

# TOP PENNSYLVANIA VERDICTS OF 2012



**MOST SETTLEMENTS OR VERDICTS IN PENNSYLVANIA TOP 50**



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## TOP PA VERDICTS OF 2012

RANK	CASE NAME	AMOUNT	TYPE OF ACTION	TYPE	COURT NAME	PLAINTIFF ATTORNEYS	DEFENSE ATTORNEYS	DATE
1	<i>Carnegie Mellon University v. Marvell Technology Group Ltd.</i>	\$1,693,402,271	Intellectual Property: Infringement	Verdict-Plaintiff	U.S. District Court, Western District of Pennsylvania, Pittsburgh	Douglas B. Greenswag (co-lead), Seattle, WA of K&L Gates LLP; Patrick J. McElhinny (co-lead), Pittsburgh, PA of K&L Gates LLP; Theodore J. Angelis, Seattle, WA of K&L Gates LLP; Mark G. Knedeisen, Pittsburgh, PA of K&L Gates LLP; Christopher M. Verdini, Pittsburgh, PA of K&L Gates LLP	David C. Radulescu (lead), New York, NY of Quinn Emanuel Urquhart & Sullivan, LLP	12/26/2012
2	<i>Goretzka v. Allegheny Energy Inc.</i>	\$109,000,000	Worker/Workplace Negligence: Negligent Maintenance	Verdict-Plaintiff	Allegheny County Court of Common Pleas	Shanin Specter (lead), Philadelphia, PA of Kline & Specter, P.C.; Kila B. Baldwin (co-lead), Philadelphia, PA of Kline & Specter, P.C.; Dominic C. Guerrini, Philadelphia, PA of Kline & Specter, P.C.	Avrum Levicoff (lead), Pittsburgh, PA of Levicoff, Silko & Deemer, P.C.; Elizabeth E. Deemer (co-lead), Pittsburgh, PA of Levicoff, Silko & Deemer, P.C.; Melissa Walls, Pittsburgh, PA of Levicoff, Silko & Deemer, P.C.	12/6/2012
					Common Pleas	stock & Dodig LLP; G. Scott Vezina, Philadelphia, PA of Feldman Shepherd Wohlgelemer Tanner Weinstock & Dodig LLP;	McGinley, Richard E. Geschke, Philadelphia, PA of McCann & Geschke, P.C.; Donald N. Camhi, Philadelphia, PA of Post & Scheil, P.C.	
4	<i>University of Pittsburgh of the Commonwealth System of Higher Education v. Varian Medical Systems Inc.</i>	\$36,884,294	Intellectual Property: Patents	Verdict-Plaintiff	U.S. District Court, Western District of Pennsylvania, Pittsburgh	William P. Quinn Jr. (lead), Philadelphia, PA of Morgan, Lewis & Bockius LLP; William S. Stickman IV, Pittsburgh, PA of Del Sole Cavanaugh Stroyd LLC; Arthur H. Stroyd, Pittsburgh, PA of Del Sole Cavanaugh Stroyd LLC; Bradford A. Cangro, Washington, DC of Morgan, Lewis & Bockius LLP; David W. Marston Jr., Philadelphia, PA of Morgan, Lewis & Bockius LLP; Elizabeth Stroyd Windsor, Pittsburgh, PA of Morgan, Lewis & Bockius LLP; John D. Zele, Washington, DC of Morgan, Lewis & Bockius LLP	Henry M. Sneath (lead), Pittsburgh, PA of Picadio Sneath Miller & Norton, P.C.; Joseph A. Greco, San Jose, CA of Beck, Ross, Bismonte & Finley, LLP; William L. Anthony, Menlo Park, CA of Orrick, Herrington & Sutcliffe LLP; Zheng (Jen) Liu, Menlo Park, CA of Orrick, Herrington & Sutcliffe LLP; Matthew H. Poppe, Menlo Park, CA of Orrick, Herrington & Sutcliffe LLP; Joseph R. Carnicella, Pittsburgh, PA of Picadio Sneath Miller & Norton, P.C.	2/23/2012
5	<i>Phillips v. Temple University Hospital Inc.</i>	\$12,876,069	Medical Malpractice: Negligent Treatment	Verdict-Mixed	Philadelphia County Court of Common Pleas	David Kuritz, Bensalem, PA of Oxman Goodstadt Kuritz, P.C.	Daniel P. Martz, Philadelphia, PA of Christie, Pabarue, Mortensen and Young; Marie C. Plyter, Philadelphia, PA of Christie, Pabarue, Mortensen and Young; George L. Young Jr., Philadelphia, PA of Young & McGilvery, P.C.	2/22/2012
