



**JON P.
MALARTSIK**
SHAREHOLDER

Chicago, IL

P: 312-782-9920

F: 312-782-9965

jpmalartsik@kopkalaw.com



Practice Areas

- Arbitration
- Automobile Accident Defense
- Bad Faith
- Commercial Lines (Premises Liability)
- Construction Defect Litigation
- Contract Disputes
- Coverage Litigation
- Personal Lines (Premises Liability)
- Products Liability
- Retail and Restaurant (Premises Liability)
- Real Estate Closings
- Real Estate (E&O)
- Transportation Defense
- UM/UIM
- Lemon Law/Warranty Litigation
- Wrongful Death Defense

Jon P. Malartsik focuses his practice on civil litigation, specializing in defending insurance companies, individuals and businesses in personal injury and property damage claims. He has a diverse and experienced background in cases involving construction accidents, product liability, occupational accident defense, trucking/transportation litigation, motor vehicle accidents, premises liability, wrongful death, consumer law defense, insurance coverage, and subrogation.

In addition, Jon specializes in the defense of automobile dealerships in fraud and warranty cases. He has handled commercial litigation in contract actions and litigated complex property damage cases including a large loss at a multi-family residential project involving more than 130 properties, which lasted approximately eight years.

Jon has tried cases to verdict in multiple Illinois Circuit Courts including Cook, DuPage, Kane, Lake, Will, Winnebago and McHenry Counties. He has defended clients in the U.S. District Court in Chicago and Rockford, argued appeals before the first, second, and third districts of the Illinois Appellate Court, as well as argued a case before the Illinois Supreme Court. With experience representing parties in alternative dispute resolution (ADR), Jon

has participated in many mediations, and handled numerous cases in arbitrations through AAA, BBB, ADR, JAMS, and circuit court.

Trial and Case Highlights

- Jon secured a defense verdict in a case wherein the plaintiff, an employee of an auto dealership, attempted to ride a co-worker's motorcycle in the dealership parking lot during a break and collided with a customer's car as another employee backed out of a parking space. The plaintiff claimed that the co-worker was negligent in failing to see him. However, other employees who witnessed the event said plaintiff had no experience operating a motorcycle and lost control of it, driving into the back of the car.
- Jon prevailed in a Motion for Summary Judgment representing a commercial property owner in a premises liability case where the plaintiff fell off a roof access ladder 19-feet off the ground and sustained life-threatening injuries. Additionally, he won the appeal of that decision.
- Jon tried a motor vehicle accident case to verdict in Cook County wherein an elderly female plaintiff pulled out from a side street, which was controlled by a stop sign, into through traffic lanes and was t-boned by a dump truck. The plaintiff claims that she was stopped in middle of intersection waiting for traffic to her right to clear so she could complete turn. The defendant claimed that the plaintiff's vehicle pulled out in front of him. There were no independent witnesses, and the plaintiff asked for over \$5,000,000. Ultimately, the jury only awarded \$1,000,000 and assessed the plaintiff with 50% fault for a net verdict of \$500,000. Additionally, there was no award on the loss of consortium claim.
- In a premises liability case tried to verdict in Cook County, Jon defended a motor vehicle dealership when the plaintiff slipped on an unknown substance inside the service department and claimed a cervical disc herniation and meniscus tear. The plaintiff asked the jury for an award more than \$2,000,000. Defense contested future damages claim related to adjacent disc syndrome. The jury agreed, awarding no future damages, and net verdict of \$400,000.
- Successfully settling a case at mediation, Jon defended a client in a \$2,300,000 fire loss. The settlement amount was less than 5% of the claimed amount.
- At arbitration, Jon represented a motor vehicle company/car dealership. The customer leased a new Maserati Ghibli from the dealership worth more than \$50,000. He filed a claim with AAA pursuant to arbitration clause in contract claiming that the dealership fraudulently misrepresented that manufacturer was going to be developing software that would enable Apple CarPlay to be upgraded in his car after his purchase. He further claimed that he relied upon this representation when he purchased the vehicle. The dealer denied making such a representation and claimed that the customer knew the vehicle did not come with Apple CarPlay. The arbitrator ruled in favor of the defense.

Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois
- Federal Trial Bar

Education

- DePaul University College of Law, J.D.
- Vanderbilt University, B.S.