Lawyers in America*® distinction in Commercial Litigation (2025)