McElroy Deutsch

# Michael J. Marone



## Partner


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Curriculum Vitae

**MICHAEL J. MARONE** is a fellow of the American College of Trial Lawyers, a member of the American Board of Trial Advocates, a member of the Federation of Defense & Corporate Counsel, a member of the International Academy of Defense Counsel and a fellow of the Litigation Counsel of America. He has been a Certified Civil Trial Attorney since 1994 and is a Past President of the Trial Attorneys of New Jersey. He is a graduate of the University of Delaware and Seton Hall University School of Law, where he served as Notes and Comments Editor of the Law Review. He is admitted to the bars of the State of New Jersey, New York, and the United States District Courts for the District of New Jersey, Southern District and Eastern District of New York.

Mr. Marone practices in a variety of complex litigation areas including:

- commercial litigation;
- insurance defense and coverage;
- class actions;
- products liability;
- employment practices (discrimination, hostile work environment, whistleblower, non-solicitation);
- professional liability;
- construction;

- multi-party toxic tort; and
- environmental litigation.

Mr. Marone has extensive trial and appellate experience. He has tried cases involving catastrophic personal injury, wrongful death, construction contract, bad faith, professional liability, auto negligence and trucking negligence. His appellate experience includes appearances before the New Jersey Supreme Court, Washington Supreme Court and the U.S. Court of Appeals, 9th Circuit, New Jersey Appellate Division and the 1st and 2d Departments in New York.

## Awards

- Selected as an honoree of the Trial Attorneys of New Jersey and received the Trial Bar Award (2017). This prestigious award recognizes those experienced trial lawyers whose professional careers exemplify the highest standards of trial practice and ethical conduct. A description of the standard or methodology on which the accolade is based can be found HERE (No aspect of the advertisement has been approved by the Supreme Court).
- Listed in Super Lawyers® (2006-2026), a Thomson Reuters business, in the areas of General Litigation, Personal Injury, and Insurance Coverage. A description of the standard or methodology on which the accolade is based can be found HERE (No aspect of the advertisement has been approved by the Supreme Court).
- Listed in Best Lawyers® (2014-2027), a Woodward/White, Inc. business and partners with U.S. News & World Report, in the areas of Insurance Law, Personal Injury Litigation - Defendants, and Product Liability Litigation - Defendants. He was also recognized as the "Lawyer of the Year" for Personal Injury Litigation - Defendants in the Newark area in 2019 and 2026. A description of the standard or methodology on which the accolade is based can be found HERE (No aspect of the advertisement has been approved by the Supreme Court).
- Martindale-Hubbell AV Preeminent Rated (2026) - Martindale-Hubbell's highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers. A description of the standard or methodology on which the accolade is based can be found HERE (No aspect of the advertisement has been approved by the Supreme Court).
- Recognized in Chambers USA (2018-2022) in the area of Insurance. A description of the standard or methodology on which the accolade is based can be found HERE (No aspect of the advertisement has been approved by the Supreme Court).

## Cases

*Results may vary depending on your particular facts and legal circumstances*

## CASES ARGUED IN THE NEW JERSEY SUPREME COURT

- Haines v. Taft, 450 N.J. Super. 295 (App. Div. 2017). (admissibility of evidence in relation to PIP coverage purchased)
- Wood v. New Jersey Manuf. Ins. Co., 206 N.J. 562 (2011) (constitutional right to a jury trial in a Bad Faith claim under Rova Farms and its progeny)
- Scroczynski v. Milek, 197 N.J. 36 (2008) (whether an insurance carrier complied with statutory requirement set forth in N.J.S.A. 34:15-81 for cancelling a policy, by its use of the electronic file transfer protocol established by the Commissioner of Banking and Insurance)
- Charles Beseler Co. v. O'Gorman & Young, 188 N.J. 542 (2006) (validity of exclusionary language for intentional wrong action filed against business/employer involving employers liability policy)
- New Jersey Mfrs. Ins. Co. v. Delta Plastics, 188 N.J. 582 (2006) (validity of exclusionary language for intentional wrong action filed against business/employer involving employers liability policy)
- Crippen v. Central Jersey Concrete Pipe Co., 176 N.J. 397 (2003) (wrongful death action against employer - - legal standard to be applied to evade exclusive remedy provision)
- Miller v. McClure, 162 N.J. 575 (1999); 326 N.J. Super. 558 (App. Div. 1998) (availability of insurance coverage for officers and directors under employers liability policy)

