



Jason R. Benton

Partner

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t 704.335.9509



Jason Benton has diverse experience with litigation in both trial and appellate courts. He is among less than half a percent of American lawyers invited to become a fellow in the Litigation Counsel of America, an honorary society that recognizes excellence among trial attorneys. His practice focuses on complex civil disputes with an emphasis on the defense of personal injury, property damage, municipal liability, product liability, and professional malpractice claims.

Across the areas he practices, clients rely on Jason for his preparation, attention to detail and fearless approach to taking on challenges. He is admitted to practice in all state courts in North Carolina and the federal district courts for the Western, Middle, and Eastern Districts of North Carolina.

Jason counsels and represents various clients on a broad range of issues that include:

- Personal injury, wrongful death and property damage claims
- Municipal and public official liability, including §1983 civil rights and police use of force claims
- Trucking and transportation liability
- Product liability, premises liability, industrial accidents, toxic torts, and catastrophic injury claims
- Professional malpractice, including engineering, architectural, accounting, and legal malpractice claims
- Errors and omissions, including insurance agent/broker liability
- Insurance coverage disputes
- Fair debt collection practices and other consumer action claims

REPRESENTATIVE EXPERIENCE

Trials/Arbitrations

- After a one-week jury trial, and after stipulating to liability, obtained a verdict for defendant teacher/coach in a personal injury case involving a rear-end activity bus accident in which the damages awarded to the plaintiff totaled only one-seventh of the amount offered by the defendant in settlement negotiations prior to trial.
- Obtained a complete defense verdict on behalf of a gas utility company after a two-week jury trial in which the plaintiff-landowner alleged breach of contract and unfair and deceptive trade practices arising out of the gas



CHARLOTTE OFFICE



PRACTICE AREAS

Product Liability & Mass Tort
 Professional Negligence Defense
 Government & Public Policy Litigation



EDUCATION

Wake Forest University
 JD, 2001
 Wake Forest University
 BA, *cum laude*, 1998



ADMISSIONS

North Carolina, 2001



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company's removal of trees on plaintiff's property for purposes of installing a natural gas pipeline.

- Obtained a complete defense verdict on behalf of three police officers after a two-and-a-half-week jury trial in which the plaintiff contended that the officers acted with malice and were negligent in discharging their firearms at a fleeing suspect during a vehicular pursuit, missing that suspect, and striking the plaintiff-passenger.
- Obtained a defense verdict in a premises liability case on behalf of a homeowner in a three-day jury trial in which the plaintiff alleged that his injuries arising from a fall off of the homeowner's roof were the result of negligence.
- Represented architect in a two-week AAA arbitration hearing concerning claims of architectural malpractice and construction delay in which the arbitration award was less than the amount offered in mediation to settle.

Decisions of Note

- *Stricklin v. Stefani, et al*, 2018 WL 6606078 (W.D.N.C. Dec. 17, 2018). Obtained summary judgment for global concert promoter/operator on all of plaintiff's claims against it arising out of injuries incurred during a crowd surge at a music concert.
- *Catlin Specialty Ins. Co. v. Tegal, Inc., et al*, 2018 WL 4329293 (W.D.N.C. Sept. 11, 2018). Obtained summary judgment for insurance agency on all of plaintiff's claims against it, including negligence and breach of fiduciary duty, arising out of the alleged failure to procure trademark liability coverage.
- *Harris v. Gorrod*, 2017 WL 3402081 (W.D.N.C. Aug. 8, 2017). Obtained summary judgment for a police officer on all of plaintiffs' claims, including claims of unlawful search and seizure, assault, gross negligence, and § 1983 violation of Fourth Amendment rights during an encounter with plaintiffs.
- *Talley v. City of Charlotte*, 2016 WL 8679235 (W.D.N.C. July 22, 2016). Obtained summary judgment for municipality in this police liability case on the plaintiffs' claims of negligent failure to train and establish policies, § 1983 violation of 14th Amendment rights, and violations under the Americans with Disabilities Act arising out of the injured plaintiff's attempted suicide while in custody.
- *OmniSource Corporation v. Heat Wave Metal Processing, Inc.*, 2015 WL 3452918 (E.D.N.C. May 29, 2015). Obtained an order from the federal district court granting summary judgment on negligent



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hiring/training/supervision and punitive damages claims against defendant-metal processing company arising out of fire damage to plaintiff's material handler. Also, successfully defended against plaintiff's *Daubert* challenge to client's fire cause and origin expert.

- *Turfworthy, LLC v. Dr. Karl Wetekam & Co. KG*, 26 F.Supp.3d 496 (M.D.N.C. 2014). Obtained an order from the federal district court dismissing all of the claims filed against a foreign manufacturer of monofilament yarn used in artificial turf in this products liability case.
- *Wilcox v. City of Asheville, et al*, 730 S.E.2d 226 (N.C. App. 2012). Obtained summary judgment of state constitutional claims asserted against police officers in this use of force case, which summary judgment was affirmed by the Court of Appeals after oral argument.
- *Gaddy v. Yelton, et al*, 2011 WL 3608023 (W.D.N.C. January 14, 2011). Obtained an order from the federal district court dismissing all claims asserted against a municipality in this case in which the plaintiff alleged § 1983 violations of his First and Fourth Amendment rights under the U.S. Constitution.

PUBLICATIONS

- "Defending the Excessive Use of Force Claims in its Various Forms," *The Defender*, Spring 2012

SPEAKING ENGAGEMENTS

- "Recent Trends and Evolving Issues in Excessive Force Litigation," Presenter, North Carolina Association of Defense Attorneys (NCADA), 2016 Winter Workshop, January 2016
- "Police Liability Claims, Presenter," Presenter, Legal Issues Involving Local Governments, National Business Institute (NBI), December 2012
- "Recent Developments in the Use of Force," Presenter, North Carolina Association of Defense Attorneys (NCADA), 2011 Fall Seminar, October 2011
- "Anatomy of a UM/UIIM Policy," Presenter, National Business Institute (NBI) - Charlotte, December 2010



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HONORS

- Litigation Counsel of America, Fellow, 2017-present
- *Benchmark Litigation*, Future Star in North Carolina, 2018-2021; 40 & Under Hot List, 2016
- *North Carolina Super Lawyers* Rising Star, 2009-2013, 2016

MEMBERSHIPS

- North Carolina Association of Defense Attorneys, Board of Directors, 2014-2016, Membership Committee, 2006-2011, Chairman, 2009-2010; Vice Chair, Products Liability Division, 2008-2009