

BROOKS R. FOLAND

CHAIR, EMERGENCY MEDICAL SERVICES PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Insurance Services – Coverage and Bad
Faith Litigation
General Liability
Automobile Liability
Product Liability
Emergency Medical Services

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ADMISSIONS

Pennsylvania
1993

U.S. District Court Eastern
District of Pennsylvania

U.S. District Court Middle
District of Pennsylvania

U.S. District Court Western
District of Pennsylvania

U.S. Court of Appeals 3rd
Circuit

EDUCATION

Widener University School of
Law (J.D., 1993)

Temple University (B.S., cum
laude, 1990)

OVERVIEW

Brooks has a varied litigation practice in our Professional Liability Department representing insurers in claims involving coverage disputes, insurance bad faith, and uninsured and underinsured motorists benefits. He spends a portion of his practice defending claims against product manufacturers and public entities. As chair of the Emergency Medical Services Practice Group, Brooks defends EMS agencies and their individual providers in all manner of litigation.

Brooks has developed an extensive trial practice, serving as first chair in close to 50 jury trials and has participated as counsel in dozens of arbitrations and mediations. He is frequently asked by clients and industry organizations to lecture on a variety of topics concerning insurance coverage and bad faith matters.

Brooks is the former president of the Dauphin County Bar Association, and is the recent past vice president. He is also a member of the Pennsylvania Bar Association, Pennsylvania Defense Institute and the Pennsylvania Emergency Health Services Council. Brooks is currently on the Board of Pennsylvania Defense Institute and co-chair of Auto Law Committee of PDI. He serves on the Board of Directors for Tree 4 Hope, Inc.

Brooks is very active in his community and church. He is a long-time volunteer for Meals on Wheels and works pro bono with veterans on disability appeals. He enjoys travel and takes an annual mission trip to Guatemala to assist with boys and girls' orphanages.

THOUGHT LEADERSHIP

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.

[Read More](#)

PA Bureau of EMS Eases Burden on Hospitals

Harrisburg

Emergency Medical Services

COVID-19 Task Force

April 13, 2020

As a supplement to Statewide BLS Protocol 931 (Suspected Influenza-Like Illness (ILI)), the PA Bureau of Emergency Medical Services (Bureau of EMS) has authorized a statewide BLS protocol for the non-transport of patients with suspected COVID-19.

PA Bureau of EMS Response to Covid-19

Emergency Medical Services

COVID-19 Task Force

April 3, 2020

With the Governor's issuance of the Proclamation of Disaster Emergency on March 6, 2020, and with the increased demands being placed on EMS personnel and resources, the PA Bureau of Emergency Medical Services (Bureau of EMS) has relaxed certain staffing and credentialing requirements to help ease the burdens on Pennsylvania EMS agencies and providers and to facilitate and expedite EMS responses to calls for help.

MARSHALL DENNEHEY LAUNCHES FOUR NEW HEALTH CARE PRACTICE GROUPS IN RESPONSE TO EVOLVING INDUSTRY TRENDS

Health Care Liability

Behavioral Health Risk and Liability

Electronic Medical Record and Audit Trail Litigation

Emergency Medical Services

Telehealth and Telemedicine

March 9, 2020

In an effort to keep pace with client needs in the evolving health care environment, Marshall Dennehey has launched four new practice groups: Behavioral Health Risk and Liability; Electronic Medical Record and Audit Trail Litigation; Emergency Medical Services; and Telehealth and Telemedicine.

[Read More](#)

Setting the "Toner" to Grant Allocatur in Pergolese v. The Standard Fire Ins. Co.

