



**Joe Kernen**

**Partner**

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Joe Kernen has a diverse litigation practice with emphasis on commercial litigation, class action matters, construction litigation and employment disputes.

In his 30 years with the firm, Joe has successfully represented corporate clients in a wide variety of matters. He has served as lead counsel defending insurance companies, lenders, retailers, motor vehicle and other consumer products manufacturers and telecommunications companies in class action matters; a national accounting firm in fraud and breach of contract matters in courts and arbitration proceedings around the country; large real estate developers in construction litigation; an online auction company in fraud and breach of contract litigation; a national retailer in contract and employment litigation; and both landlords and tenants in commercial lease disputes. He has defended a national sports and entertainment company in commercial contract disputes and companies of all sizes in construction-related controversies.

Joe also has significant experience counseling and defending companies in a variety of employment-related matters, including counseling on wage and hour issues and defending FLSA class actions; defending employment discrimination charges; obtaining and resisting temporary restraining orders and preliminary injunctions in non-competition/trade secret litigation; and advising on employment contracts, handbooks and policies and procedures. Joe also advises employers in connection with investigations into harassment, fraud and other allegations of misconduct of employees at all levels.

Joe previously served as Managing Partner of the Philadelphia Office, the Chair of the Philadelphia Litigation Department and Philadelphia Office Hiring Partner.

- Class Actions
- Employment
- Litigation, Arbitration and Investigations
- Product Liability, Mass Torts and Product Stewardship

## REPRESENTATIVE CLASS ACTION MATTERS

- Defeated conditional certification of FLSA wage and hour and related class action claims against a national retailer
- Obtained dismissal of bad faith, breach of contract and consumer fraud act claims asserted by class against insurance carrier
- Won summary judgment dismissing all national class allegations of consumer fraud and breach of warranty against large automaker
- Obtained dismissal of national class action against global lender

- Won dismissal of all class action allegations against automaker in a case asserting fraud, consumer fraud and breach of warranty
- Negotiated several favorable nationwide settlements of consumer fraud and breach of warranty claims against consumer product manufacturers and automakers

## REPRESENTATIVE PUBLISHED OPINIONS

- *Tria WS LLC v. American Automobile Insurance Co.*, 2021 WL 1193370 (E.D. Pa. March 30, 2021)
- *Behrens v. Arconic, Inc.*, 487 F.Supp.3d 283 (E.D. Pa. September 16, 2020)
- *Nabi v. Hudson Group (HG) Retail, LLC*, 2015 WL 5843210 (S.D.N.Y. September 28, 2015)
- *Grudkowski v. Foremost Ins. Co.*, 2013 WL 816666 (M.D. Pa. March 5, 2013) reconsideration denied, 2013 WL 3322347 (M.D. Pa. July 1, 2013)
- *Calender v. NVR, Inc.*, 2012 WL 4482009 (D.N.J. September 26, 2012)
- *Khan v. Airport Management Services, LLC*, 2011 WL 5597371 (S.D.N.Y. 2011)
- *Gilbert Noble v. Porsche Cars North America, Inc.*, 2010 WL 606305 (D. N.J. 2010)
- *Robert Reibstein v. Continental Tire North America, Inc., et ano.*, 2007 US Dist. LEXIS 24755 (E.D. Pa. 2007)
- *Amtrak v. Pa. PUC*, 288 F.3d 519 (3d Cir. 2002)
- *Woodrow Guyton, III v. AM General*, 2001 US Dist. Lexis 21012 (E.D. Pa. 2001)
- *Eagle Computer Associates v. Chesapeake Software Services, Inc., et al.*, 1999 US Dist. Lexis 17509 (E.D. Pa. 1999)
- *Alfred J. Dandurand v. CNA Insurance Company*, 1998 US Dist. Lexis 5089 (E.D. Pa. 1998)
- *Edward Blizzard v. Motorola, Inc. v. General Electric Mobile Communications Distribution, Inc., et al.*, 1996 US Dist. Lexis 1959 (E.D. Pa. 1996)

## CREDENTIALS

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### Admissions

- Pennsylvania
- New Jersey
- New York

### Recognitions

- The BTI Consulting Group, based on extensive client interviews, repeatedly named Joe in its annual BTI Client Service All-Stars Report, which recognizes lawyers who deliver "The best client service to Fortune 1000 companies."

For more information, pursuant to New Jersey Lawyer Advertising guidance, please [click here](#).

### Education

- J.D., New York University
- B.A., Pennsylvania State University  
*summa cum laude*

### Memberships

- American Bar Association

### Civic and Charitable

- Advisory Board Member, Penn State University, Brandywine Campus
- Leadership Counsel, KIPP Philadelphia

- Advisory Board Member, Homeless Advocacy Project, Philadelphia
- Board Member, Nether Providence Township Athletic Association
- Member, Environmental Action Committee, Nether Providence Township
- Past Board Member, Pennsylvania State University, Schreyer Honors College Scholar Alumni Society Board

## INSIGHTS

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### Publications

- Co-author, "Contract Clauses: Force Majeure, Termination and Suspension in the COVID Era," *The Legal Intelligencer*, August 12, 2020
- Co-author, "Defense Innovations in FLSA Opt-In Collective Actions," *Law360*, October 7, 2015

### Events

- Panelist, "TenantTalks, Bringing the Firm Back to the Office," American Lawyer Media, March 31, 2021
- Presenter, "The Attorney-Client Privilege and Corporate Internal Investigations," DELVACCA's 4th Annual In House Counsel Conference, April 16, 2012

## NEWS

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### MEDIA MENTIONS

- "What Big Firms Have the Happiest Philadelphia Associates?" *The Legal Intelligencer*, August 25, 2021
- "Grenfell Tower Fire Case Moves From Pa. To UK," *Law 360*, September 16, 2020