

Benjamin E. Gordon

Associate

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Ben Gordon is a seasoned commercial litigator, with significant first- and second-chair trial experience in state and federal courts. Ben maintains a diverse practice, which cuts across various sectors, but he has a particular focus defending financial institutions against claims arising out of both consumer and commercial financial products. Ben also has significant experience in construction and surety litigation, insurance coverage and defense litigation, toxic tort and products liability litigation, and alternative dispute resolution. Ben prides himself on guiding his clients through all aspects of civil litigation, from inception through discovery, dispositive motion practice, mediation, trial and appeal.

Ben maintains an active pro bono practice, and is a director of Philadelphia VIP, an organization that, every year, pairs hundreds of pro bono clients with volunteer lawyers. Ben regularly sits as a sworn arbitrator in the Philadelphia Court of Common Pleas, and has presided over dozens of hearings on a wide variety of issues.

While attending law school, Ben tried cases for the Defender Association of Philadelphia and the Philadelphia District Attorney's Office. He received numerous awards for his trial advocacy, oral advocacy and negotiation skills. Ben served as a staff member on the *Temple International & Comparative Law Journal* and was a fellow in the Rubin Public Interest Law Honor Society. He also clerked for a Philadelphia Court of Common Pleas Judge. Ben lives in Philadelphia with his wife and two young daughters.

RESULTS

Financial Services Litigation:

- obtained complete dismissal, with prejudice, on a half-dozen substantively identical cases filed against a mortgage loan servicer in New Jersey state court under the Fair Debt Collections Practices Act and associated state law claims
- obtained complete dismissal, with prejudice, on claims brought against a prominent student loan servicer under the Fair Debt Collection Practices Act in federal court in Pittsburgh
- obtained complete dismissal, with prejudice, on claims brought against a prominent student loan servicer under the Fair Credit Reporting Act in federal court in New Mexico

(continued)

FOCUS

Litigation
Financial Services Litigation
Construction
Insurance Coverage Advisory & Litigation
Alternative Dispute Resolution

BAR ADMISSIONS

Pennsylvania
New Jersey

COURTS

Pennsylvania Supreme Court
New Jersey Supreme Court
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 the District of New Jersey
U.S. District Court for the District of New Mexico
U.S. District Court for the Western District of Michigan

EDUCATION

J.D., Temple University Beasley School of Law
B.S., Haverford College

MEMBERSHIPS

Director and Recruitment & Retention Committee Member, Philadelphia VIP
Haverford College Lawyers Network
Philadelphia Haverford Alumni Network
Stradley Ronon Pro Bono Committee
Stradley Ronon Diversity Committee
Stradley Ronon Technology Committee



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Construction:

- first-chair trial counsel in a contentious dispute under the Pennsylvania Contractor and Subcontractor Payment Act (CASPA) representing a project owner and obtained a complete non-suit of a preconstruction services provider's CASPA claim at trial
- obtained complete dismissal, with prejudice, on behalf of a surety in a case that concerned a significant performance bond claim on the grounds that the project owner failed to afford the contractor the right to attempt to cure its alleged construction shortcomings
- successfully defended a large municipal entity against claims from a contractor related to a failed, seven-figure utilities project while simultaneously successfully prosecuting significant affirmative claims against the project's design professional

Insurance:

- second-chair trial counsel in successful defense of global insurer in complex, hybrid insurance coverage/tortious interference claim alleging in excess of \$25 million in damages and resulting in a complete defense verdict, which was affirmed on appeal
- successfully defended over a hundred cases against "write-your-own" insurance carriers under the National Flood Insurance Program, including numerous dismissals, with prejudice, on motions to dismiss and motions for summary judgment, and was appointed by the U.S. District Court for the District of New Jersey to a panel that developed training materials for mediators and arbitrators in preparation for hundreds of planned mediations and arbitrations in Superstorm Sandy flood insurance coverage cases pending before the Court
- obtained complete dismissal, with prejudice, in a highly contentious case brought by an insured against a major property carrier. The insured asserted a dozen claims sounding primarily in fraud and bad faith, all of which were dismissed, with prejudice, by the Philadelphia Court of Common Pleas on summary judgment

Toxic Tort and Products Liability:

- obtained dismissal, with prejudice, of claims against a significant regional supplier of home heating oil under the Pennsylvania Unfair Trade Practices and Consumer Protection Law for an alleged spill
- successfully defended significant regional supplier of home heating oil against a series of seven-figure claims under the New Jersey Spill Compensation and Control Act and related state law claims based on alleged liability for the degradation of underground oil storage tanks
- obtained complete dismissal, with prejudice, of all claims against an auto dealer for alleged asbestos exposure under Pennsylvania successor liability law

Commercial:

- second-chair trial counsel in successful defense of petition for injunctive relief following four-day hearing in which neighboring commercial property owners sought to halt a \$350 million construction project



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- persuaded the Philadelphia Court of Common Pleas to strike a significant confessed judgment against a small business and then negotiated a de minimus settlement in a contentious, commercial landlord-tenant dispute

Pro Bono:

- first-chair trial counsel in successful defense of claims arising against pro bono client in three-car accident
- first-chair trial counsel in successful quasi-criminal proceeding for the violation of a protection from abuse order

STRADLEY
RONON