6	<i>Estate of Harlem v. McNamara</i>	\$6,407,039	Medical Malpractice: Negligent Treatment	Verdict-Plaintiff	Philadelphia County Court of Common Pleas	Matthew A. Casey, Philadelphia, PA of Ross Feller Casey, LLP; Joshua R. Van Naarden, Philadelphia, PA of Ross Feller Casey, LLP	Charles A. Fitzpatrick III, Philadelphia, PA of Rawle & Henderson, LLP	5/31/2012
7	<i>Estate of Burkhardt v. York Hospital</i>	\$6,000,000	Wrongful Death	Verdict-Plaintiff	York County Court of Common Pleas	Jaime D. Jackson, Lancaster, PA of Atlee Hall	Leigh A. J. Ellis, Camp Hill, PA of Foulkrod Ellis; Shaun J. Mumford, Lancaster, PA of Stevens & Lee	9/14/2012
8	<i>Papadopoulos v. NTP Marble Inc.</i>	\$4,166,666	Contracts: Breach of Contract	Verdict-Plaintiff	Philadelphia County Court of Common Pleas	Francis Alexander Malofiy (lead), Philadelphia, PA of Francis Alexander, LLC; Maxwell S. Kennerly, Philadelphia, PA of The Beasley Firm, LLC	David P. Heim, Philadelphia, PA of Bochetto & Lentz, P.C.; Gavin P. Lentz, Philadelphia, PA of Bochetto & Lentz, P.C.	5/11/2012
9	<i>Sheward v. Costanzi</i>	\$3,750,000	Medical Malpractice: Negligent Treatment	Verdict-Plaintiff	Delaware County Court of Common Pleas	Dion G. Rassias, Philadelphia, PA of The Beasley Firm, LLC	Kevin H. Wright, Lansdale, PA of Kevin H. Wright & Associates, P.C.	9/14/2012
10	<i>County Line/ New Britain Realty v. Harleysville National Bank &amp; Trust Co.</i>	\$3,600,000	Contracts: Breach of Contract	Verdict-Plaintiff	Bucks County Court of Common Pleas	Daniel J. Dugan, Philadelphia, PA of Spector Gadon & Rosen, P.C.	Ira S. Lefton, Philadelphia, PA of Reed Smith LLP	2/10/2012
11	<i>Estate of Collingwood v. Milner</i>	\$3,272,000	Worker/Workplace Negligence: Negligent Supervision	Verdict-Plaintiff	Washington County Court of Common Pleas	Craig L. Fishman, Pittsburgh, PA of Shenderovich, Shenderovich & Fishman, P.C.; Edward A. Shenderovich, Pittsburgh, PA of Shenderovich, Shenderovich & Fishman, P.C.	Brad David Trust, Pittsburgh, PA of Dell, Moser, Lane & Loughney, LLC; James R. Miller, Pittsburgh, PA of Dickie, McCamey & Chilcote, P.C.; Rodger L. Paz, Pittsburgh, PA of Dickie, McCamey & Chilcote, P.C.; Joseph W. Selep, Pittsburgh, PA of Zimmer King, PLLC	9/18/2012
12	<i>Goncalves v. Brown Inc.</i>	\$3,047,910	Medical Malpractice: Negligent Treatment	Verdict-Plaintiff	Philadelphia County Court of Common Pleas	James J. Waldenberger, Philadelphia, PA of Kline & Specter	Richard R. Galli, Bala Cynwyd, PA of Galli & Reilly; Nancy K. Raynor, Malvern, PA of Raynor & Associates, P.C.	3/19/2012
					Pleas		Harrisburg, PA of Rawle & Henderson, LLP	
14	<i>Bieber v. Nace</i>	\$2,375,547	Motor Vehicle: Lane Change	Verdict-Plaintiff	U.S. District Court, Middle District of Pennsylvania, Harrisburg	J. Scott Kramer, Philadelphia, PA of Duane Morris LLP	Thomas P. Bracaglia, Philadelphia, PA of Marshall, Dennehey, Warner, Coleman & Goggin, P.C.; John Flounacker, Harrisburg, PA of Thomas, Thomas & Hafer LLP	3/16/2012
15	<i>Estate of Book v. Degler Whiting Inc.</i>	\$2,254,000	Wrongful Death	Verdict-Plaintiff	Philadelphia County Court of Common Pleas	Samuel A. Anyan Jr., Philadelphia, PA of Wagner Newman Wigrizer Brecher & Miller; Steven G. Wigrizer, Philadelphia, PA of Wagner Newman Wigrizer Brecher & Miller	Steven M. Liero, Paoli, PA of Connor, Weber & Oberlies; Glenn Anthony Ricketti, Philadelphia, PA of Margolis Edelstein	1/20/2012
16	<i>Dias v. Yen</i>	\$2,000,000	Medical Malpractice: Eye Surgery	Verdict-Plaintiff	Lehigh County Court of Common Pleas	Timothy R. Lawn, Philadelphia, PA of Raynes McCarty	Gregory S. Nesbitt, Plymouth Meeting, PA of Kilcoyne & Nesbitt, LLC	5/7/2012



