



Kline & Specter Eletter - March 2021

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Bezar and Williams win \$2.5M verdict in rape case



Bezar



Williams

Nadeem Bezar and **David Williams**, in a trial conducted entirely over Zoom and establishing new case law, won a \$2.5 million federal bench verdict for a student at the Rhode Island School of Design (RISD) who was raped by a fellow student during a school-sponsored trip to study art in Ireland. The students had been housed in co-ed accommodations in a townhouse with separate bedrooms but were not given keys to lock the rooms. The 20-year-old victim, named only as Jane Doe, was raped in her bed. She was left traumatized by the 2016 incident.

Bezar and Williams charged RISD with failing to properly investigate and provide for the safety and security of students before they went to Ireland and with inadequately training a former student who served as a resident advisor and lived in adjacent housing. The verdict not only created case law for Rhode Island but also has the potential of being used in other federal courts by establishing that institutions have a duty to provide for the protection of students in travel-abroad programs. About a week's worth of evidence was entered in the trial, though the proceeding took about a month to complete using Zoom. During the trial before Chief U.S. District Judge John J. McConnell Jr., an RISD public safety official acknowledged the school had a responsibility to keep students safe. A similar incident had occurred three years earlier to an RISD student studying in Rome. Doe suffers chronic post-traumatic stress disorder, or PTSD, as a result of being raped. The assailant was suspended from campus for three years. He was not prosecuted criminally. ([Read the article](#))

Case brings \$17M in fine and utility safety improvements

A case by **Shanin Specter**, **Kila Baldwin** and **Dominic Guerrini** that resulted in a settlement for the family of a man electrocuted because of a fallen power line has now resulted in a \$1 million fine against the power company and its pledge to make significant safety improvements at a cost of \$16 million. The settlement was litigated by the same trio that won a \$109 million verdict, and subsequent \$105 million

settlement, in another fatal fallen power line case several years earlier in Allegheny County. This latest case was from Northampton County, where a high school teacher, 31-year-old Thomas Poynton Jr., was electrocuted in 2016 as he stepped from the deck of his house onto his backyard lawn, where power was surging from a fallen high-voltage line. His



Specter



Baldwin



Guerrini

dog was also killed, though his wife and their 20-month-old daughter escaped injury. The Kline & Specter attorneys secured a confidential settlement, but before doing so, referred the incident to the Pennsylvania Public Utility Commission, which recently announced a settlement with defendant Metropolitan Edison that included the \$1 million fine and requirements that Met-Ed make upgrades to its power line system that will cost an estimated \$16 million. Specter commented on the latest settlement to lehighvalley.com, saying, “We applaud the PUC for obtaining meaningful safety measures to make all Pennsylvanians less likely to be victimized by an improperly installed and maintained power line. We can’t bring Mr. Poynton back, but this remedial action permits something good to come from his tragic passing.” The incident occurred when Poynton heard a loud explosion, then went outside and was electrocuted when he stepped on the energized ground. The line failure also led to a fire that damaged the family’s home. Investigators found that the line fell because Met-Ed and its contractors had attached the wrong equipment to the 34,500-volt transmission line. The power company’s ground fault protection system also failed, which allowed the continued flow of electricity after the line fell to the ground. The line was so powerful that part of the earth on which it fell was turned into glass beads.

Suit filed over student’s death following fraternity hazing



Alpha Sigma Tau sorority house

Shanin Specter, David Williams and Eleanor Aldous filed suit against a Bloomsburg University fraternity, sorority and 36 of their members on behalf of the family of a student who, the complaint charged, was caused to drink so much alcohol that he became disoriented and fell down a steep embankment to his death. Justin King, an 18-year-old freshman, was invited to rush the Kappa Sigma fraternity, where he was plied with alcoholic beverages, including a vodka-laced mixture known as “jungle juice” or “blackout water” as part of the rush event. He was found the next morning at the bottom of a 75-foot slope. He suffered brain, liver, lung damage and a broken rib, among other injuries. The suit was filed in state court in Luzerne County. King attended the rush party in 2019 after receiving an invitation that was distributed throughout freshman dormitories, a practice known as “dorm storming”.

He and others were recruited in violation of university rules requiring that new students must have earned at least 12 credits before they can be recruited. King’s first semester was only a few weeks underway at the time. The lawsuit alleges that the fraternity, sorority and fraternity members violated the Pennsylvania Timothy J. Piazza Antihazing Law, which was enacted after the death of a young student at Penn State. Among its prohibitions are causing a student to consume alcohol or other substances to the point that it poses a risk of physical harm. Kappa Sigma, the largest fraternity in the country with 200,000 living members and 17,000 undergraduates in 305 chapters, has been expelled from Bloomsburg because of the incident. The Alpha Sigma Tau sorority, which hosted the party, has been suspended for four years. ([Read The Philadelphia Inquirer story](#))

