

Kline & Specter Eletter March 2024

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K&S - A&I team wins \$2.25B verdict in Roundup cancer case



Tom Kline, Jason Itkin, Tobin Millrood and their supporting cast of courtroom lawyers and paralegals won a \$2.25 billion jury verdict – including \$2 billion in punitive damages – against Monsanto Co. in finding its weed killer Roundup caused cancer in a 49-year-old Pennsylvania man. John McKivison was diagnosed with non-Hodgkin's lymphoma after using Roundup on his property for 20 years. The verdict was the second jury verdict won by Kline & Specter and Arnold & Itkin following the \$175 million award won last October on behalf of Ernest Caranci. Tom Kline and co-lead counsel Jason Itkin said in a joint media statement: "The jury's unanimous verdict was a condemnation of 50 years of misconduct by Monsanto and a declaration that its misconduct was in reckless disregard of human safety and a substantial cause of John McKivison's cancer." They added that the punitive damages award "sends a clear message that this multi-national corporation needs top to bottom change." The jury found that Roundup is a defective cancer-causing product, that Monsanto was negligent, and that Monsanto, owned by Germany-based AG Bayer, failed to warn about the dangers of Roundup. The verdict made Kline and Itkin the first attorneys in America to win two billion-dollar verdicts, also counting their \$8 billion Risperdal verdict in 2019, for a single individual plaintiff. It also gave Kline & Specter six of the eight largest verdicts in Pennsylvania over the past five years, and Kline five of the largest jury verdicts in Pennsylvania. The post-trial unified team photo includes (from left) **Melissa Merk, Tobin Millrood, Roland Christensen, Daniel Moreno, Christopher Gomez, Cody Hall, Tom Kline, Jason Itkin, Noah Wexler, Claudia Martinez, Brittany Clark, Narissa Espinal, Jessica Karroum** and **Karitsa Brown** ([See The Washington Post article](#))

Lepisto wins \$11M verdict in dental malpractice case

In one of the largest-ever verdicts against a dentist in Pennsylvania, **Braden Lepisto** won an \$11 million award for a Chester County woman whose oral cancer was allowed to fester for seven months, necessitating surgical removal of



part of her tongue. Mary Heffelfinger, 66, had a sore on her tongue when she saw her dentist in 2018, but she was not promptly referred for a biopsy. The delay resulted in Stage IV cancer for which Heffelfinger underwent radiation, immunotherapy and chemotherapy, and major surgery to remove part of her tongue due to squamous cell carcinoma. The verdict, delivered by a Luzerne County, Pa. jury after a three-day trial, included \$8 million in punitive damages against Dr. Linda Shen, the owner of Shen Smiles with locations in Drums and Tamaqua, as the jury found her care negligent and also reckless. Lepisto told the news media after the verdict: "I stressed to the jury that they had the

opportunity to send a message to Dr. Shen and to protect others in their community from this type of outrageous conduct from any healthcare provider. They embraced the opportunity and sent that message with this verdict." Assisting Lepisto in the case was **Angela Fattizzo**.

Trio achieves \$32M settlement in birth injury case

Priscilla Jimenez, **Lisa Dagostino** and **Jim Waldenberger** reached a \$32 million settlement with Hahnemann University Hospital in the case of a child born severely brain damaged after doctors delayed performing a cesarean section. The child, now nine years old, is quadriplegic with severe



communication impairment and requires a feeding tube. The incident at the hospital occurred in 2014 when his mother, who was 39 weeks pregnant, arrived at Hahnemann because her baby had not moved for several hours. She was placed on a fetal monitor, which confirmed the infant was in distress. But rather than immediately performing a C-section, doctors tried to induce labor over the next 10 and a half hours. Finally, with the baby's heart rate in decline, a C-section was performed. The lawsuit claimed that had the C-section been performed immediately, brain damage to the child could have been avoided or greatly reduced. The settlement was reached the week before the case was to have gone to trial. Hahnemann announced its closure in 2019.