## Worker/Workplace Negligence

Woman set on fire by downed power line as children watched

Verdict: (P) \$109,000,000.00

Case Type: Negligent Maintenance, Worker/Workplace Negligence - Negligent Assembly or Installation, Worker/Workplace Negligence - Negligent Training, Wrongful Death, Emotional Distress

Case: Michael Goretzka, individually and as parent and natural guardian of minors Chloe and Carlie Goretzka, and as administrator of the Estate of Carrie Goretzka, deceased and JoAnn Goretzka v. Allegheny Energy, Inc., Allegheny Power, West Penn Power Company and First Energy Corporation, No. GD-11-009919

Venue: Allegheny County Court of Common Pleas, PA

Judge: Michael A. Della Vecchia

Date: 12-06-2012

### Plaintiff(s) Attorney:

- Kila B. Baldwin; Kline & Specter, P.C.; Philadelphia, PA, for Michael Goretzka, Estate of Carrie Goretzka, JoAnn Goretzka
- Dominic C. Guerrini; Kline & Specter, P.C.; Philadelphia, PA, for Michael Goretzka, Estate of Carrie Goretzka, JoAnn Goretzka
- Shanin Specter; Kline & Specter, P.C.; Philadelphia, PA, for Michael Goretzka, Estate of Carrie Goretzka, JoAnn Goretzka

### Expert:

- Campbell Laird Ph.D.; Metallurgy; Philadelphia, PA called by: Shanin Specter, Kila Baldwin, Dominic Guerrini
- John Dagenhart P.E.; Engineering; Raleigh, NC called by: Shanin Specter, Kila Baldwin, Dominic Guerrini
- Christopher Havlik; Engineering; Westlake, OH called by: Shanin Specter, Kila Baldwin, Dominic Guerrini

### Defendant(s) Attorney:

- Elizabeth E. Deemer; Levicoff, Silko & Deemer, P.C.; Pittsburgh, PA, for Allegheny Energy, Inc., Allegheny Power, West Penn Power Company, First Energy Corporation
- Avrum Levicoff; Levicoff, Silko & Deemer, P.C.; Pittsburgh, PA, for Allegheny Energy, Inc., Allegheny Power, West Penn Power Company, First Energy Corporation
- Melissa Walls; Levicoff, Silko & Deemer, P.C.; Pittsburgh, PA, for Allegheny Energy, Inc., Allegheny Power, West Penn Power Company, First Energy Corporation

### Expert:

- Robert Hampton; Engineering; Atlanta, GA called by: Avrum Levicoff, Elizabeth Deemer, Melissa Walls
- Joseph Turek; Metallurgy; Elizabeth, PA called by: Avrum Levicoff, Elizabeth Deemer, Melissa Walls

### Insurer:

- AEGIS (primary, \$5 million; excess, \$35 million)
- Energy Insurance Mutual Limited (excess, \$75 million)

### Facts:

On June 2, 2009, plaintiff's decedent Carrie Goretzka, 39, was in her Irwin home with her family when they lost power. The weather outside was clear skies. She, along

with her mother-in-law JoAnn Goretzka, looked out of the window to see pine trees in her back yard on fire. Carrie could see that the trees were on fire due to a fallen power line. The family claimed that this was not the first time this power line fell. They say it fell in 2003 and 2004, causing fire. Carrie dialed 911 on the home phone, but due to the lost power it didn't work. Carrie ran into the garage to get her cell phone, and then ran outside to her side yard to get good reception.

