

## Wesley R. Payne, IV

Partner

Co-Chair, Pro Bono Committee

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### OVERVIEW

Wes Payne has over 30 years of experience as a trial attorney and advising insurance carriers and self-insured corporations regarding the evaluation and development of creative and cost-effective solutions to complex litigation issues, particularly in the areas of product liability, general litigation, asbestos, toxic tort, insurance bad faith, extra-contractual damages and coverage matters. He represents product manufacturers, premise owners and management companies with a viewpoint of understanding their business objectives and goals and developing litigation strategies that meet and complement the client's ongoing business interest.

Wes has substantial courtroom experience, trying a number of high exposure cases in various jurisdictions throughout the country to jury verdict and through appeal in state and federal courts. In addition to his third-party litigation practice, Wes has a proven track record of achieving successful results for his insurance clients in insurance coverage and bad faith disputes. Whether the case involves catastrophic injuries, significant damages, multiple plaintiffs or complex legal or factual scenarios, he works with clients to limit their potential exposure and to resolve the dispute in the most favorable manner.

Wes is Co-Chair of the Pro Bono Committee and Chair of the firm's Homeless Advocacy Group. He serves on the Partner Compensation Committee and is a former member of the Operations, Budget and Executive Committees. He also serves on several pro bono and civic boards and as a Judge Pro Tem for the Philadelphia Court of Common Pleas. Wes is active in several legal organizations, holding leadership positions with many of them

Philadelphia Bar Association

- Chancellor

### PRACTICES

Bad Faith and Extracontractual Liability  
Insurance Fraud  
Litigation  
Product Liability

### BAR AND COURT ADMISSIONS

Pennsylvania  
Maryland  
U.S. Court of Appeals for the Third Circuit  
U.S. District Court for the Eastern District of Pennsylvania  
U.S. District Court for the Middle District of Pennsylvania  
U.S. District Court for the Western District of Pennsylvania  
U.S. District Court for Maryland

### EDUCATION

University of Maryland School of Law, JD, 1988

- President, Student Bar Association  
Washington Lee University, BA, *cum laude*, 1985

### MEMBERSHIPS

Pennsylvania Bar Association  
Pennsylvania Defense Institute  
Philadelphia Association of Defense Counsel  
Philadelphia Bar Association  
Philadelphia Diversity Law Group

- Co-Chair, Insurance Committee

Pennsylvania Bar Association

- Past Zone 1 Governor
- Past Minority Governor-at-Large
- Member, House of Delegates
- Past Co-Chair, Minority Bar Committee
- Past Co-Chair, Military & Veterans Affairs Committee
- Statewide Mock Trial Competition Panelist

Conference of County Bar Leaders

- Immediate Past President

Bethesda Project

- Past President

Philadelphia Association of Defense Counsel (PADC)

- Past President

Philadelphia Diversity Law Program

- Past Co-President

Homeless Advocacy Project

- Board Member

Pennsylvania Defense Institute

Pennsylvania Legal Aid Network

- Past President

## RECOGNITION AND INVOLVEMENT

Wes is an AV® Preeminent rated attorney by the Martindale-Hubbell peer review rating system. He was recognized by *The Legal Intelligencer* as an "Unsung Hero" for his dedication and service to the pro bono community. He is a recipient of the Multicultural Leadership Award and named as one of the "Top 60 African American Attorneys in Philadelphia" by the *Philadelphia Tribune*. Wes received The Honorable William F. Hall Award from The Barristers' Association of Philadelphia, Inc. for his service to the community. He was also named a Pennsylvania "Super Lawyer" by *Super Lawyers* from 2012-2020.

## REPRESENTATIVE MATTERS

*James v. Geico*, Civil Action 16-CV-2757 (EDPA) – On December 18, 2020 contested motion for summary judgement granted in bad faith and breach of contract matter and all claims dismissed as to the carrier.