Bezar, Marks win \$24.5M for sex trafficking victims



Nadeem Bezar and **Emily Marks** won a \$24.5 million arbitrator's award against the North American Motor Inns on City Avenue for two victims of human trafficking who as teenage girls had been forced into prostitution at the establishment. The incidents occurred in 2013, with one 17-year-old victim held at the hotel for up to two weeks, while the other, who was 16 at

the time, had been taken to the hotel on about 30 occasions. The girls, who were not identified, were awarded \$12 million and \$12.5 million by Philadelphia arbitrator William Ricci. The victims were physically harmed and held under the threat of physical harm after seeing injuries inflicted on other victims. "What these women went through was horrible. We applaud their bravery in coming forward and vocalizing their experiences. We were honored to represent them and are pleased with the arbitrator's awards," Bezar told the news media. Added Marks: "These awards are a significant victory in holding hotel owners and operators accountable for the open and obvious criminal activity that is occurring on their properties and will hopefully cause the hotels to act to deter such conduct moving forward." Both traffickers went to prison, with one eventually released and the other still serving time. ([See The Philadelphia Inquirer article](#)) Bezar and Marks have won substantial results for other victims of human trafficking, including a \$37.5 million arbitration award last year for three victims in a case against North American Motor Inns, and a \$24 million

settlement reached with Days Inn for eight victims. In just more than one year, from February 2023 to February 2024, five case results have totaled more than \$100 million in matters involving sex trafficking and abuse of minors.

Bezar, Dandy get \$6.5M settlement in child death case

Nadeem Bezar and **Sherrell Dandy** obtained a \$6.5 million settlement with Northeast Treatment Centers (NET) over the beating death of a three-year-old child at a foster home. The plaintiffs in the case alleged that the social services agency negligently approved a foster home where a household member had a history of aggravated assault and then failed to properly monitor the girl's well-being. "It was a situation where the NET recognized that this wasn't an ideal handling of a case, and they recognized that the injuries were bad," Bezar told *The Legal Intelligencer*. Hope Jones died of blunt force trauma in July 2022. The foster mother has been charged with murder. The little girl should not have been placed in the home because of one of the occupant's criminal record, and once placed, the caseworker assigned should have performed regular evaluations that would have turned up signs of abuse. Said Dandy: "The system failed Hope. She was brutally beaten and deprived of food, causing her weight to drop drastically while living in the home ... The signs of starvation and abuse went unnoticed by the people who were supposed to protect her." Bezar said he was gratified that as the case settled NET showed a desire to implement changes to ensure a similar tragedy does not occur again, and that it was open to a third party, perhaps even Bezar, reviewing its practices to make things better in the future. ([Read article](#))



Civil rights suit filed in deadly rowhouse fire



The firm filed a federal lawsuit claiming civil rights violations against two city agencies for the families and estates of eight people killed in one of the deadliest fires in Philadelphia history. The civil action, coming two years after the fire, was filed by **Tom Kline, Aaron Dunbar, Sherrell Dandy** and **Frank Mangiaracina** and claims that the Philadelphia Housing

Authority (PHA) and the city's Department of Human Services (DHS) violated the victims' constitutional right to health and safety because of unsafe conditions at the rowhouse. Kline told the news media that since the fire occurred and since a first state court torts claim was filed last year his office's investigation uncovered facts giving rise to the claim of civil rights violations. He noted overcrowding at the rowhouse and the absence of a fire escape, the lack of an operable fire suppression system and working smoke alarms, and he said that PHA and DHS were aware of the problems. "They knew it and they should have protected the people in this property," he told CBS3-TV, adding, "We believe there needs to be an accounting for it." In the earlier lawsuit filed in Philadelphia Common Pleas Court last March, Kline had cited a lengthy ATF investigation and report as well as his office's own initial independent investigation into the fire. That investigation, he said, showed that the building was a "fire trap." He added in his interview with CBS3: "My word, the people in this property lost their lives and never had a chance." ([Watch CBS story](#))

