

LAWRENCE W. ROSENBLATT

Partner

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Lawrence manages complex, high-exposure medical malpractice and other civil litigation matters from inception through trial, focusing on obtaining excellent results in a cost-effective manner. He has obtained numerous defense and directed verdicts, as well as dismissals on summary judgment and Frye motions, throughout New York. He is a member of the firm's Executive and Marketing Committees and is admitted to all New York State courts and the Federal courts of New York, Eastern and Southern Districts.

Lawrence has achieved a peer-reviewed AV-rating by Martindale-Hubbell and for more than a decade has been nominated for inclusion in New York -Metro Super Lawyers, Best Lawyers in America, and Top 100 Civil Defense Litigators. Lawrence is an invited member of the Claims & Litigation Management Alliance (CLM), has previously served as the Chair of its national medical malpractice sub-committee, and has been a panel speaker at CLM national and regional conferences on defense strategies employed in high exposure medical malpractice matters

Practice areas include medical malpractice/professional negligence, general liability, premises, construction, toxic tort, auto and employment law, with an emphasis on high-exposure medical malpractice, catastrophic injury and general liability matters in the greater New York and New Jersey areas.

Representative Verdicts/Summary Judgment Results:

- Westchester County – *Defense Verdict* for a pediatric gastroenterologist. It was claimed there was a failure to diagnose an anorectal malformation in an infant,



PRACTICE AREAS

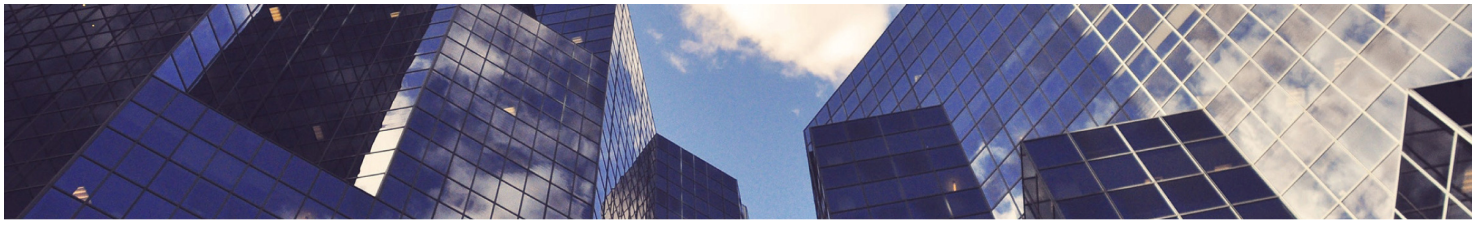
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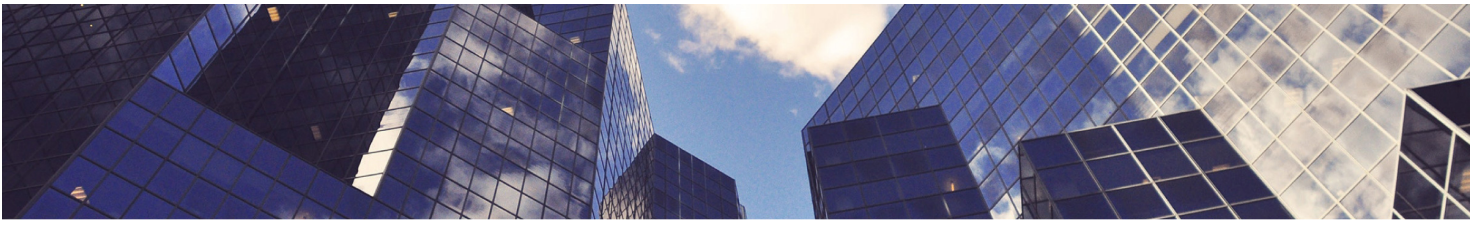




resulting in colonic neuropathy and life-long continence issues. At trial, plaintiff requested 25 million dollars in damages. The jury returned a unanimous 6-0 verdict in favor of the physician.

