

Kline & Specter Eletter October 2022

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Duquesne renames law school as the Thomas R. Kline School of Law of Duquesne University



Duquesne University announced renaming its law school as the Thomas R. Kline School of Law of Duquesne University during a celebration attended by students, faculty, alumni and a host of dignitaries, including four current members of the Pennsylvania Supreme Court. With a \$50 million gift Kline now becomes the largest donor to Duquesne University in its 144-year history. Duquesne University President Ken Gormley said the gift to Kline’s alma mater will support student scholarships, faculty grants and other law school programs. “It is enormously meaningful for Duquesne to have our law school named for an individual whose career success is synonymous with excellence in the legal profession,”

said Gormley, also former dean of the law school. “... We’re proud that one of our most distinguished alumni, who has represented Duquesne so impressively

on a national and global stage, will now help shape the next century of our renowned law school. This gift will benefit generations of students, graduates, and members of society on a broad scale.” Kline’s gift eclipses his \$7.5 million gift given in 2017 to establish the Thomas R. Kline Center for Judicial Education at Duquesne Kline, which provides continuing legal education to judges across Pennsylvania. “I have long been proud of my *alma mater* and have been happy to have played a role in strengthening its future,” said Kline, who was awarded the law school’s Most Distinguished Student Award upon his 1978 graduation. Law School Dean April Barton, said, “Linking Tom Kline and Duquesne permanently in the name of the law school will empower future lawyers for generations to come.” Kline’s gift is part of his continuing expansive commitment to legal education in the commonwealth. In 2014, Kline donated \$50 million establishing Drexel University’s Thomas R. Kline School of Law. As reported by *The Philadelphia Inquirer*, approximately three of 10 Pennsylvania law school graduates will be Kline Law graduates from both Drexel Kline and Duquesne Kline law schools. Drexel Kline has dramatically risen in the rankings to become a Top 40 U.S. Private Law School since his gift there in 2014. Dean Dan Filler of Drexel Kline noted that Drexel Kline and Duquesne Kline already collaborate through the Thomas R. Kline Center for Judicial Education, adding, “Through the center, faculty share their expertise with trial and appellate judges in Pennsylvania. We anticipate the law schools will continue to collaborate to support ethical lawyering throughout the state.” At the Duquesne Kline celebratory event, Kline & Specter founding partner Shanin Specter summed it up in these words: “Now from our commonwealth’s eastern edge to its western expanse, Tom Kline has elevated legal education with a magnificent series of gifts for our common benefit for generations today and to come.” ([See news media coverage](#))

Merson wins \$28.5 million verdict for ex-NFL running back

Jordan Merson, who heads the firm’s New York office, won a \$28.5 million verdict for a former New York Giants player for a botched surgery that ended his football career. The surgery by Dr. Dean Lorch with the Hospital for Special Surgery took place after running back Michael Cox was injured upon being tackled during a game against the Seattle Seahawks in November 2014. Lorch failed to treat cartilage loss on the talus during the surgery to repair Cox’s broken leg and injured ankle. Cox, who had a four-year contract with the Giants, was awarded \$1 million for past pain and suffering, \$15.5 million for future pain and suffering and \$12 million for lost earnings. The trial lasted almost three weeks in New York State Supreme Court. Afterward, Merson told *The New York Post*: “The jury spoke with a clear and unambiguous voice that Mr. Cox received inadequate medical care and treatment and was significantly injured as a result. We are pleased with the jury’s decision.” Co-counsel in the case was Merson partner Jordan Rutsky. Lorch was a well-known surgeon in New York who rose to



Merson

prominence after treating Bono, frontman for the band U2, following the singer's 2014 bike accident. Lorch, associate director of the hospital's orthopedic trauma service and chief of the orthopedic trauma service at New York-Presbyterian Hospital, was found dead of an apparent suicide a year after the lawsuit was filed. ([Read article](#))

Bosworth, DeAngelo win \$19M verdict, largest for PA med mal case this year.