Kline & Specter appellate team defends multiple verdicts

Chip Becker was the recipient of great praise — plus a lot more work — as described in a *Legal Intelligencer* article reporting on his defense of major verdicts won by other plaintiffs' firms, as well as those obtained by Kline & Specter. *The Legal Intelligencer* described Becker as "one of Pennsylvania's preeminent appellate lawyers" and noted that Kline & Specter is broadening its post-trial work to meet an increasing demand for top-notch appellate counsel. It quoted Shanin Specter: "With more trials coming through the system, there have been several large verdicts that raise the stakes for the parties involved ... With a large verdict and the



commensurate increase in the stakes, it makes sense to bring in appellate counsel to maximize the chances of a good outcome on appeal." Citing Becker's "tremendous credibility in the appellate courts," he noted Becker and his appellate colleague Andra Laidacker are now defending the five largest verdicts in Pennsylvania in the past year, totaling \$2.61 billion. (Kline & Specter added another appellate attorney, Kimberly Collins, this month. See below.) Among the cases Becker, Laidacker and Collins are working on is the \$976.5 million defective seatbelt award won last November by the firms of Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck and Farrar & Ball against Mitsubishi Motors, the record \$182.7 million medical malpractice verdict against the Hospital of the University of Pennsylvania won by Gilman & Bedigian and the \$26.2 million trucking accident verdict won by Morgan & Morgan, as well as Kline & Specter and Arnold & Itkin's \$2.25 billion and \$175 million Roundup verdicts. Specter is not the only attorney singing Becker's praises. Crooned John Hare, chair of Marshall Dennehey's appellate advocacy practice and frequent opponent of Kline & Specter's appellate team: "This is a tribute to Chip and who he is in the bar that he is getting involved in types of cases that he was previously not involved in. There, frankly, is nobody like Chip, with his combination of just stature, likeability, intelligence." ([Read article](#))

New attorney brings number at Kline & Specter to 60



Kimberly M. Collins, an attorney with broad experience as a Pennsylvania appellate court law clerk, litigator and elected public official, has been added to the firm's appellate team. She becomes the 60th attorney at Kline & Specter, already Pennsylvania's largest plaintiffs' firm. Collins previously worked for Ricci Tyrell Johnson & Grey in Philadelphia and before that at White and Williams, LLP. After graduating the Temple University Beasley School of Law, Collins went to work in the Pennsylvania appellate court system. She first was a law clerk for Superior Court Judges James J. Fitzgerald III and Sallie Updyke Mundy, then clerked for four years for Mundy when she ascended to the Pennsylvania

Supreme Court. Collins has been published numerous times, including by *Sports Litigation Alert*, a Hackney Publication, in 2023 on the "The Best Defense: Knowing the Rules of the Game." In 2021, she was elected to a four-year term to the Ridley Park Borough Council, where she serves on the finance committee and is liaison to the board of recreation and the school district. At Beasley Law, Collins won a number of academic honors, among them inclusion on the Dean's List, distinguished class performance and outstanding oral advocacy for trial advocacy, best papers for criminal law and criminal appellate procedure and distinguished class performance for criminal law. Collins earned her undergraduate degree *magna cum laude* from the University of Scranton. She is licensed to practice in Pennsylvania and New Jersey and before federal district courts in both states.

Shanin Specter Courtroom dedicated at UC Law San Francisco

Shanin Specter was honored by UC Law San Francisco (formerly Hastings) with the dedication of the school's Shanin Specter Courtroom and the unveiling of a three-panel portrait, or triptych, by the award-winning artist Michael Shane Neal. The portrait features Specter listening, writing and speaking. As he explained at the ceremony: "... Much of teaching boils down to the three-step process of listening, writing and speaking. That's true whether



we are teaching a jury or teaching a class." Specter has been teaching tort and trial related courses since 2000, including at UC Law San Francisco, Stanford, Berkeley, Penn (now Penn Carey) and Drexel Kline and has long urged a closer relationship between academicians and practitioners. As Specter has written in a law review article to be published this spring, "Practice without doctrine is rudderless, while doctrine without practice is powerless."