*DiGuilio v. Glasgow Inc, et. al.*, Civil Action No. 170500695, (P.C.C.P., New, J.) – On July 9, 2019, contested motion for summary judgment granted in an employer liability case where plaintiff alleged asbestos exposure and silica exposure while employed by Glasgow and subsequently diagnosed with lung cancer

*Konepalsky v. Keystone Cement, et. al.*, Civil Action No. 160203694, (P.C.C.P., New, J.) – On October 10, 2018, contested motion for summary judgment granted in a premises liability case where plaintiff alleged to have been exposed to asbestos at a Keystone facility and subsequently was diagnosed with mesothelioma

*Tuxbury v. D.C. Fabricators, et. al.*, Civil Action No. 171204095 (P.C.C.P., New, J) – On September 28, 2018, received voluntary dismissal D.C. Fabricators from an asbestos-related mesothelioma premises liability claim based upon the lack of a successor liability theory

*Balough v. D.C. Fabricators, et. al.*, Civil Action No. 170602569 (P.C.C.P., New, J) – On August 30, 2018, plaintiff withdrew his opposition to and voluntarily dismissal D.C. Fabricators from an asbestos-related mesothelioma premises liability claim based upon the lack of a successor liability theory

*Knight v. Pennsylvania Real Estate Trust*, Civil Action No. 150502627, (P.C.C.P., Younge, J.) – On March 15, 2017, obtained a voluntary dismissal for all client on all claims. A woman was assaulted and her finger bitten off by another shopper in the mall's parking lot. The incident received national press and was featured on the 60 Minutes "Parking Wars" episode.

*Gargiulo v. New Flyer, et. al.*, Civil Action No. 160900637 (P.C.C.P., Cohen, J.) – On April 7, 2017, received a voluntary dismissal of all claims against New Flyer in a defectively and negligently design and breach of warranty claim by minor plaintiff hit head on by bus

*National Fire Insurance Company a/s/o ROSCO v. New Flyer*, Civil Action No. 16-5415 (E.D.Pa., Petrese B. Tucker, C.J.) – On February 23, 2017, received dismissal on behalf of sole defendant, New Flyer of America, Inc., in a product liability, negligence, contractual liability and contribution action brought by National Fire

*Leibrand v. New Flyer et. al.*, Civil Action No. 150801394, (P.C.C.P., Carpenter, J.) – On February 6, 2017, Motion for Summary Judgment was granted and all claims and cross-claims were dismissed in a defectively and negligently designed bus case

*Neal and Bello v. Pennsylvania Real Estate Investment Trust, et. al.*, Civil Action Nos. 150702709 and 160200239 (P.C.C.P., Younge, J.) – On January 6, 2017, received voluntary dismissal on behalf of Pennsylvania Real Estate Investment Trust in alleged malfunctioning elevator crash and negligent supervision case

*Checker Cab Philadelphia, Inc., et al. v. Uber Technologies, Inc., et al.*, Civil Action No. 14-7265 (E.D.Pa., Nitza I. Quinones Alejandro, J.) – On March 7, 2016, Motion to Dismiss granted on behalf of Google Ventures LLC in Lanham Act, Unfair Competition, RICO and anti-competition claims action

*Chin v. New Flyer*, Civil Action No. 130900933 (P.C.C.P., Lachman, J.) - On December 14, 2015 received defense verdict on product liability claim tried for six (6) days before a jury in Philadelphia County

*Zaltsman v. New Flyer* (P.C.C.P. 2015) Received defense verdict for client in a negligence and product liability matter tried before a jury

*Harford v. Delaware Tool & Machine Co., Inc.* (E.D.Pa. 2015) Motion for Summary Judgment granted for Insurance carrier in Declaratory Judgment action

*Harford v. Peterman* (WD Pa. 2014) Received Judgment on the Pleadings in favor of Insurance carrier in Declaratory Judgment action regarding denial of UM/UIM benefits to insured injured in another vehicle

*220 Broad Street LLC v. Bellevue Associates LLC* (P.C.C.P. 2012) tried property damage case and received a defense verdict on behalf of building owners and management companies in contract and negligence action in which plaintiff alleged defendants failed to properly maintain the sprinkler system which lead to an unexplained activation of a sprinkler head and resulting in over \$220,000 of property damage

## IN THE NEWS

Wes Payne Introduced as the 95th Chancellor of the Philadelphia Bar Association  
12.13.21

White and Williams Receives 2021 Pro Bono Award from the Philadelphia Bar Foundation  
11.10.21

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars  
11.1.21

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars  
11.5.20

Wes Payne Receives the Pennsylvania Bar Foundation's 2020 Louis J. Goffman Award  
5.12.20

Wes Payne to Serve as President of the Conference of County Bar Leaders  
3.4.20

Wes Payne Elected Vice Chancellor of the Philadelphia Bar Association  
12.16.19

Congratulations 2019 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.17.19

Wes Payne Receives Defense Attorney of the Year Award  
7.24.19

Eleven Lawyers Admitted to the U.S. District Court for the Eastern District of Pennsylvania  
6.14.19

