

Patrick C. Gallagher, Esquire

Pat Gallagher was born and raised in southern West Virginia. He received his B.A. in Economics, magna cum laude, from Elon University in 2002. He thereafter attended law school at Wake Forest University, graduating cum laude in 2005. While in law school, he was involved in mock trial, Moot Court, and Law Review.

After graduating from law school, Pat returned to West Virginia where he worked for a large defense firm. He defended clients in consumer finance, deliberate intent, and Mine Safety Health Administration cases. In 2008, he moved to the Wilmington, Delaware, area where he joined a large Wilmington law firm, practicing primarily in the area of corporate litigation before the Delaware Court of Chancery. In 2009, Pat moved to Dover where he joined a small firm focusing on personal injury, family law, and criminal defense. Over time, he expanded his areas of practice to include the administration/probate of estates, bankruptcy, real estate litigation, landlord/tenant issues, civil rights, employment law, and the representation of small businesses.

Currently, Pat focuses his practice in the areas of personal injury, employment discrimination, and civil rights. Pat has litigated cases at every level of the Delaware courts, including the Delaware Supreme Court. He also regularly practices in the Federal District Court for the District of Delaware.

Pat is also involved in the community. He has previously served on the Board of Directors of Delaware's Community Legal Aid Society, Inc., the Board for the Kent County Bar Association, the Executive Committee of the Delaware State Bar Association, and as a statewide co-chair for the Delaware Combined Campaign for Justice. He is currently an Associate Member of the Delaware Supreme Court's Board of Bar Examiners.

When not at work, Pat enjoys cycling, spending time with his wife and cocker spaniel, and all things music.

Practice Areas

- Personal Injury and Medical Malpractice
- Civil Rights
- Employment Law, including discrimination & wage and hour disputes

Admissions

- Delaware, 2008
- West Virginia, 2005

Representative Cases

- *Chance v. Kraft Heinz Food Company*, 2018 WL 6655670 (Del. Super. Dec. 17, 2018) (establishing a private right of action under the Delaware Medical Marijuana Act that is not preempted by the Federal Controlled Substances Act).
- *Lampkins v. Mitra QSR, LLC*, 2018 WL 6188779 (D. Del. Nov. 28, 2018) (denying employer's motion for summary judgment on hostile work environment and constructive discharge claims where employee was denied breaks and privacy to express breast milk at work).
- *Cordrey v. Doughty*, 2017 Del. Super. LEXIS 525 (Del. Super. Oct. 11, 2017) (holding that parties whose identities were unknown to Plaintiffs prior to the expiration of the statute of limitations could be added after the statute of limitations expired under Rule 15 where the parties to be added had notice of the original action and rejecting the notion that "mistake" under Rule 15(c) is limited to cases of misnomer).
- *Bryson v. Del. Occupational Health Res., LLC*, 2017 Del. Super. LEXIS 264 (Del. Super. May 31, 2017) (holding medical malpractice statutes do not require an Affidavit of Merit for health care providers' breach of obligation to maintain confidentiality of patient's medical information).
- *Kade v. Workie*, 2017 U.S. Dist. LEXIS 26618 (D. Del. 2017) (defeating majority of Motion to Dismiss filed by professor of state university who sexually harassed his plaintiff-student)
- *Hignutt v. Kencrest Servs., Inc.*, 2015 Del. Super. LEXIS 981 (Del. Super. Dec. 1, 2015) (defeating defendant-employer's Motion to Dismiss counts of implied breach of contract stemming from prior employment relationship).
- *Helm v. 206 Mass. Ave., LLC*, 107 A.3d 1074 (Del. 2014) (reversing Superior Court's grant of summary judgment in favor of defendant on grounds of comparative negligence as a matter of law).
- *Taylor v. Taylor*, 102 A.3d 151 (Del. 2014) (reversing Family Court's denial of Rule 60(b) motion to reopen alimony award entered by default).