

J. MICHAEL KUNSCH



Shareholder michael.kunsch@sweeneyfirm.com

Phone: (215)-963-2481

Facsimile: (215)-557-0999

Biography

J. Michael Kunsch serves on the Firm's Management Committee. He is an AV Preeminent-rated attorney who practices in all state and federal courts in Pennsylvania and New Jersey, with a primary focus in the defense of complex litigation including product liability, general liability, transportation and commercial disputes. He has argued successfully before various appellate courts, including the Third Circuit Court of Appeals, the Superior Court of Pennsylvania and Superior Court of New Jersey Appellate Division.

Mr. Kunsch represents and is consulted by manufacturers and retailers of industrial, commercial, and consumer products, with a particular emphasis in defending personal injury and property damage matters involving diverse products such as ladders, power tools, household appliances, gas-fired appliances, plumbing products and fixtures, recreational equipment and tractor-trailer components. He has extensive experience defending fire and explosion litigation and catastrophic burn cases.

Mr. Kunsch defends general liability matters for concert promoters, entertainment venues, security companies, apartment complex owners, retailers and restaurants. He also has significant experience defending transportation claims involving fatalities and serious injuries. His litigation practice includes defending commercial clients in matters involving breach of contract, consumer protection and consumer finance laws, and class actions.

Mr. Kunsch coordinates expert retention, preservation of evidence and field investigations on emergent claims for several clients. He also counsels clients on issues related to e-discovery and document retention policies.

Mr. Kunsch was recognized in 2006 as a Pennsylvania Super Lawyer - Rising Star ® and has been recognized from 2011 - 2023 as a Pennsylvania Super Lawyer®. He served as a Director on the

USLAW Board of Directors from 2010-2014 and 2017-2021, and served two terms as Chair of the USLAW Complex Tort and Product liability Practice Group. He has lectured on product liability issues and is a member of the Defense Research Institute Product Liability Committee.

Education

University of Arizona — B.A. Psychology, cum laude, Phi Beta Kappa, 1988

Villanova University School of Law — J.D., 1991

Bar Admission

- Pennsylvania — 1991
- New Jersey — 1991
- United States Supreme Court — 2015
- U.S. Court of Appeals for the Third Circuit — 1992
- U.S. District Court for the Eastern District of Pennsylvania — 1992
- U.S. District Court for the Middle District of Pennsylvania — 1995
- U.S. District Court for the Western District of Pennsylvania — 2004
- U.S. District Court for the District of New Jersey — 1992

Significant Reported Decisions

- *Petrucelli v. Bohringer & Ratzinger*, 46 F.3d 1298 (3rd Cir. 1995)
- *Hamilton v. Emerson Electric Co.*, 133 F. Supp. 2d 360 (M.D. Pa. 2001)
- *Booth v. Black & Decker, Inc.*, 166 F. Supp. 2d 215 (E.D. Pa. 2001)
- *Nesbitt v. Sears, Roebuck and Co.*, 415 F. Supp. 2d 530 (E.D. Pa. 2005)
- *Fluke v. CashCall, Inc.*, 2009 WL 1437593 (E.D. Pa. May 21, 2009)
- *Durkin v. Paccar, Inc.*, 2010 WL 176851 (E.D. Pa. Jan. 19, 2010)
- *Durkin v. Paccar, Inc.*, 2010 WL 4117110 (D.N.J. Oct. 19, 2010)
- *Shecktor v. Louisville Ladder, Inc.*, 2012 WL 5052577 (M.D. Pa. Oct. 18, 2012)
- *Jackson v. Louisville Ladder, Inc.*, 2014 WL 460849 (M.D. Pa. Feb. 5, 2014), *aff'd*, 586 Fed.Appx. 882 (3rd Cir. 2014), *cert. denied*, 135 S.Ct. 1504 (2015)
- *White v. Louisville Ladder, Inc.*, 2018 WL 2173960 (E.D. Pa. May 10, 2018)
- *Mercurio v. Louisville Ladder, Inc.*, 2018 WL 2465181 (M.D. Pa. May 31, 2018)
- *Lehmann v. Louisville Ladder, Inc.*, 610 F.Supp.3d 667 (E.D. Pa. 2022)

Recent Speaking Engagements

Compliance with Standards: A Barrier to Product Liability Actions?, Wood Machinery Manufacturers of America ANSI Compliance Workshop, Philadelphia, PA

Assembling the Rapid Response Team: Early Investigation Strategies for Preparing a Successful Defense, USLAW Client Conference, Tucson, AZ

Spoilation: Still Crazy After All These Years, Defense Research Institute Product Liability Conference, Phoenix, AZ

Enforcement of Arbitration Agreements Under the Federal Arbitration Act, USLAW Client Conference,

Chicago, IL

Supply Chain Risks and the Foreign Supplier, USLAW Client Conference, Dana Point, CA

Lifting the Fog: Defending Against Punitive Damage Claims, USLAW Client Conference, San Francisco, CA

Risk Management in the Retail World: How to Avoid the Pitfalls, USLAW Client Conference, San Antonio, TX

Maintaining Attorney Client and Work Product Privileges Over Investigative Materials: An Inexact Science, USLAW Client Conference, Rancho Palos Verdes, CA

Internal Investigations in Product Liability Claims, USLAW Client Conference, Colorado Springs, CO

Effective Use of Exemplar Tools at Deposition and Trial, Defense Research Institute Product Liability Conference, San Diego, CA

Reserve or Not to Reserve, USLAW Retail & Hospitality Exchange, Chicago, IL

Just Saying "No": The Success and Perils of Believing in Your Product and How That Can Affect Litigation, USLAW Client Conference, Washington, DC

Combatting National Discovery Requests in the Retail and Hospitality Industry, USLAW Retail & Hospitality Exchange, New Orleans, LA

Protecting the Privilege, USLAW Worldwide Virtual Retreat

Global Supply Chains: Were Businesses Asleep at the Wheel at the Beginning of the Pandemic and How to Avoid Similar Issues Next Time, USLAW Client Conference, Colorado Springs, CO

Don't Be Left Holding The Bag: How To Protect Yourself From Insolvent (Foreign) Suppliers, USLAW Client Conference, Montreal, Canada

Use of Exemplars and Testing to Defend Power Tool Litigation, USLAW Complex Tort & Product Liability Exchange, Columbus, OH

Examination of an Expert: Direct Examination, USLAW Client Conference Courtroom Academy, Amelia Island, FL

Strategies to Work Effectively and Successfully With Outside Counsel, USLAW General Counsel and In-House Counsel Forum, Napa, CA

Starting Off Right With Spoliation Letters, USLAW Client Conference, Miami, FL