

Jason Clarke Gerth -- My Legal Experience

PROFESSIONAL EXPERIENCE

Litigation

State and federal trial and appellate litigation, primarily as attorney for the defense. Most recently involved in:

- individual and class action litigation in state and federal courts and arbitrations with the American Arbitration Association representing nationwide manufacturing housing company in product liability, warranty litigation, and other cases;
- representing nation's largest insurance adjusting company in numerous state and federal cases and other matters;
- opposing plaintiffs suing insurers for breach of contract and bad faith after the company allegedly underpaid or wrongfully denied hurricane claims; and
- handling litigation involving land disputes, premises liability, complex contract disputes, business torts, and construction defects.

Prior litigation matters included wrongful death, tractor trailer and transportation litigation, insurance coverage and defense, class action lawsuits, contract disputes, construction defect litigation (including EIFS and other condominium construction cases), personal injury claims, product liability claims, malicious prosecution claims, and adverse possession/boundary dispute claims. Also participated in catastrophic hurricane loss litigation where insurers were sued for bad faith and breach of contract for various hurricanes striking the Gulf Coast.

Following are a few examples of matters I have handled in particular areas of law:

Tractor trailer litigation

I have litigated numerous tractor trailer accident claims. The most notorious case involved a wrongful death claim stemming from a cattle trailer flipping over onto a sports utility vehicle outside Mobile's Bankhead Tunnel. In addition to wrongful death and personal injury actions involving tractor trailer accidents, I have also defended negligent repair and maintenance claims against tractor

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trailer service providers. I have litigated these matters from Texas to South Florida. Cases I handled have dealt with complex expert witness testimony, Department of Transportation violations (including multiple out of service violations), driver misconduct, mechanical failure, and parts failure, as well as many other liability issues.

Products liability

After litigating a multitude of products liability cases, I have become very knowledgeable of the issues faced by many manufactures. For example, I have litigated cases ranging from breach of warranty under state and federal law (including Magnuson-Moss claims) to matters involving catastrophic personal injury and death. Our team brings experience to the table when fighting allegations of products liability.

Insurance coverage, breach of contract, and bad faith

I have handed countless insurance coverage issues for insurers. I have issued many coverage opinions and worked with insurers in defending breach of contract and bad faith actions. I have handled claims relating to hurricane wind damage, flood damage, surface water intrusion damage, homeowner premises liability, and commercial liability. I have opposed plaintiffs claiming their insurer underpaid claims or wrongfully denied coverage. Analytical reasoning is critically important in this field of law.

REPRESENTATIVE CASES

Nationwide v. Jeff W. Phillips, Inc., CV-2006-3785, Mobile County, Alabama.

Obtained complete summary judgment in subrogation action filed by plaintiff's insurer in tractor trailer accident alleging wrongful conduct on part of driver and trucking company.

Watson v. Eubanks, CV-2003-1308, Baldwin County, Alabama.

Obtained complete summary judgment in action filed by plaintiff for wrongful death and liability under dram shop statute against defendant that owned premises where driver of vehicle allegedly consumed alcohol and drugs.

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Woolsey v. Pryor, CV- 2005-317, Mobile County, Alabama.

Obtained complete summary judgment for client in action where water pipe leaked and flooded the plaintiff's apartment.

Jones v. Smith, CV-2005-1685, Mobile County, Alabama.

Obtained complete summary judgment for client in a trip and fall case where plaintiff fell and suffered severe injury by stepping in a hole on defendant's premises.

Ledbetter v. Farias, CV-2005-1092, Baldwin County, Alabama.

Obtained complete summary judgment in fraud action filed by plaintiff alleging that monetary funds were misappropriated by Defendant.

Marsenburg-Brown v. Diamond Express, CV-2004-1277, Escambia County, Florida.

Obtained partial summary judgment in case involving tractor trailer accident on all issues relating to negligent maintenance. This prevented the plaintiff from presenting any issues to the jury beyond the alleged actions of the driver, instead of permitting testimony on Department of Transportation violations relating to repairs, record keeping, and other issues.

Marshall v. Tobacco Discount Stores, Inc., CV-2004-541, Mobile County, Alabama.

Obtained partial summary judgment on all claims for punitive damages in action against store for gross negligence. Plaintiff alleged that store consciously observed rain water accumulate inside store entrance without taking any action to prevent a patron from slipping. Summary judgment effectively limited plaintiff to compensatory damages and greatly reduced likely jury verdict.

Ginn v. Fleetwood Motor Homes of Pennsylvania, Inc., CV-2005-4219, Mobile County, Alabama.

Obtained partial summary judgment in products liability and warranty action where plaintiff claimed damages under multiple theories of liability against manufacturer of recreational vehicle. Summary judgment disposed all theories of liability except breach of express warranty, which only allowed for minimal recovery by the plaintiff and saved the defendant substantial resources.

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