

STEPHEN A. RYAN

CHAIR, BIRTH AND CATASTROPHIC INJURY LITIGATION PRACTICE GROUP
CHAIR, MEDICAL DEVICE AND PHARMACEUTICAL LIABILITY PRACTICE GROUP
OF COUNSEL



AREAS OF PRACTICE

Birth and Catastrophic Injury Litigation
Health Care Liability
Medical Device and Pharmaceutical
Liability
Affordable Care Act

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ADMISSIONS

Pennsylvania
1975

U.S. District Court Eastern
District of Pennsylvania
1975

U.S. Court of Appeals 3rd
Circuit
1982

U.S. Supreme Court
2002

OVERVIEW

As of a member of the Health Care Department, Steve serves as chair of the Medical Device and Pharmaceutical Practice Group and the Birth and Catastrophic Injury Litigation Practice Group. He has 40 years of medical malpractice litigation experience and has tried more than 220 major medical malpractice cases to verdict and participated in many arbitrations and mediations. In his first year with Marshall Dennehey, Steve picked 23 juries and tried 13 medical malpractice cases to verdict, all but one for the defense.

In 2002, The United States Supreme Court upheld Steve's victory in *Pappas v. U.S. Healthcare*, 724 A.2d 889 (Pa. 1998) (Pappas I) 768 A.2d 1069 (Pa. 2001) (Pappas II), a landmark case involving liability of managed care organizations for medical decisions.

Steve defends drug and medical device manufacturers and monitors these cases and all birth injury defense cases firmwide. Steve also participates in marketing activities and in-house educational seminars, writes articles and speaks on recent developments in the law.

EDUCATION

Villanova University School of
Law (J.D., 1975)

Villanova University (A.B.,
1972)

After serving as a law clerk to the Honorable Joseph L. McGlynn, Jr., in the U.S. District Court for the Eastern District of Pennsylvania following graduation, Steve joined a small defense firm where he focused on medical malpractice defense litigation. He helped grow the firm to more than 100 lawyers and, over the next 14 years, became a member of the firm's executive committee. During his tenure at that firm, he handled long-term care litigation, medical device and pharmaceutical liability litigation, professional liability insurance coverage, medical staff and peer review matters, and bio-ethical issues. His malpractice defense caseload evolved into catastrophic injury cases (obstetrical, neonatal, neurosurgical, neurological and

HONORS & AWARDS

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The Best Lawyers in
America©, Philadelphia
Medical Malpractice-
Defendants "Lawyer of the
Year" 2013, 2017, 2019;
Medical Malpractice Law;
Personal Injury Litigation -
Defendants
2009-present

College of Physicians of
Philadelphia, Fellow,
November 2019

Pennsylvania Super Lawyer
2005-2009, 2019-2021

ASSOCIATIONS & MEMBERSHIPS

American Society for
Healthcare Risk Management

Defense Research Institute

Pennsylvania Bar Association
Philadelphia Bar Association;
Chairman, Medico-Legal
Committee, 1985

YEAR JOINED

1997

anesthesia complications, etc.), and he handled celebrated cases involving surgical mix-ups, crossed oxygen and nitrous oxide ER lines, a baby stolen from a hospital and "Lazarus Syndrome." During this time, Steve developed his skills defending cases involving neurologically impaired infants.

In 1992, Steve established his own boutique firm in suburban Philadelphia and then brought his practice to Marshall Dennehey in 1997.

Steve has served as local and national counsel in mass tort drug litigation, including PPA (Phenylpropanolamine), hormone therapy and the Ephedra multi-district litigation. He serves as regional birth and catastrophic injury panel counsel for a major insurer. Steve has completed coursework in basic and advanced mediation techniques, was a part of the Drexel University College of Medicine's inaugural panel of mediators and serves regularly as a mediator in medical malpractice cases.

THOUGHT LEADERSHIP

Three Marshall Dennehey Attorneys Selected 2022 "Lawyers of the Year" and 67 Attorneys Recognized Overall in the 2022 Editions of The Best Lawyers in America© and Best Lawyers: Ones to Watch©

August 19, 2021

Marshall Dennehey is proud to announce that three of the firm's attorneys have been selected 2022 "Lawyers of the Year" and 67 attorneys have been recognized overall in the 2022 Editions of The Best Lawyers in America© and Best Lawyers: Ones to Wa
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Marshall Dennehey Announces 2021 Pennsylvania Super Lawyers and Rising Stars

May 26, 2021

Forty-five attorneys from the Pennsylvania offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2021 edition of Pennsylvania Super Lawyers magazine.