Tom Bosworth and **Terrance DeAngelo** won a nearly \$19.7 million verdict against a University of Pennsylvania doctor for a Lansdowne woman who suffered permanent injuries after a mass on her spine was left undiagnosed for more than four years. The verdict is the largest in Pennsylvania this year in a medical malpractice case. The plaintiff's award was about \$18.5 million after it was reduced by six percent for comparative negligence on the part of the plaintiff. The verdict was for Diana Melendez, 57, who began complaining about back pain with a tingling feeling in 2012. The back pain developed into neurological weakness and numbness and the

tingling progressed to her legs and feet, yet no MRI or CT scan of her spine was ever ordered nor was she referred to a neurologist or spine specialist. The jury found negligence on the part of Dr. Gyi P. Mo, an internal medicine primary care doctor employed by Penn's health system. Melendez's injuries are catastrophic and permanent. She walks with a rolling walker for stability, has been diagnosed with incomplete paraplegia, leg spasticity, and bowel and bladder incontinence. She had once worked at Penn as a lab technician but was terminated in 2017 after she became unable to work due to her disability. The verdict came after a two-week trial in Philadelphia Common Pleas Court. Assisting Bosworth and DeAngelo in the case were **Courtney Wilson**, **Alex Esposito**, and **Lisa Meglino**. After the verdict, Bosworth told the news media: "The jury righted a wrong and delivered justice for which Ms. Melendez has been waiting years to obtain. I am hopeful that this verdict will be a message to all healthcare providers to take the complaints of their patients seriously, to order the appropriate tests and to refer their patients to the suitable specialists when needed to detect potentially debilitating medical problems." ([Read article](#))

Firm achieves \$30 million settlement in crash case



Specter



Waldenberger



Pasquarello

Shanin Specter, James Waldenberger and Philip Pasquarello obtained a \$30 million settlement plus safety improvements arising from a motor vehicle accident in Delaware County, Pa., involving a commercial vehicle causing a severe brain injury to a seven-year-old child. Further details of the case are confidential.

Suit filed against hoverboard maker in death of sisters



Kline



Dunbar



O'Neill

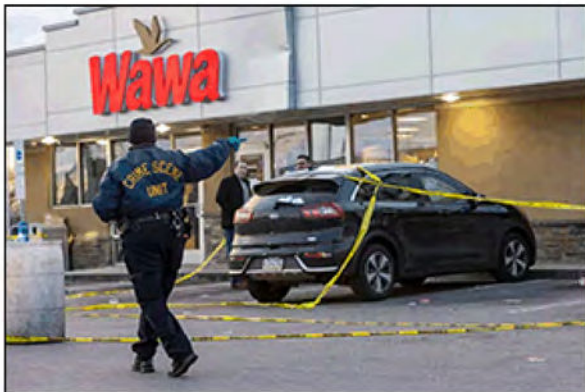
Tom Kline, Aaron Dunbar and Jack O'Neill filed suit against manufacturer Jetson Electric Bikes over a tragedy in which a hoverboard caught fire while charging and caused the deaths of two young sisters as flames destroyed their family home in Hellertown, Pa. The incident, which happened last April, claimed the lives of Brianna Baer, 15, and Abigail Kaufman, 10, who were trapped on the second floor of the house when the fire erupted sometime after midnight. The lawsuit, filed in federal court, alleges that the Jetson Rogue Hoverboard marketed primarily to children had a “defective and unreasonably dangerous design.” It states that Jetson knew or should have known that it could short-circuit and cause fires while charging, yet Jetson continued to market and advertise the hoverboard. The suit claims the defendant “knowingly, purposely and consciously concealed their knowledge of these serious dangers” and that the manufacturer’s manual and website fail to acknowledge the product’s risks. It accuses the defendant of “negligent, reckless, fraudulent and/or outrageous

conduct” and failing to adequately test the hoverboard. Kline told the news media: “We intend to hold the manufacturer of this dangerous product responsible for the deaths of two innocent young children, and, in doing so, seek to prevent future preventable injury, death and grief from occurring.” ([See news coverage](#))