Becker, Laidacker win post-trial round, preserving \$2.3

million verdict

A \$2.3 million jury award won last year by **James Waldenberger** in Lycoming County for a man injured in a lawn mower accident has been upheld. Lycoming County Common Pleas Judge Eric R. Linhardt, in a 36-page opinion, denied post-trial motions made by the defense in the case. The appeal was handled by **Charles “Chip” Becker** and **Andra Laidacker**. The verdict was noteworthy because it was one of the first handed down by a jury since the COVID-19 pandemic struck and closed down courthouses across Pennsylvania and the country. Waldenberger’s client, Harold Getting, 74, had part of his foot including his big toe severed when his rented ride-on mower flipped over on sloped terrain. The jury found Mark Sales and Leasing 85 percent liable for Getting’s injury even though the lawnmower bore a label warning that it became unstable on hilly terrain. Waldenberger, who wore a face shield throughout the trial so the jury could see his face while helping to prevent the spread of the coronavirus, argued at trial that the leasing company rented Getting the wrong mower, that instead it should have given him one that was smaller and used stabilizing weights. He also noted that the salesman had been to Getting’s property and had seen the sloping yard. Getting’s injury not only causes him chronic pain but also affects his ability to walk or go up stairs. The five-day trial concluded with a \$1.5 million verdict for pain and suffering, \$300,000 for disfigurement and \$500,000 to Getting’s wife, Veronica, for loss of consortium. The verdict amount was reduced by 15 percent for Getting’s admitted failure to read the lawnmower’s warning label.



Laidacker



Becker

Specter urges widespread reform of mass tort litigation

Shanin Specter appeared on the “Reasonably Speaking” podcast sponsored by the prestigious American Law Institute and may have surprised some of his fellow attorneys with his comments. The topic was multidistrict litigation and Specter believes that too many lawyers are shortchanging clients by taking more cases than they can handle. He pointed to the vaginal mesh litigation in which several attorneys each represented more than 5,000 clients. Unable to discover — much less try — all of these cases, they were forced to recommend settlements that Specter felt were inadequate. Following the podcast, Specter submitted a formal letter to the MDL Subcommittee of the Committee on Rules of Practice and Procedure suggesting a series of changes. They include:



1. Attorneys should not represent more clients than they can adequately represent.
 2. Mass settlements should be the subject of court approval.
 3. After one year a plaintiff whose case has been transferred to the MDL should have the right to remove their case from the MDL court back to its original federal district court for case-specific discovery and trial on the condition that they not take generic discovery.
 4. Attorneys who perform common benefit work should have a non-waivable right to appeal their fee award.
 5. Common benefit fees should be determined by the judge without input from a fee allocation committee or a special master suggested by plaintiff’s counsel.
- [\(Read the letter\)](#)

Kline Law wins top spots in mock trial contest

Two teams from the Thomas R. Kline School of Law at Drexel University won the regional championship of the National Trial Competition hosted by the Texas Young Lawyers Association, the nation’s largest law school mock trial tournament. More than 200 teams competed from 15 regions. The victories entitle the Kline Law teams to bids to the national tournament in April, one of the few times ever



Pasquarello

that the same law school has won both of a region's bids to the national championship. Ironically, in the first of two championship rounds, Kline Law's first team defeated Duquesne University College of Law, where Tom Kline attended law school. That team was made up of Ryan Nasino, '21, and Nicole Furlani, '21. In the other final, Kline Law's second team of Frannie McDermott, '21, and Grace Grimes, '22, beat American University Washington College of Law to earn the second bid. Grimes was named Best Advocate in the Kline-American final round. In earlier rounds, Kline Law defeated teams representing law schools from Villanova Widger, Penn Carey, Duquesne, Penn State, Widener, Pittsburgh and Seton Hall. Each Kline Law team was undefeated throughout the regional tournament, making Kline Law the only program in the nation with two undefeated teams in the regionals, each with five wins. The

Kline Law teams were coached by Competition Director and Kline & Specter attorney **Phil Pasquarello**, '18, and Jess Falkenstein, '18.

New doctor/lawyer joins Kline & Specter

Richard E. Gorman, a distinguished surgeon who practiced most of his medical career in central Pennsylvania, has joined the firm, which had already boasted having the most full-time doctor/lawyers of any law firm in America. A graduate of Penn State Dickinson School of Law, Dr. Gorman previously held the position of chairman of the Department of Surgery of Chambersburg Hospital in Chambersburg, Pa. He also headed the hospital's Pharmacy and Therapeutics Committee and was a member of its Medical Executive Committee. For 20 years, Dr. Gorman worked with the Summit Surgical Group of Chambersburg and was its lead physician most of that time, with a specialty in general and bariatric surgery. At Dickinson he won a number of awards, including the CALI Excellence for the Future Award (twice). Dr. Gorman attended Jefferson Medical College in Philadelphia, earning membership in the Alpha Omega Alpha Honor Medical Society. He did his residency, in surgery, at the University of Rochester Medical Center and held a fellowship in bariatric surgery at the Milton S. Hershey Medical Center. Dr. Gorman holds a fellowship with the American College of Surgeons and memberships with the American Society for Metabolic and Bariatric Surgery, the Pennsylvania Medical Society and the Franklin County Medical Society. He did his undergraduate studies at Cornell University and the University of Delaware. For kicks, Dr. Gorman participates in Iron Man competitions, triathlons and marathons; he completed the Marine Corps Marathon in Washington, D.C. in under three hours, 2:59 to be precise.