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Stephen A. Ryan Inducted Into the Prestigious College of Physicians of Philadelphia

Health Care Liability

Medical Device and Pharmaceutical Liability

November 18, 2019

Stephen A.

[Read More](#)

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

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Two Marshall Dennehey Attorneys Selected 2019 "Lawyers of the Year" by Best Lawyers in America©

August 15, 2018

Two Marshall Dennehey attorneys have been selected 2019 "Lawyers of the Year" for specific practice and demographic areas by The Best Lawyers in America©.

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CLASSES/SEMINARS TAUGHT

Evaluating the Pros and Cons of Mother and Child Genetic Testing – Defense and Plaintiff Perspective, Advanced Forum on Obstetric Malpractice Claims, Philadelphia, PA, June 27, 2019

What is Your Case Worth?, Marshall Dennehey Health Care and Health Law Seminar, November 9, 2017

Instructor, Delay in Diagnosis of Cancer

Malpractice in the ER

Defending the Doctor at Deposition

HMO Liability

Recent Developments in Medical Malpractice

Mini-Trial of an HMO Liability Case, ASHRM 2000 New Orleans, Louisiana

Pennsylvania Trial Lawyers Association - Medical Malpractice Trial Techniques Demonstration

"Learn from the Masters" Series: *Winning Openings and Closings and Winning Direct and Cross*, Pennsylvania Bar Institute

Medical Professional Liability Coverage and Law, Insurance Society of Philadelphia

Open Source Proposal for Drugs will Suppress Invention, Temple Law School National Symposium, 2006

Pharmacist Liability, National HealthCare Exposition, Las Vegas, NV, 2006

Interactive Long-Term Care Mini-Trial, ASHRM 2006, San Diego, CA

Co-presented with Merck's Vioxx Counsel at national summit on Experts and Scientific Evidence in Drug and Medical Device Cases, July 2008

PUBLISHED WORKS

"*Minute With a Member*," *Pennsylvania Bar News* Feature, August 6, 2018

"*Why I Have White Hair*," *For The Record*, October 2014 (an update on health care documentation and recordkeeping)

"*Managing the Hospital-Based High Visibility Catastrophic Incident*," *Pennsylvania Society for Healthcare Risk Management Newsletter*

"*Pitfalls in Medical Record Documentation*," *RT Image*, Society of Radiologic Technologists magazine

"*Claim Based on Doctor's Alleged Guarantee of Result Must Be In Writing*," *Defense Digest*, 1999

"*Doctor's Alleged Guarantee of Result Must Be In Writing: Flora v. Moses Provides Sound Reasoning*," *Pennsylvania Law Weekly*, 1999

"*Pennsylvania's 'Error In Judgment' Jury Instruction Upheld*," *Defense Digest*, 2000

"*Liability of Managed Care Organizations for Negligent Decisions Causing Harm: Will U.S. Supreme Court Speak or Let Congress Decide?*," *The Specialist*, newsletter of the Chartered Property Casualty Underwriters Society, 2001

"*ERISA Preemption of Medical Negligence Claims Against HMO's: Perceived Conflict Between Pennsylvania Supreme Court and 3rd Circuit Paves Way for Showdown in U.S. Supreme Court*," *Journal of Healthcare Risk Management*, 2001

"*Medical Devices and Double Secret Probation*," *Defense Digest*, 2006

PRO BONO ACTIVITIES

Captain, Team Marshall Dennehey (American Cancer Society Bikeathon Team)

RESULTS

Partial summary judgment for obstetrician and health system in birth injury case.

Birth and Catastrophic Injury Litigation

August 13, 2021

We secured partial summary judgment for a Central Pennsylvania obstetrician and health system in a birth injury case that also alleged significant urogynecological injuries to the mother. The plaintiff's firm had previously secured a \$10 million award for a similar maternal claim. In this matter the court agreed that the plaintiff's expert reports were insufficient, and dismissed the corporate negligence claim, the claim for injuries and future economic and non-economic damages of the child, and the mother's claim for future economic and non-economic damages.

