

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2011

PHILADELPHIA, TUESDAY, OCTOBER 29, 2013

An **ALM** Publication

(The following is excerpted from the Legal Intelligencer)

Delco Dominates Large Suburban Verdicts and Settlements

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Analysis

Over the last two decades, Delaware County has produced an outsized share of the largest reported verdicts and settlements in Philadelphia's four suburban counties, according to an analysis of data on damage awards.

Delaware County's high-value reported awards and settlements have come in at an average value of \$6.8 million. That figure is the result of analyzing 20 years' worth of verdicts and settlements data from The Legal's annual publication, PaLaw magazine.

Since 1994, PaLaw has compiled a list of the largest verdicts and settlements in Pennsylvania as reported in the newspaper. All together, PaLaw documented a total of 884 verdicts and settlements between 1994 and early 2013.

Thomas R. Kline of Kline & Specter in Philadelphia said that while it's still difficult to achieve a plaintiffs victory in the counties, increasing diversity has affected a shift in jury attitudes in places like Delaware County.

"I do believe that the demographics of the suburban counties have changed," Kline said. "That has brought in a moderation both politically and in terms of the jury pool. I think that what we will predictably see

is that there will be less of a feeling from insurance companies and institutional defendants that they have insulation and immunity from liability."



Thomas R. Kline

Data collected by PaLaw also shows that the four counties have similar averages in terms of the amount awarded in the largest verdicts and settlements over the past two decades.

Individually, Delaware County had the largest cumulative sum with \$157.1 million, and an average dollar amount of \$6.8 million; Montgomery County had a cumulative sum of \$110.1 million and an average dollar amount of \$5.5 million; Bucks County had a cumulative sum of \$105.7 million and an average dollar amount of \$6.2 million; and Chester County had a cumulative sum of \$92.9 million and an average dollar amount of \$6.2 million.

The largest single amount awarded in the Philadelphia suburbs was from *Robley v. PennDOT*, a \$38.2 million motor vehicle verdict that originated in Delaware County in 2004.

The largest amount awarded within the last year from a Philadelphia suburb was a \$6.9 million breach of con

tract verdict stemming from *B.G. Balmer & Co. v. Frank Crystal & Co.* in Chester County.

In contrast, the largest single amount in the state over the last 20 years was the \$11.3 billion settlement in *In re National Tobacco Settlement*, which represented the state's portion of a \$206 billion nationwide settlement between the country's four largest cigarette manufacturers and the attorneys general of 46 states and was approved in the Philadelphia Court of Common Pleas in 2000.

The top five dollar amounts in Delaware, Bucks and Chester counties were composed mostly of verdicts from a variety of cases, while in Montgomery, they were mostly settlements. The cases from which the amounts stemmed were varied between litigation ranging from breach of contract to personal injury to products liability.

However, medical malpractice was the most frequent cause of action.

... Kline said that according to data collected by the Administrative Office of Pennsylvania Courts, few cases are tried to verdicts in the counties. The number of defense verdicts from cases tried to verdict, according to Kline, is "overwhelming."

However, Kline said that he believed that a good liability case can be won

in any of the counties, especially given the shift in jury attitudes.

"Having appeared in every one of these counties the general impression I received ... is that juries have appeared to me, in profile, to be more open-minded and middle-of-the-road than archconservative and against a person who's bringing a claim to court," Kline said.

The top five reported verdicts from Philadelphia's suburban counties over the last 20 years are:

- \$38.2 million motor vehicle verdict in Delaware County, won by the Beasley Firm in Robley in 2004.
- \$30.3 million contract case verdict in Delaware County, won by Conrad O'Brien in GMH Associates v. Prudential Realty Group in 1999.
- \$28 million products liability verdict in Bucks County, won by Coben & Associates in Buongiovanni v. General Motors in 1998.
- \$20 million medical malpractice verdict in Montgomery County, won by Kline & Specter in Egan v. Koller in 2006.
- \$14 million medical malpractice verdict in Chester County, won by Litvin Blumberg Matusow & Young in McLoughlin v. Chastaney in 2001; tied with a \$14 million personal injury verdict in Bucks County, won by Kline & Specter in Zauflik v. Pennsbury School District in 2011.