

## SUZANNE M. UTKE

SENIOR COUNSEL



### AREAS OF PRACTICE

Health Care Liability  
Behavioral Health Risk & Liability

### CONTACT INFO

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Philadelphia, PA 19103

### ADMISSIONS

New Jersey

Pennsylvania

U.S. District Court Eastern District  
of Pennsylvania

U.S. District Court Eastern District  
of Michigan

U.S. District Court Middle District  
of Pennsylvania

U.S. Court of Appeals 3rd Circuit

U.S. Court of Appeals 4th Circuit

U.S. Court of Appeals 5th Circuit

Supreme Court of Pennsylvania

### EDUCATION

Widener University School of Law  
(J.D.)

Saint Joseph's University (MHA)

Widener University School of  
Nursing (BSN)

Thomas Jefferson University  
College of Nursing (RN)

### OVERVIEW

Suzanne defends physicians, nurses, and all manner of health care professionals and corporate health care facilities against medical and psychiatric malpractice claims and lawsuits. She also focuses her practice on the defense of behavioral health claims and claims involving medical devices and associated liability. In addition, she represents physicians and physician practice groups in negotiation with health care systems for employment matters and mergers. Suzanne has also handled cases involving peer and credentialing reviews and State Board investigations.

Prior to earning her law degree, Suzanne was a Critical Care Nurse working in clinical settings at some of Philadelphia's most prestigious medical hospitals. She also was a Nursing Administrator for several years, tenured in area hospitals' Intensive Care Units, Emergency Rooms and Obstetric Departments. Suzanne maintains her Nursing license in Pennsylvania and is an active volunteer for the local medical community.

An experienced trial attorney, Suzanne draws from her Nursing background and institutional knowledge of health care systems and operations to guide clients in managing litigation efforts. She has an intimate understanding of the unique issues involved in defending medical professional liability claims and leverages this knowledge to achieve successful results.

Suzanne is rated AV-Preeminent by Martindale-Hubbell, the highest rating for an attorney's professional and ethical competence. Among her numerous professional affiliations, she is a member of the New Jersey Trial Attorneys Association, Philadelphia Association of Defense Counsel, Society of Healthcare Risk Managers (Philadelphia chapter), Defense Research Institute (Medical Liability & Health Care Law, and Drug and Medical Device Committees), and the National Association of Professional Women.

### THOUGHT LEADERSHIP

#### Medical Malpractice Trial Lawyer Suzanne M. Utke Joins Marshall Dennehey's Health Care Department in Philadelphia

Health Care Liability

November 7, 2022

Highly accomplished medical malpractice trial lawyer and licensed nurse, Suzanne M.

[Read More](#)

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## HONORS & AWARDS

Cambridge Who's Who Among  
Executive and Professional  
Women in Nursing Healthcare

National Academy of  
Jurisprudence – Premier 100

National Association of Excellence  
in Jurisprudence: Top 100 -  
Judicial Appointment –  
Pennsylvania

AV® Preeminent™ by Martindale-  
Hubbell®

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## ASSOCIATIONS & MEMBERSHIPS

American Association of Critical  
Care Nurses

Defense Research Institute,  
member, Medical Liability and  
Health Care Law, Drug and  
Medical Device Committees

National Association of Female  
Professionals

National Association of  
Professional Women

New Jersey Trial Attorneys  
Association

Philadelphia Area Society of  
Healthcare Risk Managers

Philadelphia Association of  
Defense Counsel

Trucking Industry Defense  
Association

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## YEAR JOINED

2022

## CLASSES/SEMINARS TAUGHT

*Medical Legal Issues for Physicians Assistants*, Thomas Jefferson University School of Physicians Assistants Program, East Falls, PA and Voorhees, NJ campuses, November 10, 2022

## RESULTS

### Defense Verdict After Five-Day Jury Trial in Medical Malpractice Action Where Initial Demand was \$5 Million

#### Health Care Liability

**May 8, 2025**

We received a defense verdict in a five-day jury trial in Philadelphia County involving multiple defendants. We defended the medical malpractice claim alleging a violation of HIPAA privacy and an intrusion upon plaintiff's seclusion resulting in his eviction and severe emotional distress. The plaintiff claimed an anonymous email he sent to our client, a social worker, purporting to seek mental health therapy was a "mental health record" and subject to HIPAA privacy laws.

### Summary Judgment Secured in 10-Year-Old Medical Malpractice Case

#### Health Care Liability

#### Behavioral Health Risk & Liability

**January 30, 2025**

We won a very hard-fought motion for summary judgment based on the plaintiff's failure to prosecute in a matter that is now 10 years old. Suzanne won oral argument to dismiss the suit, based on the plaintiff's failure to prosecute his case, by proving both actual prejudice to the client, a psychologist, and an inexcusable seven-year delay in any activity by the plaintiff.

### Summary Judgment Motion Granted in a Failure to Diagnose Case

#### Health Care Liability

**January 17, 2024**

We won a summary judgment motion in a failure to diagnose breast cancer case on behalf of an imaging company. The plaintiff had four mammograms over a four year period, all of which read as negative for abnormalities by four radiologists. At the end of the fourth year, the plaintiff was hospitalized as a result of a fall, during which she was diagnosed with Stage IV metastatic breast cancer. In the resulting lawsuit, our client was named for theories of corporate and vicarious liability.

### Binding arbitration defense verdict for doctor and practice group.

#### Health Care Liability

**May 12, 2023**

This was a wrongful death/survival action alleging malpractice against the primary care physician (PCP) and her practice, as well as numerous other physicians and two hospitals in Montgomery County, PA. The plaintiffs' decedent was a 42-year-old female with chronic respiratory problems including asthma, sinusitis, hypertension, morbid obesity, diabetes and other issues. The doctor was the plaintiff's long-standing PCP and saw the plaintiff three days prior to her emergent admission to the Emergency Department where she was diagnosed with a pulmonary embolism (PE).

## SIGNIFICANT REPRESENTATIVE MATTERS

Received a defense verdict in a binding arbitration, representing a doctor and her practice group in Montgomery County Court of Common Pleas. This was a Wrongful Death / Survival Action alleging malpractice against the primary care physician (PCP) and her practice, as well as numerous other physicians and two hospitals. The plaintiffs' decedent was a 42-year-old female with chronic respiratory problems including asthma, sinusitis, hypertension, morbid obesity, diabetes and other issues. The doctor was the plaintiff's long-standing PCP and saw the plaintiff three days prior to her emergent admission to the Emergency Department where she was diagnosed with a PE. When the plaintiff was seen by the PCP, she showed no signs of leg swelling, which would be consistent with deep vein thrombosis (DVT). While in the hospital, the plaintiff suffered a massive event which left her pulseless. She was coded without success. The PCP and her practice group were sued for allegations of a failure to diagnose a DVT and/or evolving PE. Suzanne negotiated a transfer from the Civil Trial Attachment in January to Binding Arbitration. After a two-day arbitration, she received a defense verdict. Plaintiff's demand immediately preceding the trial attachment was \$4 million, which included a \$1.3 million future wage loss. No offer was ever extended. (We negotiated a high low with the low being \$30,000.)

