

Wesley R. Payne, IV

Partner

Co-Chair, Pro Bono Committee

Philadelphia, PA

t: 215.864.7076

f: 215.789.7573



Wes has substantial courtroom experience, trying a number of high exposure cases in various jurisdictions to jury verdict and through appeal in state and federal courts

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 Coverage and Bad Faith
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

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

- 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 is recognized by *The Best Lawyers in America*® 2024 for Personal Injury Litigation - Defendants. He was also 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 2012-2023.

REPRESENTATIVE MATTERS

Obtained summary judgment, and defeated class certification, on behalf of an event security company in Maryland class action consisting of hundreds of young female dancers who were spied upon by a convention center public safety officer who inappropriately used the facility's surveillance cameras to view and record the dancers' dressing area.

Pedrogo v. New Flyer, et. al., Civil Action No. 201200681 (P.C.C.P., K. Shreeves-John) – On June 8, 2022 contested motion for summary judgement granted as to all counts, including product liability, negligence and warranty counts.

Soyars v. New Flyer, et. al., Civil Action No. 24-C-21-001448-OT (B.C.C.C) – On December 21, 2021 received voluntary dismissal of New Flyer from product liability and negligence case.

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., Young, 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., Nitzza 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

Best Lawyers® Recognizes 45 White and Williams Lawyers

Firm News, 8.18.23

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars

5.25.23

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars

7.13.22

Two White and Williams Lawyers Included In City & State PA's Law Power 100

6.28.22

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

Coverage College 2023
Philadelphia, PA, 10.12.23

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 II - Leading Your Team

Philadelphia Diversity Law Group 2017 Alumni Conference | Philadelphia, PA, 5.6.17

Managing Others, Part I - Managing Up

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

Philadelphia Court of Common Pleas Civil Practice Manual, 20th Edition, 2022
22

Pennsylvania Civil Trial Practice Manual, 2022
22

Pennsylvania Civil Pre-Trial Practice Manual, 2022
22

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

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

Ohlbaum on the Pennsylvania Rules of Evidence
Advisory Board, LexisNexis, 2014/2015, 2015, 2016, 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