Lawsuit filed over stabbing death in Wawa parking lot

Shanin Specter, Aaron Dunbar and Jack O'Neill filed suit against Wawa, Inc., a security company and a strip mall owner over the highly publicized death of a man who was stabbed in a South Philadelphia Wawa parking lot and left for hours without help as he bled to death in his vehicle. The complaint included detailed research of prior incidents at the store, including 90 reported assaults, robberies, shootings, weapons offenses and rapes



occurring there in just five years prior to the attempted robbery that claimed the life of Roger Segal, 49, last Valentine's Day. Segal was a popular figure in the area, a musician and bartender at the Woolly Mammoth bar. He had gone to the Wawa to get some food after his bartending shift ended at 1 a.m. The suit claims that no one attempted to intervene or went to Segal's aid during or after the stabbing. It was hours before he eventually was taken by ambulance to Jefferson University Hospital, where he was pronounced dead. Specter told the news media: “Roger Segal's death was preventable, had the Wawa, mall owner and security company taken reasonable steps to provide for safety and security. We intend to push hard for justice for Roger's family and for safety improvements at the mall.” The suit cites negligence and carelessness in the matter, particularly a failure to provide adequate cameras, lights and security personnel, and inadequate training and supervision of personnel. It notes that the same site was the scene of multiple previous crimes, including one in which two men were shot, one fatally, only four months before Segal's stabbing. An arrest was made in the Segal case. ([read article](#))

Jonathan Goodall elevated at Kline & Specter

Jonathan D. Goodall was elevated to an associate attorney position in the Mass Torts Department. Goodall was a member of the team that worked over the past eight years on transvaginal mesh litigation that resulted in hundreds of settlements following a series of large verdicts for women injured by the implanted medical device. As a contract attorney during that protracted



Goodall

litigation, Goodall deposed plaintiffs, their families and expert witnesses and executed all phases of discovery and trial preparation while also preparing and reviewing pleadings, motions, petitions and complaints. Before coming to Kline & Specter, he was a lawyer with the global law firm Dechert LLP, while also working as a volunteer legal advocate for unemployment beneficiaries at Mid-Penn Legal Services in Harrisburg, Pa. Prior to that experience, Goodall was in private practice representing clients in criminal court in Philadelphia. He also worked

for eight years as an insurance appeals manager for Apple Financial Management in Hollywood, Fla., where he supervised a team of five associates. Goodall earned his bachelor's degree at Florida Atlantic University, where he graduated *magna cum laude*, and his law degree from Fordham University School of Law, where he was a member of the *Fordham International Law Journal*. During law school, Goodall helped establish the New York State Commission on Public Integrity, which governs the ethical behavior of state employees. He also worked before law school as a legislative aide to former U.S. Sen. Connie Mack III (R-FL), a Philadelphia native (and also grandson to the former owner and manager of baseball's Philadelphia Athletics). Goodall is a U.S. Army veteran who served at Fort Bragg, N.C., and in South Korea. Goodall is an avid hiker who over a six-month period traveled the entire Appalachian Trail, roughly 2,200 miles.

Lorentson teaching at Jefferson University

Amanda Lorentson began working as an adjunct professor at Jefferson University's East Falls Campus. Her class, under the School of Health Sciences & Law and Society, is titled "Health, Law & Ethics." It is not the first teaching position for Lorentson. Before attending law school at the University of Pennsylvania, she worked as a 5th grade teacher in Washington, D.C. and taught 8th grade English at the Young Scholars Charter School in Philadelphia. In addition to her legal duties at Kline & Specter, Lorentson also serves as its Coordinator of Diversity, Equity & Inclusion.



Lorentson

Laidacker, Lawless comment on upcoming U.S. Supreme Court cases

Andra Laidacker moderated the panel at the closing plenary session of the 2022 Philadelphia Bench-Bar and Annual Conference in Atlantic City. The panel, including **Helen Lawless**, offered a preview of cases listed for argument during the Fall 2022 term of the U.S. Supreme Court to an audience of Philadelphia lawyers and judges. In addition to guiding discussion, Laidacker remarked on the court's change in personnel with the addition of Justice Ketanji Jackson, the



