

Dwight A. Kern

Director

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Dwight Kern focuses his practice on toxic torts, environmental litigation, products liability, premises liability, construction defect, general liability and related practice areas.

He has experience representing clients during all stages of litigation in state and federal courts throughout New York, New Jersey, and Connecticut. Dwight's recent defense verdict in a New York lead poisoning trial demonstrates the skill, knowledge and tenacity necessary to successfully represent clients in matters involving complex issues.

Dwight is an adept negotiator and a member of the firm's Settlement Counsel Practice Group. Dwight has extensive experience successfully resolving high risk claims in all areas of law. He works with clients who have multiple layers of insurance as well as those who are self-insured. Dwight has the keen ability to identify the realistic goals of all parties involved and sort through complicated issues to attain a highly satisfactory resolution for his clients while saving valuable time and resources that would otherwise continue to accrue through the typical litigation process.

Dwight has effectively represented clients at the appellate level, as well. He has argued before every department in the Appellate Division of the State of New York. Dwight has also successfully argued before the U.S. Court of Appeals for the Second Circuit. His extensive appellate experience is exemplified through these published opinions:

- *Szewczuk v. Stellar 117 Garth, LLC*, 541 Fed.Appx. 30, (2d Cir. 2013).
- *Duncan v. 605 Third Avenue, LLC*, 853 N.Y.S.2d 592 (2d Dept. 2008).
- *Cinquemani v. Old Slip Associates, LP*, 43 A.D.3d 1096, 842 N.Y.S.2d 85 (2d Dept. 2007).
- *Holdampf v. A.C. & S., Inc.* (In re New York City Asbestos Litigation), 5 N.Y.3d 486, 840 N.E.2d 115 (2005).
- *Pai v. Springs Industries, Inc.*, 795 N.Y.S.2d 98 (2d Dept. 2005).

EDUCATION

Widener University School of Law (J.D., *cum laude*, 1998)

Dickinson College (B.A., 1995)

PRACTICES

Cannabis
Construction Law
COVID-19
Environmental
General Liability
Mass and Toxic Tort Litigation
Product Liability
Settlement Counsel
Transportation and Trucking

Dwight A. Kern

- *Holdampf v. A.C. & S., Inc.* (In re New York City Asbestos Litigation), 14 A.D.3d 112, 786 N.Y.S.2d 26 (1st Dept. 2004). *Jackson v. Dow Chemical Co., Inc.*, 295 A.D.2d 855, 793 N.Y.S.2d 900 (3rd Dept. 2002).
- *Gruber v. Central Truck Equipment, Inc.* 298 A.D. 2d 360, 751 N.Y.S.2d 392 (2d Dept. 2002).
- *Campbell v. Tracey Road Equipment, Inc.* 288 A.D. 2d 954, 732 N.Y.S.2d 808 (4th Dept. 2001).

As a result of his achievements in toxic tort causation, environmental law and insurance coverage litigation, he is often asked to write and present on these topics across the nation.

BAR ADMISSIONS

- Connecticut
- New Jersey
- New York

COURT ADMISSIONS

- U.S. Court of Appeals, Second Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

ADDITIONAL PRACTICE EXPERIENCE

- Appellate
- Premises Liability

PUBLISHED ARTICLES/SPEAKING ENGAGEMENTS

- Speaker and Chair, 2017 Environmental Risk & Litigation Conference, Perrin Conferences, New York, June 20, 2017.
- Speaker, Navigators Environmental Underwriting Team, Webinar/Lunch & Learn. "The Need for Contractors Pollution Coverage-Claims Scenarios." (October 28, 2015).
- Speaker, "Lower Thresholds, More Claims—Handling the Defense of Lead Paint Claims in the Wake of CDC Reduction of the Blood Lead Level Threshold," Perrin Conferences Webinar (May 29, 2014).
- Author, Albany Law Review Article: The Controversial Contradiction between Traditional Precedent and Recent Failure To Warn Jurisprudence in New York, August 1, 2011
- Speaker, Annual EECMA Spring Conference, April 27, 2012.
- Speaker, "Damage Control: Estimating Economic Risk in Environmental & Product Liability Litigation," 2012 Annual Emerging and Environmental Claims Managers Association (EECMA) Spring Conference, Captiva Island, FL (May 2-4, 2012).
- Speaker, "Charting a Course through the Grey Areas of Insurance Allocation," Perrin Conferences' Emerging Insurance Coverage & Allocation Issues (January 24, 2011).
- Author, New York Advocate - Volume 1, Issue 4, Winter 2008 February 1, 2008.

Dwight A. Kern

- Author, New York Advocate - Volume 1, Issue 2, Summer 2007 June 1, 2007.
- Author, Frye Meets Parker and the Effect on Toxic Exposure Cases April 1, 2007.
- Author, New York Advocate - Volume 1, Issue 1, Spring 2007 April 1, 2007.
- Author, Turning the Tide of Deposition Conduct January 16, 2007.
- Author, Eggshell Skull Doctrine: Inapplicable to Certain Chemical Exposures September 30, 2006.
- Speaker, CNA, Monmouth Junction, NJ, "Coverage Issues for Asbestos Claims" (September 28, 2006).
- Author, Who's Watching the Gate? The Recent Evolution of Frye in The Toxic Exposure Arena August 25, 2006.
- Author, Blurred Lines: The Interplay of Duty and Foreseeability November 1, 2005.

ORGANIZATIONS/COMMITTEE MEMBERSHIPS

- New York State Bar Association