

The Legal Intelligencer

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O'Brien & Ryan Wins Four Defense Verdicts

Victories Are Between Nov. 30 and Dec. 9

BY MELISSA NANN BURKE

Of the Legal Staff

The Plymouth Meeting firm O'Brien & Ryan had plenty of reason for giving thanks the week after Thanksgiving: it won four defense verdicts in a little more than a week in three counties.

The verdicts in Philadelphia, Delaware and Bucks counties between Nov. 30 and Dec. 9 were all in medical malpractice cases.

"I'm really proud of our attorneys — it shows the depth we're fortunate to have in the position of trial attorneys," said Daniel F. Ryan, a name partner at the 28-lawyer firm that defends professional liability actions.

Ryan said that he was pleased that these physicians and their insurers took their cases to a jury when they believed they had a meritorious defense.

Although court statistics show that juries are trying fewer cases nationwide today compared with 25 years ago, O'Brien & Ryan has been picking about four to six juries a month, Ryan said.

"It seems like we're trying more than ever," he said.

Not all those cases go to verdict, of course. Some are settled, and others are thrown out of court on non-suit motions, he noted.

Ryan's victory was in Delaware County on behalf of a doctor at Temple University. Another partner, David L. Gordon, also won a defense verdict in Delaware County.

"We try a lot of cases, yes," Gordon said. "But to have this many going on at once and to have this many positive results — it's a unique thing. It's pretty cool."

Gordon represented Gregory T. Tadduni, an orthopedic surgeon who works out of Paoli Hospital.

EMBLETON V. TADDUNI

On Thursday, the jury returned a unanimous verdict in favor of Tadduni after four days of trial and one hour of deliberations. Common Pleas Judge James F. Proud presided.

J. Craig Currie of J. Craig Currie & Associates represented Paul Embleton. The 36-year-old was at work when a tree branch whacked the side of his hand, breaking his fifth metacarpal bone.

Embleton alleged in court documents that Tadduni should have diagnosed a hand infection in the three weeks following a surgery he performed on Embleton's hand to realign bones. A doctor at the



GORDON



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Philadelphia Hand Center identified the infection and performed emergency surgery to address the infection, but by that time the condition had caused permanent damage to a wrist bone, according to court documents.

After the surgery, Tadduni had referred Embleton to specialists to treat a pain syndrome the patient developed following the procedure. Gordon said defense experts opined at trial that the infection had not presented any symptoms in the three weeks Tadduni had treated Embleton after his surgery.

PANICHELLI V. VANETT

In the case Ryan defended, the jury voted 11-1 in favor of Bruce B. Vanett, an orthopedic surgeon.

After a two-day trial, the jurors found Vanett was not negligent in his treatment of Anne Panichelli, a Broomall woman who was 60 when Vanett placed a prosthetic piece in her right knee in 1997, according to court documents. Common Pleas Judge Harry J. Bradley presided.

Panichelli, represented by Havertown attorney Michael LaRosa of LaRosa & DeLuca, claimed that Vanett had improperly placed the knee implant, requiring a revision surgery sooner than would have been necessary otherwise, according to court documents.

Ryan said he presented the testimony of an expert who said Vanett's placement was entirely appropriate, and the revision surgery was necessary because the patient's weight and arthritis in the opposite knee wore on the implant.

GOTTLIEB V. CHACK

A Bucks County jury, 11-1, found Benjamin S. Chack, an otolaryngologist, was not negligent in his treatment of plaintiff Mark S. Gottlieb, a physician himself. Common Pleas Judge Susan Devlin Scott

presided over the four-day trial.

In his lawsuit, Gottlieb, a family practitioner, claimed the sinus surgery recommended and performed by Chack was not medically necessary, according to court documents. Gottlieb's lawyer was Harry J. Oxman of Oxman Goodstadt Krevitz & Kuritz.

Chack was represented by O'Brien & Ryan attorney Matthew T. Corso, who argued to the jury the surgery was in fact needed. The jury agreed.

ROXBOROUGH MEMORIAL HOSPITAL

A 10-2 Philadelphia jury returned a defense verdict on Dec. 3 in favor of Warren Cohen, a doctor at Roxborough Memorial Hospital.

Cindy John was a 22-year-old student at Drexel University when she was treated by Cohen, who diagnosed a urinary tract infection, according to court documents.

Three months after Cohen saw her, John was diagnosed with acute appendicitis necessitating surgery. She later sued Cohen for malpractice, alleging the condition should have been diagnosed when he examined her in August 2001, according to her complaint.

Cohen was represented by O'Brien & Ryan attorney Matthew Kessler, who said he argued that John's symptoms indicated a urinary tract infection and only a urinary tract infection. During the three months between her visit to Cohen and her appendectomy, John saw many other doctors and her symptoms changed from general abdominal pain (from August to October) to sharper pain in her upper quadrant in November, signaling appendicitis.

The jury deliberated for less than two hours, Kessler said.

Elias B. Landau, a sole practitioner in Philadelphia, represented John. •