



# Evan B. Caplan

## Member

## Philadelphia

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A trial lawyer at heart, Evan Caplan defends corporations in high exposure catastrophic casualty claims, beginning at the initial claim stage and continuing through trial and appellate practice. He focuses his practice on complex tort litigation, including construction law, product liability, environmental and occupational exposure claims, liquor liability, aviation law, and trucking litigation.

A substantial portion of Evan's practice is dedicated to serving as lead counsel in the investigation and emergency response stages of major casualty events. At the outset of a major casualty event, he is often brought in to orchestrate organizational responses to construction and worksite accidents. In this role, he assists clients in mitigating corporate risk and exposure, forming public relations messaging, interfacing with OSHA inspectors, investigating and documenting critical facts, and fending off potential spoliation of evidence claims.

Evan's role continues from early stage investigation through litigation, whether it involves bodily injury litigation, safety issues, or appeal/mitigation of OSHA citations. He has vast litigation and trial experience representing corporations in lawsuits arising from product defect; representing building owners and major construction companies in the defense of environmental pollution and property damage claims; and representing corporations, manufacturers, municipalities, building owners, and managers in the defense of casualty claims arising from various product defects and toxic exposures. Evan also has experience litigating environmental pollution and exposure matters before the Pennsylvania Department of Environmental Protection. At ease in front of both judge and jury, Evan has tried numerous high exposure cases in the New Jersey and Pennsylvania state courts and has argued hundreds of pretrial and trial motions.

Evan has lectured on a wide array of topics, including spoliation of evidence, strict products liability, worker's compensation, statutory employer and borrowed servant defenses, civil procedure, and OSHA regulations. He has provided Continuing Legal Education seminars before the PADC and on behalf of industry teams and clients and he has taught loss mitigation and evidence preservation courses on behalf of his construction clients. Evan takes pride in his service as a faculty member of Cozen O'Connor's trial advocacy and deposition training programs, where he regularly instructs junior lawyers on deposition and litigation skills.

Evan is a member of the Defense Research Institute and the Philadelphia Association of Defense Counsel. He is licensed to practice in Pennsylvania and New Jersey, as well as before the U.S. Court of Appeals for the Third Circuit, U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Courts for the Middle and Eastern Districts of Pennsylvania and the District of New Jersey.

Active in the handling of pro bono legal matters in his community, Evan spent eight years as a board member of the Legal Clinic for the Disabled (LCD) and is a former member of the LCD's fund raising subcommittee. Evan has been widely recognized for his pro bono achievements, receiving the 2008 White Hat Award from the LCD, being named to the First Judicial District Honor Roll in 2007, 2008, 2011, 2014, and 2015 and being recognized by Philadelphia Volunteers for the Indigent Program (VIP) as volunteer of the month in June 2014. Evan regularly provides pro bono legal services, including preparing living wills and health care directives for clients of the Associated Services for the Blind and

### Practice Areas

- Product Liability
- Construction Law
- Transportation & Logistics Litigation

### Industry Sectors

- Aviation
- Insurance
- Real Estate & Construction

### Education

- Rutgers University School of Law - Camden, J.D., 1998
- University of Delaware, B.A., 1995

### Bar Admissions

- New Jersey
- Pennsylvania

### Court Admissions

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

### Affiliations

- Defense Research Institute
- Philadelphia Association of Defense Counsel

### Awards & Honors

- **FIRST JUDICIAL DISTRICT - 2007**  
Seventeen Cozen O'Connor attorneys were named to the 2007 Pro Bono Honor Roll of the First Judicial District of Pennsylvania.

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facilitating access to health and medical care for clients of VIP. Evan is also a member of Cozen O'Connor's pro bono committee.

Evan received his Bachelor of Arts from the University of Delaware in 1995. In 1998, he received his law degree from Rutgers University School of Law at Camden, where he served as articles editor of the *Rutgers Law Journal*.

## Experience

Obtained a defense verdict following a week-long trial arising from a construction defect claim venued in Bucks County, Pa. Plaintiffs had unsuccessfully alleged that negligently manufactured and improperly installed prefabricated walls proximately caused catastrophic damage to their home.

Negotiated a favorable settlement on behalf of a defendant in a fall-from-elevation case involving two construction workers who suffered catastrophic injuries when they fell more than 30 feet from a scaffold positioned in an empty swimming pool. The plaintiffs alleged that the scaffold collapsed due to our client's acts/omissions, but agreed to settle the case at mediation with minimal contribution from our client.

Negotiated a favorable pre-trial settlement on behalf of the defendant in a high-exposure matter arising from a motorcycle racing accident involving a 16-year-old rider who was thrown from his vehicle and struck by another racer, rendering him a paraplegic.

Obtained a \$3.24 million judgment on behalf of a general contractor that brought construction defect claims against a subcontractor arising from its negligent installation and repair of a defective flooring system, resulting in the client incurring remediation costs in the amount of the judgment.

Won summary judgment, which was affirmed on appeal before the New Jersey Appellate Division, on behalf of a condominium homeowners association sued in connection with extensive water damage a condominium sustained due to a pipe leak in another unit. Both the trial and appellate courts accepted our argument that the homeowners association could not be held liable because it had no duty to notify the plaintiffs of the leak and because no extra-contractual duty arose under the facts of the case.