Dunbar wins Outstanding Young Lawyer Award



Aaron Dunbar won The Barristers' Association of Philadelphia's Outstanding Young Lawyer Award at a ceremony attended by more than 750 people. In a speech at the organization's annual Martin Luther King breakfast, Dunbar dedicated the award to the women in his life, namely his wife Mari, his mother Angela, and grandmothers Janet Harris and Ann Dunbar. His elders, he

said, helped guide him through a childhood in West Philadelphia that saw them overcome one tragedy after another, including three murders, that of his grandfather, father and brother Devin, his only sibling. Unlike Rev. King, Dunbar noted that the violent deaths in his family did not come while fighting for civil rights. "Unfortunately," he said, "death by execution is a common ending for most black men no matter their profession, political views or social economic class." Dunbar persevered in large part to spare his family one more such death. He told his audience: "For me, the fear of being murdered and causing any more damage to my mother and grandmothers' hearts only morphed into a relentless drive to succeed." Dunbar graduated *magna cum laude* from the University of Maryland Eastern Shore and earned his law degree from North Carolina Central University School of Law, where he was staff editor of the Law Review. He went to work as a prosecutor with the Philadelphia district attorney's office and later joined Kline & Specter.

Kline, Specter named among Power 100

Tom Kline and **Shanin Specter** were again named by the *Philadelphia Business Journal* to its Power 100 comprised of its selection of the Philadelphia region's "most powerful businesspeople." The duo were the only plaintiffs attorneys named to the



list, which includes the CEOs of many of the area's largest corporations, university presidents, even a top chef, and leaders from the worlds of health care, technology and real estate. In a special section, the *Business Journal* had this to say about Kline and Specter, who formed Kline & Specter in 1995: "The leaders of the city's largest plaintiff personal injury firm continue to pile up major verdicts and settlements. In January, the firm helped secure a \$2.25 billion jury verdict for a client whose non-Hodgkin's lymphoma was caused by the weed killer Roundup manufactured by Bayer-Monsanto that came on the heels of last summer's \$11 million settlement with Philadelphia community umbrella agency Tabor Community Partners after an infant in the agency's care was diagnosed with a traumatic brain injury resulting from abuse."

AP quotes Kline in Roundup enterprise story



The *Associated Press* issued a lengthy story about the legal battle over Roundup, noting that the \$2.25 billion verdict won by Tom Kline and co-lead counsel Jason Itkin in January was "the largest yet in the long-running litigation over the popular Monsanto weed killer." It noted that Monsanto had previously won a string of verdicts across the nation but that "the tide changed last year" with large verdicts for plaintiffs who had used the herbicide and developed cancer. Kline was quoted as saying, "They try to show that non-Hodgkin lymphoma is just something that happens randomly, (but) the arc of the scientific literature has turned against Monsanto in the past seven years." With thousands of cases remaining, Kline told the news service that in order to keep Roundup on the market, Monsanto parent company AG Bayer ignored known health risks from Roundup's chief ingredient - glyphosate - though the chemical has since been removed from the product. The company, Kline said, didn't even warn users to wear gloves and protective clothing. The article noted that a branch of the World Health Organization in 2015 called glyphosate "probably carcinogenic to humans." Kline noted that the jury in his latest case was a highly educated panel, with half its 12 members having attended college and several, including the jury foreman, holding master's degrees. He concluded: "We're confident that the verdict is sound." The AP article was carried by a number of news outlets, including by ABC national news and as far as Chicago and the United Kingdom. ([Read article](#))

NY Times: Kline and Itkin “well known for winning substantial verdicts”