Laidacker



Lawless

stunning leak of a draft opinion in the *Dobbs* decision and the resulting turmoil about the court's institutional strength, as well as what may be expected from a Supreme Court powered by a now six-justice conservative majority. Lawless addressed some of next term's anticipated blockbuster cases. These include a challenge to the constitutionality of anti-

discrimination laws protecting LGBTQ people and the use of race as a factor in college and university admissions. Lawless also offered perspective on a case in which the court is poised to decide whether state legislatures are entitled to absolute control of federal election laws, challenging the authority of state courts to determine whether these laws comport with state constitutions or the U.S. Constitution. For another event, Laidacker contributed recaps for a PCN broadcast on cases argued in the Pennsylvania Supreme Court during the court's September 2022 session. The commentary airs on PCN and the court's YouTube channel.

IN MEDIA:

Specter to NY Times: PA political races will be “tough”



Specter

Shanin Specter was quoted in a *New York Times* article about the elections for governor and the U.S. Senate in Pennsylvania, which the newspaper said has “emerged as the nation’s center of gravity and its ultimate battleground.” *The Times* noted that in the governor’s race, Attorney General **Josh Shapiro**, the Democrat, appears to have a lead over Republican State Sen. **Doug Mastriano**, a conservative who is backed by Donald Trump. Mastriano, who denies that the former president lost the 2020 election to Joe Biden, adamantly opposes abortion rights, while Shapiro favors a woman’s right to choose. In the

Senate race, the Democrat also seems to hold a lead in the polls. That would be Lt. Gov. **John Fetterman**, whose Republican opponent is **Dr. Mehmet Oz**, the physician TV celebrity also supported by Trump. Fetterman has questioned Oz’s Pennsylvania bona fides since the Republican only recently moved to the commonwealth from neighboring New Jersey, while Oz supporters have questioned the health of Fetterman, who suffered a stroke several months ago though says he now feels well and is expected to make a full recovery. The article notes that the lead by both Democrats in fundraising and in the polls is expected to tighten as the November election draws closer. Specter, who knows something about elections, having helped run the campaigns of his father, the late Sen. Arlen Specter, agreed. He told *The Times*: “The real professionals know it’s going to be very tough.” He added a warning,

noting that some people live in an “echo chamber” and believe “Shapiro couldn’t possibly lose. And they’re just dead wrong.” ([Read the article](#))

Risperdal cases fading, Roundup due up next for mass torts, says Kline



Tom Kline was featured in *The Legal Intelligencer* on new mass tort cases looming in Philadelphia’s Complex Litigation Center. While one set of cases are heading to a close – such as those involving the pharmaceutical Risperdal – others are gathering steam, among them lawsuits involving the herbicide Roundup, which thousands of

plaintiffs claim caused their cancer. The article noted that the number of Risperdal cases is still at 1,196, that is a vast reduction from the 10,719 cases that existed on the court’s docket in January 2020. Kline noted that his firm and co-counsel at Sheller PC and Arnold & Itkin had resolved about 5,000 of those cases against Johnson & Johnson subsidiary Janssen Pharmaceuticals. He told *The Legal Intelligencer* that the defendants were partly motivated to settle after he won an \$8 billion verdict in a Risperdal case and that several more cases were ready for trial. When asked by the newspaper what cases were among “the next big thing,” Kline responded: “There’s no doubt that Roundup is going to be the marquee in the program for the foreseeable future, in my considered opinion. ... I think it has currently the largest, the most progressively growing inventory.” He said there were about 200 cases on the Roundup docket, with all filed by Pennsylvania plaintiffs to avoid possible conflicts over jurisdiction. In all, he said Kline & Specter represents “many thousands of Roundup victims” who have been screened for non-Hodgkin lymphoma believed to be caused by exposure to Roundup. He said the goal is to go to trial with cases in 2023. ([Read the full article](#))