Congratulations 2018 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.18.18

White and Williams Honored with Philadelphia VIP Trailblazing Partner Award  
4.20.18

Congratulations 2017 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
11.11.17

Wes Payne Receives Judge Pro Tempore Award for Service  
2.10.17

White and Williams Lawyers and Staff Recognized for Pro Bono Efforts  
12.5.16

Congratulations 2016 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.18.16

Coverage College Celebrates Its 10th Anniversary  
9.22.16

Congratulations 2015 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.21.15

Wes Payne Honored by Barristers' Association of Philadelphia  
1.19.15

## EVENTS

Lessons from Abraham Lincoln: Professionalism, Civility and Equality  
Civil Section Litigation Retreat 2022 (Gettysburg, PA), 4.29.22

Invite. Invest. Inspire. Diversity, Equity and Inclusion Strategies That Work for Bar Associations  
Pennsylvania Bar Association Conference of County Bar Leaders, 2.25.22

Diversity, Equity and Inclusion and the Role of Civility During Challenging Times  
Pennsylvania Bar Association 2022 Midyear Meeting (Bonita Springs, FL), 2.3.22

Hot Topics for Your Practice: Your 2021-2022 Survival Guide  
Pennsylvania Bar Association, 9.24.21

Lehigh Valley Labor & Employment Seminar  
Webinar, 5.26.21

Diversity and Suffrage in 1920 and 2020  
Conference of County Bar Leaders Annual Conference (Hershey, PA), 2.28.20

What's in a Jury? How Shifting Demographics and Access Can Affect Jury Verdicts  
Philadelphia Bar Association Bench-Bar & Annual Conference (Atlantic City, NJ), 10.11.19

Exploring New Paths: Community Projects to Engage Your Entire Membership  
53rd Annual Conference of County Bar Leaders (State College, PA), 2.22.19

The Role of Indemnity in Insurance and Business Transactions and Litigation  
Pennsylvania Bar Institute | Philadelphia, Pennsylvania, 7.18.18

The Role of Indemnity in Insurance and Business Transactions and Litigation  
Pennsylvania Bar Institute | Pittsburgh, Pennsylvania, 7.10.18

Fast-Pitch  
Philadelphia Association of Defense Counsel's Young Lawyers' Program | Philadelphia, Pennsylvania, 4.26.18

Choosing Your Audience Wisely – Jury Selection in Federal and State Court  
PBA Civil Litigation Retreat | Sky Top, Pennsylvania, 4.13.18

A Day of Contracts  
Pennsylvania Bar Institute | Pittsburgh, Pennsylvania, 4.9.18

A Day of Contracts  
Pennsylvania Bar Institute | Philadelphia, Pennsylvania, 4.3.18

Diversify Your Bar's Line-Up for a Winning Team  
Pennsylvania Bar Association 2018 Conference of County Bar Leaders | Lancaster, PA, 2.23.18

Unconscious Bias 101: Identifying Bias and Tips to Improve Your Practice  
2017 Advanced Real Property Institute, Maryland State Bar Association, Inc. | Columbia, MD, 9.28.17

Discovery Tactics: The Good, The Bad and The Outrageous  
Pennsylvania Bar Institute | Philadelphia, PA, 9.19.17

A Day on Contracts  
Pennsylvania Bar Institute | Philadelphia, PA, 7.13.17

Art of the Pitch - Selling New Ideas  
Garden State Bar Association Retreat: Gala Edition | Atlantic City, NJ, 6.10.17

Managing Others, Part I - Managing Up  
Philadelphia Diversity Law Group 2017 Alumni Conference | Philadelphia, PA, 5.6.17

Managing Others, Part II - Leading Your Team  
Philadelphia Diversity Law Group 2017 Alumni Conference | Philadelphia, PA, 5.6.17

Pleadings  
2017 White and Williams Litigation Associate Training Program | Philadelphia, PA, 5.4.17

Hot Tips in Labor and Employment Law - Vets and Labor Law  
Pennsylvania Labor & Employment Law Section Retreat (Hershey, PA), 3.11.17

23rd Annual Auto Law Update Including UM/UIM  
Pennsylvania Bar Institute, Philadelphia, PA, 10.23.16

Current Trends and Legal Developments in Toxic Tort Cases  
White and Williams Coverage College, 9.22.16

The Role of Indemnity in Insurance and Business Transactions and Litigation  
Pennsylvania Bar Institute | Philadelphia, PA, 7.15.16