A 7,200 volt power line fell on her, and she caught on fire. JoAnn ran out to the yard and found Carrie entangled in the line, but JoAnn was shocked and thrown back several feet, injuring her hands.

Carrie's two daughters, Chloe and Carlie, 4 and 2, respectively, stood feet from the downed power line watching their mother being shocked and on fire, helpless to do anything to stop it. Carrie was shocked for approximately 20 minutes by the live wire, until utility workers were able to shut off power to the wire. She was taken to the hospital, where she died three days later.

Michael Goretzka, Carrie's husband, individually and on behalf of her estate and their daughters, sued Allegheny Power, Allegheny Energy, West Penn Power Company and First Energy Corp. JoAnn was also a plaintiff. The complaint alleged that the defendants were negligent and reckless in the installation, maintenance, and inspection of the line, and its connections and splices.

The defendants sued Hubbell Power Systems, Inc., Hubbell Inc. and Fargo Manufacturing Inc., the companies that manufactured the cable splices used in the power line, alleging that they were solely liable.

The additional defendants were dismissed with prejudice by the judge. All of the direct defendants, except for West Penn Power Co., were dismissed by stipulation prior to the trial.

Michael testified that he had contacted West Penn twice previously about power lines falling in his back yard, catching his lawn and trees on fire. He reportedly told the company that he feared for the safety of his family. Plaintiff's counsel argued that West Penn failed to research and investigate the past problems.

The plaintiffs alleged that West Penn failed to properly train their workers to properly maintain the power lines. According to testimony from former workers, many workers cleaned power lines with a knife or another sharp implement before splicing them, if they cleaned them at all. According to the plaintiff's expert engineer, the correct way to clean the wire was with wire brushes, and there was no evidence that they were used. Failure to clean the power lines made them more likely to rust, and then more likely to overheat and fail. According to the plaintiff's expert, this is why the live wire fell.

The plaintiffs' professional engineer said that the fusing used on the wire that fell on Goretzka was inappropriate. The subject wire had a 100t fuse, which according to the expert was an inappropriate fuse. The expert opined that a 65t fuse would have been more appropriate.

The defense argued that the power lines were properly maintained and their employ-

ees were properly trained. The defense's expert metallurgic engineer testified that the power line in question showed signs of being wire-brushed prior to installation, but also said other pieces of the wire were cleaned by other implements. The defense's expert research engineer opined on a study performed in 2006, which reportedly shows no improvement in performance and longevity for wire-brushed power lines, challenging the plaintiff's theory that a failure to properly clean the wire caused it to fail and fall.

In closing arguments, the defense maintained that Carrie went near the faulty power lines, putting herself in harm's way and causing her own accident.

### Injury:

Once the power was disengaged from the power line, Carrie was taken by ambulance to a helicopter, where she was airlifted to UPMC Hospital in Pittsburgh. Her left forearm was reportedly burned down to the bone, necessitating its amputation. Goretzka died in the hospital three days later. JoAnn sustained burns on her hands. She went by ambulance to UPMC Mercy, and was released that same day.

The family sought to recover for Carrie's pain and suffering before her death. They also sought her lost earnings, for which plaintiff's counsel asked for a range of \$2.6 million to \$4.3 million.

Daughters Chloe and Carlie, who watched their mother suffer on the ground, suffered severe emotional trauma and psychological injury. They suffer from sleeplessness, anxiety, depression and other symptoms. No specific amounts were sought for these damages.

### Verdict Information:

The jury rendered a plaintiff's verdict and awarded \$109 million. It is the largest award in the history of Allegheny County.

Estate of Carrie Goretzka  
\$61,000,000 Wrongful Death: Punitive Exemplary Damages

\$10,000,000 Wrongful Death: wrongful death

JoAnn Goretzka  
\$1,000,000 Personal Injury: witnessing, physical injuries

Michael Goretzka  
\$4,000,000 Personal Injury: Chloe Goretzka for witnessing

\$4,000,000 Personal Injury: Carlie Goretzka for witnessing

\$29,000,000 Wrongful Death: Survival

### Post-Trial:

Defense counsel reportedly plans to file a post-trial motion.

*This report is based on court documents and on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.*