



John W. Dornberger

Administrative Principal, Harrisburg Office
Co-Chair, Construction Government Contracts & Surety Practice Group

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Advises clients in all phases of construction projects, prosecuting and defending their construction-based claims, and defends them in commercial, copyright and trademark infringement, mass tort, and toxic tort litigation.

Bio

John W. Dornberger is Co-Chair of the Firm's Construction, Government Contracts & Surety Law Practice Group and Chair of its Shale Resource Practice Group. He focuses his practice on commercial, construction, copyright and trademark infringement, mass tort, and toxic tort litigation. Mr. Dornberger's active construction litigation practice prosecutes and defends construction-based claims in federal and state courts, arbitration, administrative boards, and tribunals and in dispute resolutions proceedings. He also advises contractors during all phases of construction on pre-litigation issues and strategies, from bid disputes, construction, and design disputes to bond claims and contract and claims negotiation.

In addition to contractors, Mr. Dornberger represents and counsels oilfield services companies, design professionals, construction managers/owners' representatives, and material suppliers in Pennsylvania and surrounding states. He is also experienced in Pennsylvania licensure and regulations as they relate to casinos and other gaming entities, having served as outside counsel representing the Pennsylvania Gaming Control Board relating to license appeals to the Pennsylvania Supreme Court.

His litigation practice focuses on contract litigation, business torts, environmental liabilities, mass torts, toxic torts, and copyright and trademark infringement. As National Coordinating Counsel for the second-largest distributor of dental products in the U.S., he has successfully litigated numerous complex product liability matters.

Mr. Dornberger is a court-appointed Mediator and Discovery Master.

The Best Lawyers in America®, a highly respected peer-reviewed publication, has selected Mr. Dornberger for inclusion in its 2021 Edition in the categories of Commercial Litigation and Construction Litigation. In 2018, 2019 and 2020 he was also selected as a Pennsylvania *Super Lawyer* in the category of Construction Litigation. For information about this selection and an overview of common third-party publications, rankings, and lists methodologies, [click here](#).

Representative Cases

Practices

- Hospitality and Retail
- Local Counsel
- Commercial Litigation
- Construction
- Class Action Defense
- Appellate
- Toxic Tort Liability Litigation
- Shale Resource
- Coronavirus (COVID-19) Task Force
- Real Estate
- Alternative Dispute Resolution

Industries

- Manufacturing
- Energy and Utilities
- Construction
- Real Estate

Education

- J.D., Temple University School of Law, 1993
Jaczun Award for Excellence in Trial Advocacy
- B.A. in History, University of Richmond, 1988
Blue Key National Honors Fraternity

Bar Memberships

- New Jersey (1993)
- Pennsylvania (1993)

Court Admissions

- Supreme Court of Pennsylvania
- U.S. Court of Appeals, Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- Supreme Court of New Jersey

- Prosecuted a multi-million dollar contract claim on behalf of a mechanical contractor regarding the construction of oil and gas pipeline compressor station facilities.
 - Negotiated and successfully resolved proposed civil penalties assessed against a pipeline constructor by the Pennsylvania Department of Environmental Protection and the Pennsylvania Fish and Boat Commission arising from alleged permit violations and fish kill.
 - Successfully represented the Pennsylvania Gaming Control Board before the Pennsylvania Supreme Court in one of the first appeals filed in the Commonwealth by an unsuccessful casino license applicant under Act 71, the Pennsylvania Race Horse Development and Gaming Act of 2004, concerning the award of a Category 2 (standalone) casino license.
 - Obtained non-suit (defense verdict) in state court jury trial arising from multi-million dollar claims asserted against his client relating to a retrofit of a waste-to-energy facility.
 - Obtained a \$1M verdict in state court breach of contract action on behalf of contractor client against property developer.
 - Obtained a more than \$600,000 AAA arbitration award on behalf of a site development contractor, including lost profit damages for wrongful termination.
 - Reviewed and modified construction sub-agreements consistent with Pennsylvania law on behalf of an out-of-state oilfield service company.
 - Obtained a \$1.9-plus million AAA arbitration award on behalf of a construction contractor regarding breach of contract claims on high-rise residential condominium development and construction.
 - Successfully prosecuted claims on behalf of a prime contractor for significant additional costs and other damages arising from a termination-for-convenience on a commercial construction project.
 - Successfully defended and resolved a contractual indemnity claim asserted against an oil field services company by a contracting party.
- U.S. District Court for the District of New Jersey