Our Way Home: Transition from the Front Lines to the Homefront  
The 17th Annual Law and Society Week | Fox Rothschild Center for Law & Society of the Community College of Philadelphia, 2.29.16

Diversity and Inclusion: The Magic of Dignity for All Citizens  
Conference of County Bar Leaders | Hershey, PA, 2.26.16

The Art of the Deposition  
The Pennsylvania Bar Institute | Philadelphia, PA, June 4-5, 2015

The Ins and Outs of Rule 1.15 and its Recent Amendments  
The Philadelphia Bar Association, Insurance Program Committee | Philadelphia, PA, 6.3.15

May It Please The Court: Do's and Don'ts for Successful Court Appearances  
ABA - TIPS Section Conference (Philadelphia, PA), 5.1.15

The Legal Intelligencer Roundtable on Diversity  
Philadelphia, PA, 4.3.15

## **PUBLICATIONS**

Products Liability Law Slow to React to Growing Demand for Commercial Drone Use  
*The Legal Intelligencer*, 3.17.21

Direct Examination of Witnesses  
*Pennsylvania Civil Pre-Trial Practice, Chapter 4*, January 2017, 2018, 2019 and 2020 Editions

New Jersey Jury Unanimously Finds Johnson & Johnson Not Liable in Latest Talcum Powder-Based Mesothelioma Litigation  
*Toxic Torts and Environmental Alert*, 3.29.19

Ohlbaum on the Pennsylvania Rules of Evidence  
*Advisory Board, LexisNexis*, 2014/2015, 2015, 2016, 2017, 2018 and 2019 Editions

Responsive Pleadings: Preliminary Objections, Answers and Counterclaims  
*Pennsylvania Civil Trial Practice, Chapter 4*, January 2017, 2018 and 2019 Editions

Direct Examination of Witnesses  
*Pennsylvania Civil Trial Practice, Chapter 4*, January 2017, 2018 and 2019 Editions

The Pennsylvania Bad Faith Statute is Not a Shield for Medical Provider Fraud  
*Counterpoint / Pennsylvania Defense Institute, 12.18*

Conference of County Bar Leaders of the Pennsylvania Bar Association – Training the County Bar Leaders  
*Houston's Legacy / Pennsylvania Bar Association Minority Bar Committee, 10.18*

\$37 Million Verdict in Talc Mesothelioma Lawsuit Underscores Potential Exposure for Talc Manufacturers and Retailers  
*Product Liability Alert, 4.9.18*

Superior Court of Pennsylvania Rejects Pre-*Tincher* Product Liability Jury Instruction and Grants *Tincher* Defendant a New Trial  
*Product Liability Alert, 3.12.18*

After Nearly 100 Years, the *Frye* Standard Still Has Some Teeth  
*Counterpoint / Pennsylvania Defense Institute, 1.18*

Ohlbaum on the Pennsylvania Rules of Evidence (Advisory Board)  
2014-2015, 2015, 2016, 2017 and 2018 Editions

The Solo and Small Firm Section: A Natural Fit for Many Minority Bar Committee Members  
*Houston's Legacy / Pennsylvania Bar Association Minority Bar Committee, Fall 2017*

Philadelphia Court Rejects Expert Methodology for Detecting Asbestos  
*Product Liability Alert, 10.5.17*

Mentoring and Sponsorship: Thoughts Regarding Retaining Diverse Attorneys in a Commercial Litigation Practice  
*Litigation Section, Commercial & Business Litigation, American Bar Association, 11.29.16*

The Pennsylvania Bar Association's Veterans' and Military Affairs Committee  
*Houston's Legacy, Pennsylvania Bar Association, Minority Bar Committee, 10.6.16*

Think Broadly About Diversity  
*Law Practice Today, 7.16*

CCBL Diversity Panel to Address Same-Sex Marriage and How it Affects Bar Leadership  
*Houston's Legacy, Pennsylvania Bar Association Minority Committee, 11.15*

Philadelphia Diversity Law Group: Symposium to Address Retention and Promotion of Diverse Talent  
*Philadelphia Bar Reporter, Vol. 44, No. 10, 10.15*

The Philadelphia Diversity Law Group's Diversity and Inclusion Symposium: Implicit Bias, Bias Interrupters and Bias Intervention Strategies  
*The Legal Intelligencer, 10.15*

Hope for Philadelphia to Increase Firm Diversity Numbers  
*The Legal Intelligencer, 3.30.15*