Harrisburg

Insurance Services - Coverage and Bad Faith Litigation

September 1, 2017

Defense Digest, Vol. 23, No. 3, September 2017 By Brooks R. Foland, 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

"Rancosky and Bad Faith", Pennsylvania Bar Institute (PBI), October 30, 2017

"Staking, Sign Downs, and Rejection of Uninsured and Underinsured Motorist Coverage: Making Heads and Tails Out of All the Different Forms and Rules", Pennsylvania Defense Institute (PDI), July, 2017

"Proper Handling of UM/UIM Claims: The Good, The Bad, And The Ugly", Marshall Dennehey Client Seminar, June 17, 2016

EMS Medical-Legal Seminar, Pinnacle Health Systems, September, 2015

Insights Into Civil Litigation Practices and Procedures in Pennsylvania's Venues, Liberty Mutual Insurance Company Personal Lines Unit, April 2015

PUBLISHED WORKS

"Setting the 'Toner' to Grant Allocatur in Pergolese v. The Standard Fire Ins. Co.," *Defense Digest*, Vol. 23, No. 3, September 2017

LEGAL TEACHING POSITION

Widener University School of Law, Adjunct Professor

RESULTS

Directed verdict in property damage case.

Property Litigation

August 13, 2021

We obtained a directed verdict following a six-day jury trial in York County, Pennsylvania under COVID-19 restrictions. In this property damage case, the plaintiff claimed that his house was flooded when his local property manager and water company failed to coordinate the turn-on of water service while he was residing in Colorado.

Volunteer Fire Company Not Liable for Haunted Hay Ride-Related Injury.

General Liability

April 11, 2019

Defense jury verdict in a case involving an accident on a haunted hayride and a claim of Complex Regional Pain Syndrome. We represented a volunteer fire company that hosts an annual haunted hayride event on its property to raise money. The plaintiff, then a 12-year-old, went to the hayride event as an invitee and was convinced by some teens to help scare people on the wagons at one of the skits in the woods. Without the knowledge of the fire company, the plaintiff joined the teens, got into costume, and began scaring people in wagons as they passed by their skit.

Summary Judgment for Large Insurance Carrier in a Breach of Contract Case.

Insurance Services - Coverage and Bad Faith Litigation

December 31, 2018

The parties had filed cross-motions for summary judgment. The issue for the court was whether the carrier had breached the terms of the policy when it denied the plaintiff's first-party benefits claim relating to medical bills for PTSD allegedly caused by the underlying accident.

Summary Judgment in Class Action Lawsuit On Behalf of Large Insurer.

Class Action Litigation

August 24, 2018

We obtained summary judgment in a putative class action lawsuit in the Eastern District of Pennsylvania on behalf of a large insurer. The case dealt with a letter the insurance carrier would send to their insureds following a motor vehicle accident in which they advised their insureds that they would have a rental vehicle for five days. The named plaintiffs argued the letter misrepresented the policy language and they sued for breach of contract, bad faith, declaratory judgment and equitable relief.

Defense Prevails in Automobile Liability Case.

Insurance Services - Coverage and Bad Faith Litigation

May 11, 2018

We secured the dismissal of a declaratory judgment action filed in federal court against a large insurer. This case arose from a motor vehicle accident that occurred in 2015. The plaintiff averred that she had sustained injuries in excess of the tortfeasor's bodily injury liability limits and sought stacked underinsured motorist (UIM) benefits. While the plaintiff had admittedly signed a rejection of UIM coverage form and a rejection of UIM coverage stacked limits form, she argued that her insurer had altered the statutorily required forms by adding additional language.

SIGNIFICANT REPRESENTATIVE MATTERS

Successfully defended a home health nursing agency in a wrongful death case.

Successfully defended a large international paint and coatings manufacturer at trial involving claims of design and manufacturing defects.

Successfully defended fire companies and other public entities at trial involving claims under the Political Subdivision Tort Claims Act.

Successfully defended insurers in cases involving coverage disputes and claims of insurance bad faith.

Successfully handled through resolution, arbitration and trial claims made against insurers for uninsured and underinsured motorist benefits.

Successfully defended paramedics and EMTs in numerous trials involving claims of professional liability.

