



# Mark E. Utke

## Member

## Philadelphia

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Mark E. Utke's current practice focuses on the prosecution of complex product liability claims, wrongful death claims, construction defects, class action and fire litigation matters.

Based on his extensive jury trial practice in New Jersey, Mark is recognized by the Supreme Court of the State of New Jersey as a Certified Civil Trial Attorney, the highest distinction for New Jersey Trial Lawyers. Mark has obtained several significant jury verdicts in the field of complex product liability litigation. He is the first attorney in the country to successfully obtain a jury verdict against the CSST industry and has obtained numerous verdicts against product manufacturers throughout the country. Mark represented the plaintiffs in *Tincher v. Omega-Flex, Inc.*, 104 A.3d 328 (Pa. 2014), the seminal case that redefined the standard for product liability law in Pennsylvania. He routinely lectures on subrogation and recovery issues and theories of liability to insurance adjusters, insurance recovery personnel, and professional associations. He also dedicates a significant amount of time to community pro bono projects.

Mark received his bachelor's degree from the Virginia Military Institute in 1985 and earned his law degree at the University of Dayton School of Law in 1993. Prior to law school, Mark served as an Infantry Officer in the U.S. Army, where he attained the rank of Captain. While in the service, he competed for the title of Best Ranger in the Army.

## Experience

Secured a \$1.4 million jury verdict in a case in which a Florida home burned to the ground, due to defective corrugated stainless steel gas tubing, after the gas pipe became energized by lightning. The award represents 100 percent of the replacement costs for the home, its contents and the automobiles in the garage, and was achieved despite the fact that the most significant evidence needed to prove causation was destroyed by the fire itself. Using fire dynamics or other scientific principles, we defeated numerous motions in limine and a Daubert challenge to our metallurgical expert, and convinced the jury that the product was defective and unreasonably dangerous. The Eleventh Circuit Court of Appeals affirmed the verdict on appeal.

Secured a multimillion dollar settlement of a loss incurred in connection with a fire attributable to improper handling of spray foam used to insulate the insured's real property.

## Practice Areas

- Subrogation & Recovery

## Industry Sectors

- Insurance

## Education

- University of Dayton School of Law, J.D., 1993
- Virginia Military Institute, B.A., 1985

## Bar Admissions

- New Jersey
- Ohio
- Pennsylvania
- Vermont
- Massachusetts

## Court Admissions

- U.S. District Court -- Northern District of Florida
- U.S. District Court -- New Jersey
- U.S. District Court -- Western District of Michigan
- U.S. District Court -- Northern District of Ohio
- U.S. District Court -- Southern District of Ohio
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- Middle District of Pennsylvania
- U.S. District Court -- Western District of Pennsylvania
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court -- Massachusetts

## Affiliations

- Burlington County Bar Association
- Camden County (NJ) Bar Association
- New Jersey State Bar Association
- Pennsylvania Bar Association
- International Association of Arson Investigators

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