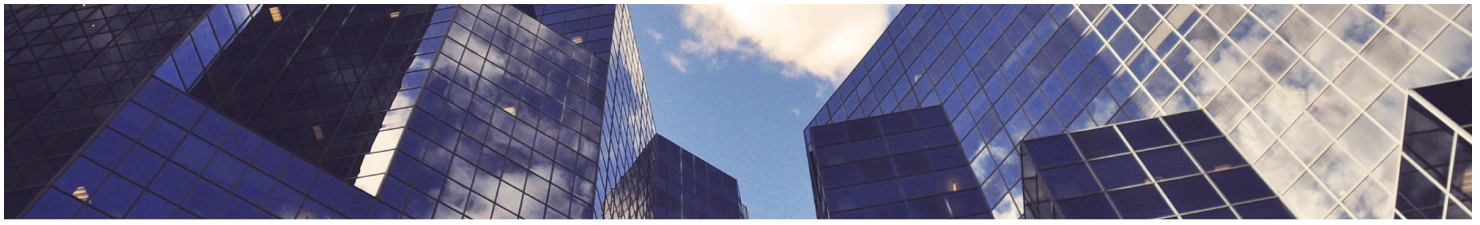
- Dutchess County – *Defense Verdict* for a regional health network and cardiovascular practice. It was claimed negligent monitoring and positioning during cardiac scanning resulted in injury to the 50-year-old male patient’s shoulder, resulting in numerous operations including a reverse shoulder replacement with permanent disability to his dominant arm. The jury returned a unanimous 6-0 verdict for the defendant.
- Kings County – *Directed Verdict* for a urologist. It was alleged that there was a failure to prevent, timely recognize, and treat a systemic infection following elective prostate biopsy, resulting in death. After plaintiff rested, Mr. Rosenblatt successfully argued by reference to the trial transcript, that the plaintiff failed to establish proximate cause and that the only departure opined by plaintiff’s expert was a hypothetical one, which was not established through the testimony of the plaintiff. The court agreed with these arguments, resulting in the case being dismissed prior to the defense having to put on a case.
- Queens County – *Defense Verdict* for an emergency medicine physician and hospital. it was alleged there was a failure to timely diagnose and treat a pulmonary embolism, resulting in death. The jury unanimously found the defendants not liable on all six departure questions that the Court allowed the jury to consider.
- Kings County – *Directed Verdict* for a hospital. It was alleged that there was a retained foreign object following surgery, alleged to have resulted in the patient’s death. It was argued that plaintiff did not make out a prima facie case, resulting in a directed verdict.
- Kings County – *Defense Verdict* for a gastroenterologist and his practice. It was claimed there was a failure to properly monitor and appreciate worsening vital signs, leading to the arrest and death of a patient in his 50s, during an elective





colonoscopy.

- Kings County – *Defense Verdict* for a vascular surgeon. It was alleged there was a failure to diagnose impaired blood flow to the plaintiff's leg following orthopedic surgery, resulting in permanent neurologic injury and a foot drop. The jury returned a unanimous 6-0 defense verdict in under 15 minutes.
- Richmond County – *Defense Verdict* for an infectious disease physician. It was alleged, the physician did not timely diagnose and properly treat a knee infection post-orthopedic surgery, leading to permanent injury to the plaintiff's leg. The jury returned a unanimous 6-0 verdict for the defendant.
- Dutchess County – *Directed Verdict* for a hospital. It was claimed that the hospital was vicariously liable under an ostensible agency theory for the actions of the co-defendant surgeon. It was successfully argued at the close of evidence that the plaintiff did not elicit sufficient evidence to allow the claim of ostensible agency to be considered by the jury.
- Kings County- *Summary Judgment* for a hospital and its employee in a high exposure obstetrical/wrongful death case. It was alleged that the defendants failed to properly treat a chronically hypertensive obstetrical patient during pregnancy, resulting in arrest, brain damage and subsequent death. Following discovery, defendants moved for summary judgment. Plaintiff opposed the motion by putting forth a sole theory of liability not previously pled. In granting summary judgment, the court adopted the defense argument in reply that it was improper for plaintiff to allege a new theory of liability during the pendency of summary judgment motion proceedings.
- New York County – *Summary Judgment* for a plastic surgeon. Summary judgment was initially denied in a 41-page decision. On appeal, the entire decision was reversed and summary judgment granted on all four remaining causes of action, including fraud.
- Putnam County – *Summary Judgment* for a hospital. It was alleged nursing



malpractice played a part in a newborn being born with an Erb's Palsy. After moving for summary judgment, plaintiff choose not to oppose the motion, resulting in a grant of summary judgment.

- Kings County – *Summary Judgment* for a hospital in a bed sore case. During oral argument, plaintiff was forced to concede deficiencies in their expert's affirmation, to wit that the expert's opinions did not properly provide causal connection to either conscious pain and suffering, or death.
- Queens County – *Summary Judgment* leading to dismissal for two neurosurgeons involving claims surrounding the performance of emergent neurosurgical treatment. Mr. Rosenblatt retained a leading expert in the field to proffer an affidavit in support of the motion, compelling plaintiff's counsel to discontinue the case against the two neurosurgeons.
- Kings County – *Summary Judgment* for an internist, where it was alleged that there was a failure to timely diagnose and treat prostate cancer, leading to metastasis and shortened life expectancy. Aside from arguing that the internist comported within good and accepted care, it was also demonstrated that there was no proof of metastatic disease, given plaintiff's refusal to undergo biopsy; that the plaintiff's life expectancy was not statistically shortened given the number of years since treatment was concluded with no recurrence; and, that the plaintiff's expert's arguments were conclusory. These arguments were adopted by the court in its decision dismissing the case as to all defendants.
- Bronx County – *Summary Judgment* in a dental malpractice case, arguing that plaintiff's expert affidavit was conclusory and did not adequately refute the opinions offered by the defendant's expert.