Law school grads should consider plaintiffs firms, says Specter in article

Shanin Specter was among several major plaintiffs law firm leaders quoted in an article by *The Legal Intelligencer* on how many of these firms miss out on recruiting among the best law school graduates, instead ceding this fertile ground to Big Law defense firms. Titled “Plaintiffs Firms’ Pitch to Rising Lawyers: Don’t Sell Out to Big Law,” the front-page story noted that many graduates choose Big Law and their generally bigger starting salaries because they feel they must for a number of reasons, primary among them the need to pay off college loans. But in doing so, many

who attended law school with the vision of exacting justice for vulnerable parties end up doing just the opposite in defending “the very corporate powers they vowed to challenge.” But the article noted that many plaintiffs firms are trying to drive home the idea that young lawyers don’t have to give up their crusader-minded ambitions. Specter advocates that plaintiffs firms join Big Law in recruiting at college campuses, places where the smaller firms are now often nonexistent. “That’s been unfortunate,” Specter told the newspaper, “because, historically, plaintiffs firms have missed out on hiring some of the best and brightest law students who have been utilizing on-campus interviewing as their method for finding employment.” Instead, many plaintiffs firms hire from Big Law and prosecutors’ offices after young lawyers have earned experience. Specter serves as the faculty adviser for the Plaintiffs Lawyers Association at UC Hastings College of the Law and the Plaintiffs Law Association at the UC Berkeley School of Law. The article noted that Specter sends students article clippings to “paint a portrait of Big Law as a precarious and unsatisfying entry-point to the profession.” ([Read the article](#))



Specter on Court Radio on med mal venue rule, other topics



Shanin Specter commented on the Court Radio program on a number of issues, including recent action by the Pennsylvania Supreme Court to eliminate the special venue rule governing medical malpractice lawsuits in the commonwealth. The change to the Pennsylvania Rules of Civil Procedure eliminates the mandate that medical malpractice lawsuits be filed only in the same county in which the incident occurred. Starting Jan. 1, 2023, such litigation can be filed – as with other civil litigation -- in

any county in which the defendant regularly conducts business. The rule limiting venue for medical malpractice cases was, said Specter, the result of “the naked exercise of raw political power 20 years ago.” The radio program touched on Specter’s cases against power companies that produced not only substantial verdicts and settlements but also power line safety improvements and Kline & Specter’s verdicts and settlements for women who suffered injuries due to implanted vaginal mesh medical devices. Said Specter: “The civil justice system is the best check on the free enterprise system. We can’t rely on the government

to protect us.” At the end of the day, he said, nothing is better for deciding justice “than 12 people sitting in a room without a stake in the outcome.” ([Listen here](#))

Boeing execs should face criminal investigation, writes Specter

In an opinion-editorial article, **Shanin Specter** and Chicago attorney **Robert A. Clifford** wrote that executives of Boeing should face criminal investigation for the March 2019 crash of a Boeing 737 Max 8 aircraft that killed 157 people, including seven Americans, in Ethiopia. That crash occurred about four months



after a similar accident that killed 189 people and, suggested Specter, the Max 8 should have been grounded after that incident but Boeing officials decided against doing so. The \$201 million in fines leveled against the company by the U.S. Securities and Exchange Commission and \$1 million against former CEO Dennis Muilenburg is not enough, argued Specter, noting that Muilenburg received a package worth an estimated \$60 million upon his firing by Boeing. Specter also noted that David Calhoun, who was also involved in the decision to keep the Max 8 in the air after the first tragedy, remains CEO of Boeing. Both the former and current CEO, he wrote, should face criminal investigation. And he suggested pursuing charges of involuntary manslaughter, which occurs when death results from acts performed in a criminally negligent or reckless manner. Specter acknowledged in the op-ed that he and Clifford both represent families of victims of the second crash. They state in the article about the Boeing executives: “Their behavior reveals a deliberate pattern of covering up a dangerously flawed aircraft design, particularly after the first 737 Max 8 crash on Oct. 29, 2018 that killed all 189 persons on board.” The article, published on [Smerconish.com](#), notes that after the first crash Muilenburg approved a news release stating that the Max 8 “is as safe as any airplane that has ever flown in the skies.” The Max 8 was later grounded for 20 months while Boeing overhauled the aircraft. Specter and Clifford concluded about the Boeing executives: “Such irresponsible conduct – if proven in criminal court – needs to be punished, both for the memories of the deceased and for the safety of the general public.” ([Complete article](#))

CHARITY:

