

BRADLEY J. GOEWERT

SHAREHOLDER



AREAS OF PRACTICE

Health Care Liability
Long-Term Care Liability
Product Liability
General Liability

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ADMISSIONS

Florida
1988

U.S. District Court Middle District
of Florida
1989

U.S. Court of Appeals 11th Circuit
1989

Pennsylvania
2001

U.S. District Court Eastern District
of Pennsylvania
2002

Delaware
2003

OVERVIEW

As a shareholder of the firm's Health Care Department, Brad serves as the supervising attorney for the Health Care Liability Practice Group in the Delaware office. He has 30 years of litigation experience in Delaware, Florida and Pennsylvania, and the vast majority of this experience is medical malpractice cases since he focuses his practice in the areas of defense of physicians, nurses, hospitals, nursing homes and other health care liability matters involving large exposure and complex cases. Other areas of his practice are devoted to significant general liability matters, including premises liability, automobile liability, product liability and professional negligence.

Brad estimates that he has handled several hundred health care liability matters. He has tried 55 cases and taken almost all of them to verdict, with the vast majority of them resulting in defense verdicts. He has also handled a number of cases resulting in dismissals by stipulation, motions for summary judgment or directed verdict.

Brad's representative defense verdicts include the defense of a cardiologist in a 2008 trial involving the use of the drug Amiodarone, and a subsequent death involving pulmonary toxicity; the successful defense of a hospital in 2010 involving a patient who coded in the ED, was resuscitated for a half an hour with no pulse or respirations, was pronounced dead, and then a half an hour later, a nurse found the patient had come back to life and was breathing; and the successful defense verdict in 2011 of an interventional radiologist by rebutting a statutory presumption of negligence where a surgery is performed on the wrong organ.

In one notable case, Brad successfully defended a pulmonologist in 2010 who was alleged to have breached the standard of care by failing to give the 46-year-old decedent informed consent, including the risk of death, prior to performing a bronchoscopy with transbronchial biopsy. Prior to trial, the defense convinced the court that the plaintiffs must prove not only that the physician failed to inform the patient of risks and alternatives, and the undisclosed risk materialized causing injury, but also that a reasonable patient in the position of decedent would have declined to undergo the procedure had she been properly informed. The jury found in favor of the physician on this newly recognized proximate cause standard for informed consent cases, and the decision was affirmed by the Delaware Supreme Court.

After receiving his Bachelor of Arts degree from the University of South Florida in 1984, Brad obtained his *juris doctor* from Loyola University School of Law in New Orleans in 1988. Prior to joining Marshall Dennehey in 2001, Brad practiced in Florida as a partner with Gunn, Ogden and Sullivan, where he represented one of the largest operators of health care facilities in United States. Brad is board certified in Civil Trial Law by The Florida Bar. He then practiced in Pennsylvania for several years before coming to Delaware in 2003. In 2016 he was elected to the membership of the American Board of Trial Advocates (ABOTA), an invitation-only organization comprised of the most highly accomplished trial lawyers and judges in the country. Brad has also been awarded an AV®

EDUCATION

Loyola University School of Law
(J.D., 1988)

University of South Florida (B.A.,
1984)

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

Best Lawyers in America®,
Product Liability Litigation –
Defendants
2024

Delaware Super Lawyers
2024

Top Lawyer, Medical Malpractice
Defense, Delaware Today
Magazine
November 2022

Top Lawyer, Healthcare Law,
Delaware Today Magazine
November 2020

Top Lawyer, Healthcare Liability,
Delaware Today Magazine
November 2019

ASSOCIATIONS & MEMBERSHIPS

American Board of Trial Advocates

Delaware State Bar Association –
Health Law Section; Litigation
Section

Florida Bar Association – Trial
Lawyers Section

Pennsylvania Bar Association

YEAR JOINED

2001

CERTIFICATIONS

Board Certified in Civil Trial
Advocacy by National Board of
Trial Advocates

Board Certified Specialist, Civil
Trial Law, The Florida Bar

Preeminent™ rating by Martindale-Hubbell.

THOUGHT LEADERSHIP

Experts in Defense: Delaware Superior Court Agrees that Expert Witnesses Must Opine Beyond Mere Speculation to Meet Basic Causation Requirements and the Opinion Must Be Unequivocal

Wilmington
Health Care Liability
June 1, 2024

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

Four Marshall Dennehey Attorneys Selected 2022 “Top Lawyers” by Delaware Today Magazine

Health Care Liability
Workers' Compensation
November 1, 2022

Marshall Dennehey announced today that four attorneys from the firm’s Wilmington, Delaware office have been selected 2022 “Top Lawyers” by Delaware Today magazine. The recognized attorneys are Bradley J. Goewert and Thomas J. Marcoz, Jr.

[Read More](#)

Important Distinctions for the Statute of Limitations in a Medical Negligence Case in Delaware

Wilmington
Health Care Liability
Birth & Catastrophic Injury Litigation
September 1, 2021

Defense Digest, Vol. 27, No.

Class Action & The Marshall Dennehey Horns To Compete in Law Rocks Philadelphia For the Philadelphia Bar Foundation

October 2, 2018

Class Action & The Marshall Dennehey Horns, the in-house rock-and-roll band at Marshall Dennehey Warner Coleman & Goggin, will compete at the 3rd Annual Law Rocks Philadelphia event on October 18 at the World Café

[Read More](#)

Further Limiting the Collateral Source Rule in Delaware

Wilmington
General Liability
September 1, 2017

Defense Digest, Vol. 23, No. 3, September 2017 By Bradley J. Goewert, Esq.* Key Points: Defense Digest, Vol. 23, No. 3, September 2017. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

CLASSES/SEMINARS TAUGHT

Medical Evidence in Delaware Courts, NBI Seminars, August 2005

Successful Medical Malpractice Suits, NBI Seminars, May 2007

Risk Management Issues Associated with Pressure Sores, HCI National Risk Management Conference, 2001

Trying the Soft Tissue Injury Case in Florida, NBI Seminars, 1995

The Tortoise and The Hare: Can the Slow Pace of Law Keep up with the Fast Pace of Computers?, Association for Systems Management, 1993

PUBLISHED WORKS

"Important Distinctions for the Statute of Limitations in a Medical Negligence Case in Delaware," *Defense Digest*, Vol. 27, No. 4, September 2021

"Further Limiting the Collateral Source Rule in Delaware," *Defense Digest*, Vol. 23, No. 3, September 2017

"A Second Bite at the Apple, Superior Court appears to be making it harder to defend defense verdicts," *Pennsylvania Law Weekly*, Vol. 27, February 23, 2004

"Annual Survey of Florida Tort and Insurance Law," *The Advocate*, No. 1, February 1992 and 1993

RESULTS

Dismissal of claims against a large health care provider in Delaware.

Health Care Liability

August 24, 2020

The suit accused the hospital and emergency room staff of negligence in treating injuries sustained from an assault. The claims were dismissed as a result of our motion to dismiss on the statute of limitations and the plaintiff's failure to effectively toll the statute through an effective notice of intent to investigate.

Defense Verdict in Five-day Medical Negligence Trial

Health Care Liability

December 1, 2017

Obtained a defense verdict in Delaware following a five-day medical negligence trial. The 54-year-old patient died three days after gallbladder surgery while still hospitalized. The plaintiffs alleged that post-operative bleeding, which required re-operation, rather than the transfusions and fluids she received, caused the decedent's death.