## OTHER SIGNIFICANT APPELLATE ARGUMENTS

- State Insurance Fund v. Selective Insurance Company of America, 2019 NY Slip Op 01334 **New York Appellate Division, 1st Dept.** Unanimous reversal of the trial court decision that granted summary judgment in favor of State Insurance Fund in the amount of $1,456,904.11. Court's decision held that the employer's liability endorsement in the Selective umbrella policy was clear and unambiguous and did not provide coverage for Selective insured. Additionally, the court held that SIF's claims of estoppel were all without merit.
- T-Mobile USA v. Selective, October 2018 - **United States Court of Appeals for the Ninth Circuit** Case No. 17-35932. United States District Court for the District of Washington held that corporate parent not entitled to additional insured coverage. United States Court of Appeals for the 9th Circuit certified question to **Washington Supreme Court** in connection with Certificate of Insurance issued. Argument in Washington Supreme Court on COI issue was conducted on May 16, 2019. Washington Supreme Court held inaccurate information placed on COI by agent despite disclaimer language was binding on insurer.
- Leader v. Pinto (NY App. Div. 2d Dept). ("Special use" doctrine analyzed in context of quadruple drowning wrongful death action).
- Pena v. Beeche – 2025 New York Appellate Division, 1st Dept. The Court affirmed the trial court decision in favor of client on procedure and mandatory parties in prosecution of third-party

contractual indemnity action.

## APPEARANCES IN NEW JERSEY SUPREME COURT AMICUS CURIAE

- Stancil v. ACE USA, N.J. (2012) (decided August 1, 2012) (appearing on behalf of American Insurance Association, Property Casualty Insurers Association of America, National Association of Mutual Insurance Companies, The Insurance Council of New Jersey) (whether an injured employee may sue his employer's workers compensation insurer for pain and suffering caused by its delay in paying for medical treatment)
- Laidlow v. Hariton Mach. Co., 170 N.J. 602 (2002) (appearing on behalf of New Jersey Manufacturers Insurance Company) (products liability/intentional wrong action against employer - - intentional wrong standard analyzed)

## APPEARANCES IN NEW JERSEY APPELLATE DIVISION AMICUS CURIAE

- Fisher v. Sears, Roebuck & Co., 363 N.J. Super. 457 (2003) (appearing on behalf of the New Jersey Business and Industry Association) (validity of wrongful death action against employer where decedent was killed by armed robber in parking lot)

## APPELLATE DIVISION CASES

- Richards v. Quality Automotive of Bloomingdale, Inc., A-0068-11T2 (App. Div. 2012) (whether trial court erred in precluding a jury's consideration of allocation of fault against settling tortfeasor where settling tortfeasor landowner and defendant commercial tenant had common ownership)
- Almeida v. Marino, (A-2749-09T3) (App. Div. 2011) (professional liability action arising from alleged deviation of accepted standard of care in preparation of property settlement agreement in a matrimonial matter)
- Wood v. New Jersey Manufacturers Ins. Co. (A-1768-08TZ) (App. Div. 2010) (Bad Faith standard to be applied on summary judgement)
- Acencio v. Tevco, Inc., 2008 WL 351259 (February 11, 2008) (whether injury sustained by petitioner arose out of an the course of employment)
- Santi v. Essex Recycling & Fibers, Inc., (May 30, 2008) (appeal from Division of Workers Compensation)
- Cruz v. Micros Retail Systems, Inc., 2008 WL 2309824 (June 2008) (special mission issues connected to employment)
- Perry v. New Jersey State Racing Industry, WL 2482685 (App. Div. 2007) (insurance coverage issues connected to horse racing industry)
- Kaplan v. Harleysville Ins. Co., (App. Div. 2007) (insurance coverage related to professional liability policy)

- Taylor v. Metro Food Management, WL 3274572 (App. Div. 2007) (compensability of employment related injury arising from assault)
- Vakarcel v. FSA Mgt., (App. Div. 2006) (Going and Coming Rule)
- N.J. Manuf. Insur. Co. v. Joseph Oat Corp, 287 N.J. 190 (1995) (insurance coverage action involving employers liability policy and validity of exclusion for "intentional wrong" actions brought against employers)
- Semexant v. Mill, Ltd., 252 N.J. 318 (App. Div. 1991) (interpretation of statute which permits award of attorney fees if action brought is deemed frivolous)
- Specialized Med. System v. LVC M.D., 252 N.J. Super. 180 (App. Div. 1991) (award of attorney fees in breach of contract action)