Firm Christmas drives begun

The firm is collecting donations for this coming Christmas for the Adopt-a-Family and Angel Tree programs. Those interested can “adopt” a family in need and help them have a better Christmas celebration. Angel Tree (also called Children's Tree, Toy Shop or Toy Town, depending on the community) provides toys to children who otherwise might not find anything under the tree on Christmas morning. For Angel Tree, \$25 or two age-appropriate gifts are being sought per child. Adopt-a-Family is seeking \$100 per family member or a combined gift for families who have lost everything due to fire. Donations can be left with **Amy Guth** or **Tracy Leonardis** or a donation box on the 16th floor. Kline & Specter’s Excellence Committee also has been in touch with the Salvation Army and notes it is looking for 1,000 people to volunteer during the holiday season. Volunteers will work from Dec. 12-15 and the committee can use as many volunteers as possible.

Firm sponsors football, baseball programs

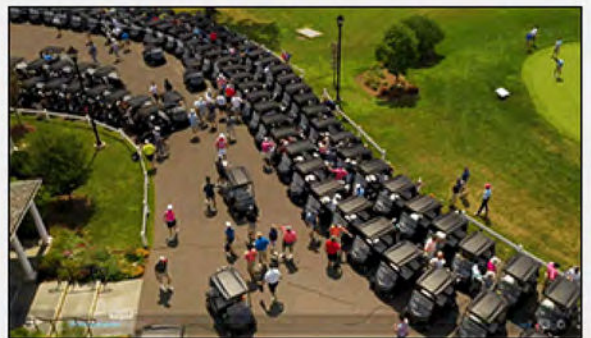


Kline & Specter is sponsoring a sports program put on by Thomas Jefferson University for children to play football and baseball. The program includes 220 kids playing football at the South Philadelphia Supersite at 10th and Bigler and 125 signed up for baseball at FDR Park. (Pictured, from left: Quincy Peterson, Jackson Springer, A.J. Gaddis and Logan

Lederer)

Piazza memorial golf outing a big success

Kline & Specter was a sponsor of the sixth annual Timothy J. Piazza Memorial Golf Outing and Dinner held in the name of the Penn State freshman who died during a hazing incident in 2017. **Tom Kline, David Williams** and **Helen Lawless** represent Tim’s parents, Jim and Evelyn Piazza, in ongoing civil



litigation. The Piazzas have already achieved changes in university and fraternity policies and practices and changes in the law in Pennsylvania and New Jersey. The outing, held at Fiddler’s Elbow Country Club in Bedminster, N.J., drew 290 golfers to three courses and a total attendance of 360. Proceeds went to provide special prosthetics to children and the fundraiser has so far helped more than 125 children. Jim Piazza explained at the outing that his son Tim was interested

in a career in mechanical engineering and that he loved children. At the dinner, Evelyn Piazza told the large audience, “It’s special to do something that he wanted to do. We are fulfilling his dreams.”

Kline & Specter offers to help employees who help others

Noting the troubles facing Philadelphia, from poverty to violence, Kline & Specter has offered to support employees who help others. In a memo to employees, **Tom Kline** and **Shanin Specter** noted: “We hesitate to raise these issues with you. We are only your employers. We respect your autonomy and privacy. So what follows is not a request but rather an offer.” They mentioned just a few ways employees can “help our city,” things such as mentoring through programs such as Big Brothers and Big Sisters, assisting with a food bank or pantry such as the Share Food Program, or giving financial assistance to a worthy charity or person in need. “Time you might spend on such efforts will be reasonably accommodated by us,” they said in the memo, adding that, “money you might spend on such efforts will be considered by us when setting your compensation.” They noted awareness of how busy employees are and restated that they are “not asking, we’re offering ... we want you to know that we will help you give back if you independently decide to do so.”

“Never doubt that a small group of thoughtful, committed citizens can change the world: indeed, it’s the only thing that ever has.”

– Margaret Mead

“One of the country’s leading personal injury firms”
Philadelphia Inquirer

“The most powerful plaintiffs firm in the city”
Philadelphia Business Journal

“A powerhouse law firm”
The New York Times



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