

THOMAS A. SPECHT

SHAREHOLDER



AREAS OF PRACTICE

Appellate Advocacy and Post-Trial Practice
Insurance Services – Coverage and Bad Faith
Litigation

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ADMISSIONS

Pennsylvania
1996

U.S. District Court Middle District
of Pennsylvania
2001

U.S. Court of Appeals 3rd Circuit
2010

EDUCATION

Villanova University School of Law
(J.D., 1996)

University of Scranton (B.A.,
magna cum laude, 1993)

OVERVIEW

Thomas concentrates his practice on insurance coverage disputes, defense of insurance bad faith claims, post-trial matters and appeals. He is admitted to practice in Pennsylvania, the United States District Court for the Middle District of Pennsylvania and the U.S. Court of Appeals for the Third Circuit.

In 1993, Thomas graduated *magna cum laude* from the University of Scranton. He then went on to attend Villanova University School of Law, receiving his *jurid doctor* in 1996.

Thomas is a member of the Wilkes-Barre Law and Library Association, the Lackawanna County Bar Association, the Pennsylvania Bar Association and the Defense Research Institute, where he is currently the Third Circuit reporter for DRI's *Certworthy* publication. Thomas is also the current editor in chief of *Defense Digest*--Marshall Dennehey's quarterly newsletter that updates its clients on important legal cases and issues.

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ASSOCIATIONS & MEMBERSHIPS

Defense Research Institute

Lackawanna County Bar Association

Pennsylvania Bar Association

Wilkes-Barre Law & Library Association

YEAR JOINED

2004

THOUGHT LEADERSHIP

Marshall Dennehey Named 2024 Litigation Department of the Year for Appellate Law By ALM's Pennsylvania Legal Awards

Appellate Advocacy and Post-Trial Practice

March 15, 2024

Marshall Dennehey was awarded with the 2024 Litigation Department of the Year for Appellate Law by ALM's prestigious Pennsylvania Legal Awards.

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Denial of Insurer's Petition for Limited Intervention in Trial Court Action Against Insured to Determine Whether Coverage Exclusion Applies Is Immediately Appealable

Scranton

Appellate Advocacy and Post-Trial Practice

Insurance Services – Coverage and Bad Faith Litigation

March 1, 2024

Key Points: Defense Digest, Vol. 30, No.

Marshall Dennehey Announces New Shareholders and Special Counsel

January 3, 2017

Marshall Dennehey Warner Coleman & Goggin is pleased to announce that 10 attorneys were elected Shareholders of the firm and three were elevated to Special Counsel at the firm's annual December shareholders' meeting.

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RESULTS

Dismissal of all claims on the eve of trial where EMT plaintiff's demand was \$10 million.

**Emergency Medical Services
Health Care Liability**

April 26, 2023

The plaintiff was an Emergency Medicine Technician who was severely assaulted during an ambulance transport of a minor patient to a psychiatric facility. The client-physician had discharged the minor patient with orders for sedation and restraints, if needed, during transport. The plaintiff alleged these discharge orders were insufficient and violated standard of care. Our attorneys successfully argued that under Pennsylvania's Mcare Act our client-physician did not owe a duty to the plaintiff-EMT, only to the minor patient.

Defense verdict for school district.

School Leaders' Liability
May 18, 2020

We obtained a defense verdict after a one-week trial in the U.S. District Court for the Eastern District of Pennsylvania. The case involved alleged race, gender and/or "intersectional" (race and gender) discrimination claims by two women against a Philadelphia area school district.

Dog attack claim lacks "bite."

General Liability
July 25, 2019

We obtained summary judgment in favor of our homeowner clients in a case involving an alleged "attack" by our client's dog. As the plaintiff walked past the client's property on a public sidewalk, the dog ran out to the edge of the sidewalk barking loudly. The plaintiff became "startled" and stepped back, falling into the street and sustaining a seriously displaced left distal radius fracture that required open reduction and internal fixation.