Publications

- "Help, hurdles for companies in search of government work," *Central Penn Business Journal* (May 27, 2016)
- "Losers for city's 2d casino unlikely to win on appeal," *Philadelphia Inquirer* (November 18, 2014)
- "How Can Arbitration Be Used More Fairly?," *Associated Builders & Contractor's Spokesman* (January 2007)
- "Are Construction Managers Liable for the Work of Subcontractors?," *Associated Builders & Contractor's Spokesman*, Vol. 34 (April 2006)
- "Thimerosal - Containing Vaccine Litigation," *DRI's "For the Defense"* (October 2002)
- Co-Author, "What You Should Know About Corporate Counsel and the Attorney-Client Privilege," *ABA, "The Brief"* (Summer 1994)

Speaking Engagements

- Co-Presenter, "Construction Law for Pennsylvania Public Contracts," Harrisburg East Holiday Inn, Harrisburg, PA (December 18, 2013)
- Presenter, "Expert Witnesses – Discoverability of Attorney/Expert Communications and 'Draft' Reports," IMX Medical Management Services, Inc. (January 13, 2012)

- Co-Presenter, "Green Building Sustainability," Gilbane Construction Round Table, New Cumberland, PA (June 11, 2009)
- Presenter, "Contracting Methods for BIM Projects," Gilbane Construction Round Table, Camp Hill, PA (September 11, 2008)
- Co-Presenter, "Contract Construction Issues for the Preservation of Immunities from Employee Actions and Indemnification from Other Contracting Parties," Seminar, Sponsored by MidAtlantic Builders Exchange (June 20, 2008)
- Presenter, "Defending and Prosecuting Construction Claims: From 'Qui Tam' Actions to Recovery of Affirmative Claims on Federal Projects," Construction Superconference, San Francisco, CA (December 8, 2006)
- Presenter, "Expert Discovery Under *Cooper v. Schoffstall* Decision," City of Philadelphia Law Department, Major Trials Unit (October 24, 2006)
- Presenter, "What Construction Managers Should Know About CAD Models," Contractor's Superconference, San Francisco, CA (December 9, 2005)
- Presenter, "Pay If and Pay When Paid Clauses," Keystone Construction Academy Seminar, ABC (Associated Building Contractors), Manheim, PA (June 14, 2005)
- Presenter, "Vinyl Chloride Litigation," Annual Conference of the ABA Environmental Law and Toxic Tort Practice Section (March 20, 2004)
- Lecturer, "Vinyl Chloride Litigation," Liberty Mutual Insurance Company Mass and Toxic Tort Claims Division (July 24, 2003)
- Lecturer, "Subcontractor Liability - Commercial Litigation Update," Zurich Insurance Company Contractor Insured Program Conference (October 2, 2002)
- Lecturer, "Contractor Liability - Pennsylvania Construction Law Update," ALGTS Construction Claims Department (October 2001)
- Lecturer, "Contractor Liability - Pennsylvania Construction Law Update," Gerling America Construction Claims Division (June 1999)

Appointments

- Mediator and Discovery Master (Court Appointed)

Affiliations

- Associated Builders and Contractors, Inc., Keystone Chapter
- Associated Pennsylvania Constructors
- American Bar Association, TIPS Fidelity and Surety Law Section
- Board of Directors, Weaber, Inc.
- Dauphin County Bar Association
- Defense Research Institute; Vice Chair of Toxic Tort Publications Committee
- General Counsel, Pennsylvania Chemical Industry Council (PCIC)
- Pennsylvania Bar Association