Gorman

Specter featured at Haverford College speaker event



In a virtual appearance, **Shanin Specter** discussed his college and professional career and fielded questions from students, faculty and alumni at the Haverford College Lawyers Network's Speakers Event. Specter, who earned his undergraduate degree from Haverford with a bachelor's degree in political science (with honors, despite being bad at Spanish). He waxed fondly about his days at the college located northwest of Philadelphia. "There is something warm and nurturing and deeply evocative and spiritual about

Haverford College and I hope you share this view ... (it is) a place that cares about you." Specter spoke about the free discussion of social and political issues at Haverford, where students were able to have "positive dialogue" about topics such as race, morality and capital punishment. "We could talk to each other with respect and tolerance and that is something that, of course, is in more seldom supply today." Specter spoke about his law firm and the pride he takes in being able to have brought improvement and increased safety in all areas of society, from mass transit to police regulations to health care. He told possible future lawyers: "I want to suggest to you to think about using your talents as lawyers to effectuate improvement in our society ... no matter your area of practice." Other topics covered included the controversial Senate hearing on the confirmation of Clarence Thomas, Specter's oft-delivered lecture on "how to get a job you really like" and his work on the political campaigns of his father, the late **Sen. Arlen Specter**. Asked if he ever considered running for political office himself, Specter said that he

had, but after having lived through the ups and downs of his father’s political career, he decided: “Enough! No mas!”

CLEs held on trial lawyering, sexual assault cases

Tom Kline and **Bob Mongeluzzi**, of Saltz, Mongeluzzi & Bendesky, P.C., held a one-hour CLE titled The Art of Trial Lawyering. The two lawyers took attendees behind the scenes for insight on litigation, including lessons learned from successful collaborations on some of the region’s most high-profile, high-stakes cases. Kline and Mongeluzzi first got together for the highly publicized Pier 34 case, representing the families of three young women who were killed and dozens who were injured when the structure collapsed. Nearly four years and 40 civil lawsuits after the structure collapsed in 2000, the cases settled for a total \$29.6 million. Many years later, the pair joined forces on the Amtrak 188 derailment case that ended in a \$265 million settlement for the eight people killed and some 200 injured in that tragedy. Kline and Mongeluzzi discussed preparing for opening speeches, cross-examinations, expert directs and other facets of major cases.

Nadeem Bezar conducted a CLE in coordination with the Pennsylvania Association for Justice titled “Measuring Damages in Civil Rights and Sexual Assault Cases.” In the session, Bezar, among the most active and successful attorneys in litigation involving child and sexual abuse as well as sex trafficking, focused on optimizing outcomes in such cases. “For years, if not generations, abuse -- both physical and sexual -- has plagued the welfare of our nation’s children,” he said. “This presentation will explore how to maximize recoveries through a series of vignettes drawn from actual cases involving child abuse. At Kline & Specter, we strive to have our client’s cases heard in a courtroom so that their suffering may be understood by the public at large.”

Ken Porter honored with Churchill collection



During the pandemic, few people — OK, maybe none — have worked harder at Kline & Specter than Office Services Administrator Ken Porter. While others have worked from home all or most of the time over the past year, Porter and his colleagues took to the front lines in the face of a potential health risk to fulfill their duties to the firm’s catastrophically injured clients. Porter has reported to 1525 Locust St. daily to oversee the vast document needs, mail, supplies, video editing and general operations for the firm’s more than 40 attorneys and their staff. Because of that, Tom Kline and Shanin Specter decided to commemorate Porter’s service with a special gift – a 12-book, leather-bound first edition of the official biography of Winston Churchill. Porter has had an avid interest in Churchill (as does Specter) that began when, at nine years old, he wrote a school paper on the British prime minister. He since has read everything Churchill, most notably his actions during World War II, and owns all the books written by Churchill. In a framed letter, Kline and Specter noted: “This is to express our heartfelt gratitude to you for your outstanding service to the firm during the pandemic ... All the best for many more years together.”

Charities

Pitching in on MLK Day

Amanda Lorentson and **Priscilla Jimenez** honored Martin Luther King Jr. Day by sponsoring a coat drive on behalf of One Warm Coat. They collected about 150 coats and 200 winter accessories and made arrangements to take the gear to a donation center on MLK Day.



Kline & Specter is proud to support many charities including The Timothy J. Piazza Memorial Foundation, The Barristers’ Association of Philadelphia and Child USA.

“This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in.”

—Theodore Roosevelt

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