Blogging Teacher Loses Appeal Over Firing

School Leaders' Liability
January 22, 2016

Marshall Dennehey won a Third Circuit victory over a former teacher who appealed a summary judgment ruling in favor of the teacher's Pennsylvania school district. The teacher was fired for performance reasons but claimed she was fired in violation of the First Amendment's protection over free speech when she unwittingly allowed crude and profane comments she blogged about her students and colleagues to leak into the public realm. The Third Circuit affirmed the trial court's ruling that her speech wasn't protected, leaving no genuine issue of fact for deliberation b

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained complete dismissal of all claims on eve of trial where plaintiff's demand was \$10 million. Plaintiff was an emergency medicine technician (EMT) who was severely assaulted during an ambulance transport of a minor patient to a psychiatric facility. The client-physician discharged the patient with orders for sedation and restraints, if needed, during transport. The plaintiff alleged these discharge orders were insufficient and violated standard of care. The defense successfully argued that under Pennsylvania's Mcare Act, the client-physician did not owe a duty to the plaintiff-EMT, only to the minor patient, and further, that the plaintiff's Emergency Medicine expert was not qualified to opine on the standard of care provided by client-physician who is an Internal Medicine specialist in that plaintiff's expert had no expertise in the long-term management of psychiatric patients. Without an expert to opine on the applicable standard of care, the plaintiff's claim must fail. As a result, the court granted the motion for summary judgment and dismissed plaintiff's claims.

Achieved dismissal, and affirmance of dismissal on appeal, of an insurance bad faith/UTCPL/breach of contract action seeking \$1,000,000 in permanent total disability benefits and extra-contractual damages, where court agreed that the Plaintiff's Complaint did not allege facts sufficient to come within the Policy's terms of coverage, and was not ambiguous.

Won summary judgment for insurer in an excess verdict bad faith case, where the underlying verdict came in at 14 times the last offer made by insurer, and subsequently achieved affirmance of summary judgment on appeal.

Obtained favorable coverage decision, that resulted in the dismissal of Luzerne County UIM case, in which the Claimant sought UIM policy limits of \$200,000.00, and had contended that her status as a "driver listed" on her former boyfriend's automobile policy, and payment of premiums for that status, entitled her to UIM coverage for injuries sustained in a motor vehicle accident.

Won motion for summary judgment that resulted in dismissal of coverage matter in which insured sought recovery for rain-damaged property, alternative living expenses and depreciation holdback, where wind during storm had blown tarp off of house during renovation project.

Obtained reversal of \$700,000 trial court award on appeal, where the Pennsylvania Supreme Court determined that dam owner was not responsible for flooding of downstream property owners and was not negligent as a matter of law.

In a case dealing with a novel issue in Pennsylvania insurance bad faith practice, convinced district court to grant a motion to dismiss portion of bad faith claim relating to denial of first party medical benefits, on the basis of PA MVFRL preemption, even though insurer had not utilized PRO process, but an IME, in which doctor had opined that Plaintiff had reached maximum medical improvement.

Attained dismissal of a UIM action on Preliminary Objections, where the trial court held that the plaintiff was not entitled to UIM coverage under his employer's commercial automobile policy, on the basis that the Pennsylvania Workers' Compensation Act precluded an action against the co-employee/tortfeasor directly.

Accomplished dismissal of breach of contract/insurance bad faith claim, and affirmance of dismissal on appeal, where the plaintiff sought coverage under Businessowners Coverage Form and Cargo Endorsement for spoilage of frozen veal product, convincing the courts that the Cargo Endorsement superseded, and did not conflict with, the language of the Coverage Form, and did not provide coverage for the loss.

Persuaded U.S. Court of Appeals for the Third Circuit to affirm dismissal of civil rights lawsuit alleging that local police officer engaged in a conspiracy to violate civil rights of plaintiff through an allegedly wrongful citation that lead to an adverse employment action being taken against the plaintiff.

In an action alleging that School District Defendants had defamed Plaintiff Charter School, convinced the U.S. Court of Appeals for the Third Circuit to affirm dismissal of the defendants on the basis that the defendants were protected by high official immunity for defamation claims made against them in their official capacities, and because the charter school, as a governmental entity, was barred by the First Amendment from asserting a defamation claim against the defendants in their individual capacities.

REPRESENTATIVE CASES

Shamnoski v. PG Energy, 858 A.2d 589 (Pa. 2004)