**REPRESENTATIVE TRIALS**

- Estate of Clark-Brooks v. Longcor Trucking, et al., Camden County (May 2023) (wrongful death action involving tractor trailer and 21 year old driver/decedent leaving one minor child). Three-week trial, multi-million dollar demand – defense verdict.
- Collucci v. Cassese Enterprises, et al., Passaic County (March 2023) (premises liability action, representing commercial property owner). Plaintiff sustained fractured coccyx and back injuries requiring 6 surgeries and 22 procedures in total. Six week trial with multi-million dollar demand. Jury found 50% against plaintiff and 50% against client. Hi/Low settlement agreement in place, resulting in settlement of $550,000.00.
- Sawyer v. Hick's Paving, et al., (June 2022) (trucking negligence, personal injury action involving multiple surgeries to lumbar spine, cervical spine and shoulder. Multi-million dollar demand - $450,000 verdict.
- Nunez v. Wells Fargo, et al. Union County (May 2016) (premises liability action against commercial business owner and snow plow contractor where plaintiff sustained significant injuries. $5,000,000 demand, defense verdict).
- Gavigan v. Sweeney Landscaping, Somerset County (February 2018) (premises liability action against commercial snow plow business where plaintiff alleged significant injuries. Two week trial, seven figure demand results in jury verdict in favor of plaintiff for $740,000).
- Cengiz v. Cengiz, Monmouth County (December 2012) (Auto negligence, application of seat belt defense. (three week trial) (1M verdict)
- Hightower v. School District of Newark, et al., Essex County (January 2013) (Gang related triple murder on school premises/ Tort Claims Act. (six week trial) (settled for 5M)
- Kardos v. N.J. Manuf. Insur. Co., Middlesex County (December 2011) (bad faith action tried to verdict following excess verdict in underlying action) (three week trial)
- Snyder v. Bergeys Trucking, Inc., Camden County (September/October 2011) (defense of individual and corporation in auto negligence action where plaintiff alleged totally disabling injuries and reflex sympathetic dystrophy (six week trial)

- Cannon v. E&D Towing (Middlesex County, 2007) Catastrophic burns, complex multi-party action. Involved issues of products liability and negligence against the seven defendants. Total settlement among co-defendants was $31,500,000.00. (ten week trial)
- The Estate of Anthony Schepisi, et al. v. Verde, Steinberg & Pontell, et al., (Bergen County, 2006) Legal malpractice action involving alleged deviation of accepted standard of care in preparation of estate and trust plan. No cause of action. (three week trial)
- Rodriguez v. Mid-State Heating and Cooling (Monmouth County, 2005) Complex construction action where plaintiff alleged that the defendant general contractor and the three defendant subcontractors were negligent in permitting a dangerous condition to exist on a construction site resulting in plaintiff's personal injuries.
- Laura A. Landau and Robert Landau v. Carl Mondello, et al. (Morris County, 2003) Represented a building owner in this premises liability/construction defect case. Plaintiff contracted a condition known as reflex sympathetic dystrophy and became disabled.
- Tavares v. Johnson Industries (Hudson County, 1999) (Trucking accident/catastrophic personal injury) At the time of the trial plaintiff's past medical expenses exceeded $1,000,000.00. Plaintiff was paralyzed and unable to work in any capacity. His future medical expenses were projected at approximately $750,000.00, while his future economic loss was projected to be between $3,000,000.00 and $4,000,000.00. The jury returned its verdict finding Mr. Marone's client Minerva Tire 35% negligent, while finding the owner/operator defendant 65% negligent. The jury's verdict on damages was $7,100,000.00. (five week trial)
- West v. Coopersmith Brothers (Warren County, 1998) Thirty-two year old ironworker fell to his death while erecting a steel building. Represented general contractor. GC was allegedly negligent in failing to require the employer of decedent West to use fall protection equipment on the project. OSHA regulations were involved. No cause. (three week trial)
- Brink v. Harleysville Insurance Company (Morris County, 1997). One-week damages only trial. It followed Harleysville's rejection of a $1,000,000.00 non-binding arbitration award in the context of an underinsured motorist automobile negligence action. The plaintiff allegedly had contracted a complex and controversial neurological condition known as reflexive sympathetic dystrophy. No cause.
- Schneider v. the Showboat and Robins, Inc. (U.S.D.C., N.J., 1995). Represented Robins, Inc., a manufacturer of portable wooden dance floors. Two-week trial in the United States District Court. Plaintiff, a guest of the Showboat Hotel and Casino, slipped and fell on the dance floor, sustaining severe fractures to her upper arm. No cause.

## Industries

Construction
Insurance

## Practices

Alternative Dispute Resolution
Appellate Practice
Class Actions
Construction
Environmental
Insurance Coverage
Labor & Employment
Litigation
Personal Injury Defense
Product Liability
Professional Liability
Toxic Tort

## Education

University of Delaware (B.A. 1983)
Seton Hall Law School (J.D. 1987)

## Admissions

State of New Jersey
State of New York
U.S. Court of Appeals, 9th Circuit
New York Appellate Division, First Department
New York Appellate Division, Second Department
Washington Supreme Court (pro hac vice)
U.S. District Court, EDNY
U.S. District Court, SDNY

## Memberships

American Board of Trial Advocates
Certified Civil Trial Attorney
Chambers & Partners
Federation of Defense & Corporate Counsel
Fellow, American Bar Foundation
Fellow, American College of Trial Lawyers
Fellow, Litigation Counsel of America

New Jersey Supreme Court Advisory Committee on Expedited Civil Actions
Trial Attorneys on New Jersey (Past President)