Following the \$175 million jury verdict against Monsanto in a Philadelphia Roundup case, *The New York Times* published an article featuring **Tom Kline** and Arnold & Itkin's **Jason Itkin**, his co-lead counsel in the case. Coupled with a photo of the duo, the article's headline noted that Monsanto's bills “keep piling up” from Roundup litigation in which juries recently have been finding the



herbicide caused cancer in various plaintiffs. Kline and Itkin argued in court that not only did Roundup cause cancer but that Monsanto knew the weed killer was dangerous. “They needed to admit what a responsible chemical company would do,” Kline told *The Times*, “We proved through the facts that they did the opposite over a long period of time.” The newspaper wrote that Kline and Itkin are “well known for winning substantial verdicts or settlements against big companies, including Merck and the energy company Motiva.” It noted their \$8 billion jury verdict in 2019 against Johnson & Johnson found a young man's breast growth was caused by the drug Risperdal. ([Read The New York Times article](#)) After the \$175 million verdict reported in *The New York Times* article, Kline and Itkin went on to win another major Roundup jury verdict, for \$2.25 billion (See above).

Try not to cry (too much) ...

*On a sad note, long-time Kline & Specter employee **Bob Zausner**, – no, he didn't die – is retiring after 22 years at the firm. “These have been six of the best years of my life,” he said. Zausner joined the firm ostensibly on a one-year leave from The Philadelphia Inquirer to write a book about Kline & Specter and decided that the best way to do that was to write about its fascinating cases. Two Boys came first, followed by three other books and finally, a fifth, titled Unconventional Wisdom, which is due out early next fall. Along the way, he took the reins of the fledgling website, which has grown to nearly 2,000 pages, Google/Bing advertising and, of course, this eletter. Loved and respected by all – see, authorship has its advantages – he now sets off to a world of sleeping late (OK, later) and pickleball, for which his wife has changed her goodbyes from “Have fun!” to “Don't get hurt!” to “Don't get hurt again!” And finishing his own book, a work of fiction. (Not to worry, names will be changed to Tim Klune and Shamus Scepter to protect the characters' true identities.) In partial seriousness, it's been a great ride with many lessons learned, including the fact that all lawyers aren't bad people and that, in fact, many of them really do some wonderful things for those who were horribly wronged. And it has been a pleasure to work with a group that is the best of the best. Zausner will be replaced by **Hank Grezlak**, the esteemed former editor-in-chief of The Legal Intelligencer. On a last note, please be sure to buy Unconventional Wisdom when it comes out. The author gets the royalties.*

COMMUNITY

Kline & Specter employees participated in a number of service events to celebrate Martin Luther King Day. Linda Cedeno worked at Health Injustice West Philly, where volunteers sorted clothes, shoes, coats, and provided food for neighborhood residents. **Jo Winston, Jaclyn Crittenden, Beyonces Gonzalez, Dorothy Sandell, Shelby Redding, Kim Comey, Lori Coney** and **Tracy Leonardis** volunteered at the Anderson Recreation Center making care packages to benefit students at Historically Black Colleges and Universities (HBCUs). The mission was intended to expose and educate the city's youth to HBCUs and Black Greek Letter Organizations. **Kami Miller** worked in the kitchen at Beth Am Israel's MLK Day of Service in Penn Valley, where participants held a clothing drive and made cards for those who are ill. **Janis Ent, Jill Stewart, Kelly Broadus** and **Kathy Spurka** volunteered preparing, packaging and distributing more than 150 meals at The Lighthouse Community Center at the First Baptist Church in Pitman, N.J. The center provides hot meals several times per month to those in need.

Jill Stewart, Kelly Broadus, Kathy Spurka and **Janis Ent**, prepared, packaged and distributed more than 150 meals to those in need at The Lighthouse Community



Center in Pitman, N.J.

PHOTOS

Tom Kline laughing with Hawks Head Coach **Quinn Snyder** about the fact that he has a law degree from Duke Law but ended up an NBA head coach. Proof there are so many career paths after law school! Hawks beat our revised 76ers 127-121.



As **Doc Rivers** returned to Philadelphia, now as the head coach of the Milwaukee Bucks, **Tom Kline** was the first to greet him on the hardwoods.



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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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