\$40.2 million medical malpractice verdict vacated and remanded for new trial.

Birth and Catastrophic Injury Litigation

Appellate Advocacy and Post-Trial Practice

August 24, 2020

Our appellate attorneys succeeded in convincing the Pennsylvania Superior Court to vacate a \$40.2 million medical malpractice verdict and remand for a new trial. In its unanimous, precedential decision, the Superior Court ruled that the trial court had erroneously allowed plaintiffs' counsel to utilize hearsay medical literature as substantive evidence. The case involved a spinal cord birth injury and was tried in Delaware County.

Defense Verdict for a Pennsylvania Health System and Urologist.

Health Care Liability

December 31, 2018

We received a defense verdict on no causation in a binding arbitration of a matter venued in Montour County, Pennsylvania, involving a bowel leak following urologic cancer surgery. We represented a Pennsylvania health system and its chief of urology who performed major cancer surgery upon the plaintiff (cystoprostatectomy and creation of ileal conduit).

SIGNIFICANT REPRESENTATIVE MATTERS

Successfully defended hospital in case involving patient who coded in E.D., was resuscitated for 32 minutes with no pulse or respirations, was pronounced dead, and a half an hour later, a morgue tech found patient had come back to life and was breathing.

Defended defunct manufacturer of Ephedra containing dietary supplement (whose only asset was a multi-million dollar insurance policy) in a trial in Gainesville, Florida, on a cause brought by a severely disabled young man who suffered a massive stroke, allegedly due to ingestion of our product. Primary defense was on causation, but obtained a no negligence finding as well.

Defended hospital in 17 death cases arising from the crossing of nitrous oxide and oxygen lines in a new emergency department, whereby oxygen outlets delivered nitrous oxide for six months. Worked for two years to create a consensus among multiple defendants as to case values and allocation. Managed to settle all 17 without any discovery being conducted by Plaintiffs, for a total of \$2 million, of which hospital paid 31 percent.

Defended hospital in case involving late night vaginal delivery by a resident of a breech presentation of a presumably nonviable gestation, where attending physician did not come in to deliver baby, and child was born alive and survived with global retardation, blindness, spastic quadriplegia and seizure disorder. Parents rejected multi-million dollar offer, and jury returned defense verdict after two days of deliberations.

Defended hospital in case alleging failure to transfer to appropriate tertiary facility for rapid decompression of epidural spinal abscess. HMO had refused to authorize transfer to regional spinal cord injury center and, when joined by hospital as

additional defendant, invoked ERISA preemption to dismiss joinder at trial. Settled case for hospital, preserving appellate issue, and obtained reversal in Pennsylvania Superior Court. Pennsylvania Supreme Court affirmed and HMO petitioned for Certiorari. Met with U.S. Justice and Labor Department appellate litigators, persuaded them to file Amicus brief in support of our position, and briefed the U.S. Supreme Court in opposition to the petition. U.S. Supreme Court denied Certiorari, letting stand the first state case in the country to recognize that ERISA does not protect "benefit determinations" which amount to negligent medical care decisions.

Defense verdict in Philadelphia case involving 49-year-old man whose cerebral aneurysm was clipped, and the clip slipped, leaving him severely brain damaged and living in a group home with a normal life expectancy and over \$10,000 per month in expenses. Interventional cerebrovascular neurosurgeon was sole defendant and his excess carrier was insolvent. Attempts to negotiate a high-low agreement were unsuccessful. Case nominated for Defense Research Institute's "Defense Verdict of the Year."

Defended manufacturer of dietary supplement containing Ephedra in over 60 state and federal cases nationwide involving stroke, myocardial infarction, or sudden cardiac death. Worked with world class medical experts to develop alternate causation theories and presented the Defense Counsel Committee's cardiac electrophysiology expert at the Ephedra MDL Daubert hearing in U.S. District Court, S.D.N.Y. Succeeded in precluding plaintiffs' generic causation experts from opining that Ephedra lengthens the Q-T interval or exacerbates "Long Q-T Syndrome," thereby causing sudden cardiac death.

REPRESENTATIVE CASES

Willett v. CAT Fund

Montgomery Hospital v. CAT Fund

Pappas v. U.S. Healthcare

Rigmaiden v. Metropolitan Hospital, et al.